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## GENERAL INFORMATION

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## SITE INFORMATION

Parcel Number: 1N119BC 500 & 600 (Consolidation PLA approved L1900411-PLA)  
Address: 18450 NW West Union Road  
Gross Size: 1.21 Acres  
Zoning Designation: Neighborhood Commercial District (NC)  
Existing Use: Commercial  
Functional Classification: NW West Union Road and NW 185<sup>th</sup> Avenue are classified as Arterial roads.  
Surrounding Zoning: The property to the south is zoned Institutional INST. The properties to the north are zoned Neighborhood Commercial District NC. The properties to the west are zoned Residential R-5.

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

The Applicant seeks approval of an application for a Type III Special Use Development Review Application with Variances to construct an approximately 4,983 square foot convenience market with five covered fuel islands. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Washington County's Community Development Code.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The subject site is located at 18450 NW West Union Road in Unincorporated Washington County and is zoned Neighborhood Commercial (NC). The gross site area is approximately 1.21 acres and consisted of two tax lots, 1N119BC00500 and 1N119BC00600 which were consolidated under casefile L1900411-PLA. The restaurant previously located on the site has been recently demolished, and the site is now vacant. The site is bordered on the west by NW 185<sup>th</sup> Avenue and on the south by Rock Creek Greenway. An off-site wetland associated with Springville Creek, a tributary to Bethany Lake, has been identified and delineated. The vegetative corridor associated with the wetland habitat extends onto the subject site's southern boundary.

### **PROPOSAL**

The Applicant proposes to construct a two-story 4,983 square foot convenience market building with five covered fuel islands. The first floor of the convenience market is 4,296 square feet of retail space. An additional 687 square feet of storage space has been located on the second-floor mezzanine level. Access to the site has been provided through a restricted right-in only access on NW West Union Road and a signalized access located on the eastern edge of the property. Seven parking spaces have been provided directly in front of the proposed building, with an additional five spaces provided southeast of the fuel pump structure, and 10 spaces have been provided at the fuel islands. Bicycle parking has been located to the south of the building along the main parking area. A single trash enclosure area has been provided southeast of the main fuel structure. Three fuel storage tanks have been provided underground east of the fuel structure.

An 18-foot right-of-way dedication has been provided along NW West Union Road to accommodate a 48-foot half-street cross section. The applicant is not providing full half-street improvements, as NW West Union Road has been identified as a future Capital Improvement Project by the County. The applicant will improve the existing signal located at West Union Village to provide a fourth leg into the site. Infill sidewalks will be provided along the site's frontage in areas where the existing sidewalk is disturbed and along the south side of NW West Union Road just beyond the east end of the development site. Onsite significant habitat enhancement will include 3,853 square feet of enhancement of the existing vegetative corridor, enhancement of the 537 square foot wetland on site and the creation of 6,713 square feet of on-site vegetative corridor area.

## APPLICABLE CRITERIA

The following sections of Washington County's Community Development Code (CDC) have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Special Use Development Review Application with a Type III Variance.

### WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE (CDC)

#### 311 Neighborhood Commercial District (NC)

##### 311-1 Intent and Purpose

**The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.**

##### 311-3 Uses Permitted Through a Type II Procedure

**The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.**

##### **311-3.3 Convenience Groceries, with a maximum gross floor area of 5,000 square feet - Section 430-35.**

##### **311-3.15 Service Station - Section 430-123.**

**Findings:** The proposed development will include a 4,983 square foot convenience grocery and a five-fuel island (10 pump) service station. Convenience groceries and service stations are both permitted in the Neighborhood Commercial District through a Type II procedure.

##### **311-6 Dimensional Requirements**

##### **311-6.1 Lot Area:**

**The minimum lot area shall be eight thousand five hundred (8500) square feet.**

**Findings:** The subject site is approximately 1.21 acres in gross size. The net area of the site after the proposed right-of-way dedication will be 40,119 square feet, which exceeds the minimum lot area requirement of 8,500 square feet. The requirements of this section have been met.

##### **311-6.2 Yard Requirements:**

**The minimum yard requirements shall be as follows:**

**Twenty (20) foot front yard;**

**Side yards:**

**When abutting a Residential or Office Commercial District, the side yard shall be no less than required by the abutting district;**

- A. Except on corner lots, and as in one (1) above there is no required side yard;**
- B. On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;**
- C. Twenty (20) foot rear yard; and**
- D. Additional setbacks may be required as specified in Sections 411 and 418.**

**Findings:** The subject site is a corner lot. The NW 185<sup>th</sup> Avenue frontage is the front lot line, as it is the shortest of the two street frontage dimensions, as described in Section 106-113.1. The property frontage on NW West Union Road is a street side yard as described in subsection B above. The southern property line is considered to be a side yard, therefore there is no required setback per subsection A above. The proposed canopy meets the 20-foot rear yard setback from the east property line per subsection C above.

The applicant has requested a variance under the variance standards of Code Section 435, which has been addressed within this narrative to allow for modified setbacks to the front and corner side yard. The proposed variations in setbacks have been listed in the table below.

	Required Setback	Proposed Setback
Front	20 feet	2 feet
Side (Corner Lot)	20 feet	10 feet

**311-6.3 Height:**

- A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.**
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty-five (65) feet.**
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.**

**Findings:** The proposed building will be two stories and will have a maximum height of 27 feet 8 inches. The canopy cover will have a maximum height of 20 feet 6 inches. This standard is met.

**311-6.4 Lot Dimensions:**

- A. The minimum average lot width shall be eighty-five (85) feet;**

- B. The minimum average lot depth shall be eighty-five (85) feet; and**
- C. The minimum lot width at the access point shall be forty (40) feet.**

**Findings:** A property line adjustment to consolidate the subject properties was approved as casefile L1900411-PLA. The subject site is triangular with three property lines. After the proposed consolidation and right-of-way dedication the property lines will be approximately 123.70 feet, 646.42 feet and 628.85 feet in length. All lot dimensions exceed the minimum requirements. This standard is met.

#### **404 Master Planning**

##### **404-1 Type I, Site Analysis of a New Use or Expansion of an Existing Use**

**Site Analysis is the review of an entire site, including contiguous property under the same ownership.**

##### **404-1.1 On-site analysis is required for all development except:**

- A. Development exempt from the public facilities standards of Section 501-2;**
- B. A detached dwelling on a Lot of Record in the R-5 and R-6 Districts;**
- C. One duplex on an approved duplex lot (Section 430-13.3) if the proposed duplex is exempt from public facilities standards per Section 501-2.2;**
- D. A single dwelling outside the UGB.**

**Findings:** The proposed development does not meet the requirements for an exemption for on-site analysis, therefore on-site analysis is required.

##### **404-1.2 Except as provided in 404-1.1 Off-Site Analysis is required of all new development and expansions which exceed fifty (50) percent of the existing development.**

**Findings:** The proposed development is a new development therefore off-site analysis is required.

##### **404-1.3 Where required, an On-Site Analysis including the area within fifty (50) feet of the proposed development and future site, if any, shall contain the requirements as listed in Table I, below.**

##### **404-1.4 Off-Site Analysis**

**Where required, an off-site analysis inside the UGB shall include at a minimum:**

- A. The land in an area created by an equal extension of the dimensions and configuration of the Master Plan in each direction (N, NE, E, SE, S, SW, W and NW) from the site.**
- B. Where this extension crosses a limited access arterial or freeway, the road shall serve as one boundary.**

**Findings:** The applicant has submitted an Existing Conditions Plan prepared by a registered engineer under Appendix E which provide the site-analysis requirements listed in Table I. A Preliminary Drainage Report analyzing the existing and proposed surface flow directions, off-site impacts and water table prepared by a registered engineer has been provide under Appendix D and Geotechnical Report prepared by GeoEngineers analyzing the existing soils and geology as well as the proposed development has been provided under Appendix D. This standard is met.

#### **405 Open Space**

**405-1** The following categories identified in the Site Analysis, Section 404-1, shall be preserved as open space, except as may be otherwise provided:

**405-1.1** Confirmed land movement hazard areas, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;

**405-1.2** Areas confirmed to have severe erosion potential due to soil type, geologic structure and vegetation, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;

**405-1.3** Bodies of water such as rivers or lakes;

**405-1.4** Land within the Flood Plain, Drainage Hazard Area or riparian zone, except as provided in Sections 421 and 422; or

**405-1.5** Other specific areas identified for open space within the Community Plan, including areas identified as Density Restricted Lands in the North Bethany Subarea of the Bethany Community Plan, with the exception of slopes greater than twenty-five (25) percent that are located outside of the Natural Features Buffer shown on the Urban/Rural Edge Map of the North Bethany Subarea Plan.

#### **405-2 Protection**

Site Planning and development shall avoid disturbance of identified open space resources. Full use should be made of density transfers, siting of structures and roads, and other appropriate means in designing the development around the open space.

#### **405-3 Classification**

**405-3.1** Private Open Space - Areas intended for the private use of an individual owner or group of owners (owners' association).

**405-3.2** Public Open Space - Areas intended for common and public use either privately or publicly owned and maintained.

#### **405-4 Maintenance**

At a minimum, maintenance shall include the following:

**405-4.1** In natural areas, areas of undisturbed vegetation or areas replanted with vegetation after construction and woodlands, woodland swamps or wetlands, maintenance is limited to removal of litter and hazardous plant materials. Except as provided by Section 421, natural water courses are to be maintained as free-flowing.

Stream channels shall be maintained so as not to alter flood plain or drainage hazard area levels, except as provided by Section 421;

**405-4.2** For garden plots which are the division of open space into plots for cultivation as gardens by residents, maintenance may be limited to weeding and fallowing;

**405-4.3** For recreational areas which are areas designed for specific active recreational uses such as totlots, tennis courts, swimming pools, ballfields, and similar uses, maintenance shall insure that no hazards, nuisances, or unhealthy conditions exist;

**405-4.4 For greenways which are linear green belts linking residential areas with other open-space areas, maintenance shall insure that there exist no hazards, nuisances, or unhealthy conditions. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged;**

**405-4.5 For lawn areas which are grass with or without trees, maintenance may be limited to mowing to insure neatness and usability.**

#### **405-5 Ownership Maintenance**

**Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this Section by any of the following mechanisms or combinations thereof:**

**405-5.1 Dedication of open space to an appropriate public agency, when a public agency is willing to accept the dedication.**

**405-5.2 Ownership of the open space by a homeowners' association or property owner(s) assuming full responsibility for its maintenance.**

**405-5.3 Dedication of development rights of open space to an appropriate public agency with ownership remaining with the applicant or owner or homeowners' association. Maintenance responsibility shall remain with the property owner.**

**405-5.4 Deed-restricted private ownership which prevents development of the open space land and provides for maintenance.**

**Findings:** The subject parcel is located just north of Bethany Creek which has been mapped on the parcel to the south, which is part of the Rock Creek Greenway, a THPRD parkland resource. The vegetative corridor associated with the wetland located on the neighborhood property has been delineated.

The applicant has provided a Natural Resource Assessment prepared by Pacific Habitat Services and a Tier II Site Assessment through Clean Water Services as required under Section 422 of the CDC. The requirements of this section apply.

#### **406 Building, Siting, and Architectural Design**

##### **406-1 Review Standards**

**The Review Authority shall evaluate all building and site plans, including detached dwelling units, for conformance to the following standards:**

**406-1.1 The development is permitted within the primary district;**

**406-1.2 The development is sited to maintain all minimum setback and lot coverage requirements; and**

**406-1.3 The development meets the maximum height requirements of the primary district.**

**Findings:** Service stations and convenience stores are a permitted use within the NC zoning district. The applicant has requested two setback variances under the variance standards of Code Section 435 to allow for modified setbacks.

## **406-2 Additional Requirements for Type II and Type III Development**

**In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans shall:**

**406-2.1 Have a distance between primary structures on a single lot no less than the sum of the required setbacks;**

**Findings:** The proposed development will consist of a single primary structure with an attached canopy on a single lot, therefore the requirements of this section are not applicable.

**406-2.2 When required by the Uniform Building Code, provide facilities for the disabled pursuant to the Uniform Building Code, edition in effect at this time;**

**Findings:** As shown on the attached Site Plan included under Appendix E, facilities for the disabled pursuant to the Uniform Building Code have been provided.

**406-2.3 Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;**

**Findings:** The proposed building design consists of a bay system with projected columns and recessed bays. The first floor incorporates storefront windows, as shown on the Exterior Elevations (Sheet A04.00 and A04.01). The design utilizes a mixture of cultured stone and brick. The West Union Village development to the North consists primarily of brick, stucco and cultured stone. The proposed development is consistent with the adjacent development character. This standard is met.

**406-2.4 Renovate or revitalize existing structures identified within the Community Plan;**

**Findings:** The subject site does not have existing structures identified within the Community Plan; therefore, the requirements of this section are not applicable.

**406-2.5 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:**

- A. Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;**
- B. Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;**
- C. "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.**

**Findings:** The subject site is a corner lot, with NW West Union Road to the north and NW 185<sup>th</sup> Avenue to the east. The proposed structure has been located within the corner of this intersection to minimize impact on views of the property to the south. The property is not located adjacent to existing dwellings. This standard is met.

### **406-3 Energy Conservation Guidelines**

#### **Type II and Type III Developments:**

**406-3.1 Where possible, lay out streets and building lots for multi-family, commercial, industrial and institutional developments to allow buildings maximum solar access, using techniques such as:**

- A. East-west street direction so that principal building facades will face south;**
- B. Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.**

**406-3.2 Where possible, design multi-family, commercial, industrial and institutional buildings conducive to energy efficiency and conservation.**

**406-3.3 Where possible, subject to compliance with applicable review standards, design multi-family developments so structures will not shade the buildable area of urban residential property to the north that is or will be developed with a single family dwelling or a manufactured dwelling in order to protect solar access to these properties.**

**406-3.4 Where applicable, compliance with the standards of Section 427-3.**

**Findings:** The subject parcel is unable to accommodate a south-facing façade due to the configuration of the lot and existing street pattern. However, the structure will be built conducive to energy efficiency and conservation. The proposed building will utilize solar panels, a green roof canopy above the fuel pumps and a geothermal system. This standard is met.

### **406-4 Privacy Guidelines**

#### **Type II and Type III Developments, where possible shall:**

**406-4.1 Design entry areas in residential developments to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:**

- A. Changing the level, color, scale, texture or direction of a path; and**
- B. The use of gates, fences, doors and landscaping.**

**406-4.2 Design and cluster units to maximize privacy, using such techniques as:**

- A. Facing main housing areas toward garden areas, open space and exposure to sun; and**
- B. Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.**

**Findings:** The proposed structure is commercial and does not directly border residential properties, therefore the requirements of this section are not applicable.

### **406-5 Storage**

**Provide for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and easily accessible to dwelling units.**

**Findings:** The proposed development will meet the bicycle parking requirements of this code. Storage for outdoor activities is not proposed, as the proposed use is not residential. This standard is met.

#### **406-6 Mixed Solid Waste and Recyclables Storage Facilities**

Mixed solid waste and source-separated recyclables storage standards of this section shall apply to new or remodeled multi-unit and single family attached residential buildings containing five (5) or more units and to new or remodeled commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

New or remodeled construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to removal by haulers by complying with the standards of this section.

To provide for flexibility in the design of functional storage areas, this section provides three (3) different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving collection efficiency. An applicant shall choose one of the following three (3) methods to demonstrate compliance:

- 1) minimum standards;
- 2) waste assessment; or
- 3) a comprehensive recycling plan.

**Findings:** The proposed development is a new commercial development; therefore, the requirements of this section are applicable. The proposed development will meet the minimum standards requirement for mixed solid waste and recyclables storage facilities. A Service Provider Letter from Washington County's Health and Human Services Department (HHS), confirming that the proposed design meets the waste storage requirements has been provided under Appendix C of this application. This standard is met.

#### **406-6.1 Minimum Standards Method**

The Minimum Standards Method identifies dimensional standards for storage area facilities that are based upon the size and general use category of new or remodeled construction. This method is most appropriate when the specific use of a new or remodeled building is unknown. The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this section. Compliance with the general and specific requirements set forth below is verified during the site plan review process.

##### **A. General Requirements:**

- (1) The storage area is based on the predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies twenty (20) percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than twenty (20) percent of the floor area of the building, then the storage area requirement for the entire building shall be the sum of the requirement for the area of each use.

- (2) Storage areas for multiple uses on a single site and single family attached or multi-family buildings may be combined and shared.
- (3) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four (4) feet but no higher than seven (7) feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of forty-three (43) percent of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

**B. Specific Requirements**

- (1) Multi-unit and single family attached residential buildings containing five to ten (5-10) units shall provide a minimum storage area of fifty (50) square feet. Buildings containing more than ten (10) units shall provide an additional five (5) square feet per unit for each unit above ten (10). Individual curbside collection for single family attached units may be permitted pursuant to Section 406-6.4 C. (4).
- (2) Non-residential buildings shall provide a minimum storage area of ten (10) square feet plus:
  - Office: Four (4) square feet/one thousand (1000) square feet gross floor area (GFA);
  - Retail: Ten (10) square feet/one thousand (1000) feet GFA;
  - Wholesale/Warehouse/Manufacturing: Six (6) square feet/one thousand (1000) square feet GFA;
  - Educational and Institutional: Four (4) square feet/one thousand (1000) square feet GFA; and
  - Other: Four (4) square feet/one thousand (1000) square feet GFA.

**Findings:** The proposed retail development has approximately 4,983 square feet of gross floor area including the second-floor storage area; therefore, 60 square feet of storage area is required. The proposed storage area is approximately 129 square feet in floor area. This standard is met.

**406-6.4 Location, Design and Access Standards for Storage Areas**

The following location, design and access standards for storage areas are applicable to all three

(3) methods of compliance:

- 1) minimum standards;
- 2) waste assessment; and
- 3) comprehensive recycling plan.

**A. Location Standards:**

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.

**Findings:** The proposed storage area for source-separate recyclables will be co-located with storage area for residual mixed solid waste. This standard is met.

**(2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.**

**Findings:** The proposed storage area will comply with the Uniform Building Code requirements. This standard is met.

**(3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.**

**Findings:** The proposed storage area will be located in a single exterior location, as shown on the Site Plan submitted under Appendix E.

**(4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.**

**Findings:** The proposed storage area is located in a central and visible location on the site. This standard is met.

**(5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.**

**Findings:** The exterior storage area will be located in the parking area. The proposed use meets the minimum number of parking spaces required for the use. This standard is met.

**(6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.**

**Findings:** The storage area is accessible for collection vehicles and is located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site. This standard is met.

**(7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.**

**Findings:** The side yard setback along the southern property line is 0 feet. The trash enclosure has been located along the southern property line and will not impact sight-distance. This standard is met.

**B. Design Standards:**

**(1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.**

**(2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.**

- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of twelve (12) feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

**Findings:** As shown on the Site Plan submitted under Appendix E, the storage area has been designed to meet the requirements of this section.

**C. Access Standards:**

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be paved and designed to be easily accessible to collection trucks and equipment, considering paving, grade of storage areas and vehicle access. A minimum of twelve (12) feet horizontal clearance and fourteen (14) feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out onto a public or private street (includes alleys). If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.
- (4) Curbside collection of solid waste and recyclables from individual dwelling units in single family attached buildings containing five or more units on a public or private street (includes alleys) may be permitted by the solid waste coordinator.

**Findings:** The proposed storage area will be accessible to users at convenient times of day and to collection service personnel at the times they are scheduled to provide collection service. The storage area is paved and designed to be easily accessible to collection trucks and equipment, with a minimum of twelve feet of horizontal clearance and fourteen feet of vertical clearance. The storage area will be accessible to collection vehicles without requiring backing out onto a public or private street. The site has been designed to provide adequate access to allow collection vehicles to exit the site in a forward motion. This standard is met.

#### **406-7 Submittal Requirements**

**In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building façade, the following information must be submitted:**

**406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;**

**406-7.2 Building Floor Plans;**

**406-7.3 Building Elevations and Sections;**

**406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and**

**406-7.5 Building Shadow Plan.**

**406-7.6 For new or remodeled development (as required by Section 406-6) to provide mixed solid waste and recyclables storage facilities, a written statement from the Washington County Health & Human Services Solid Waste and Recycling Program concerning the adequacy of the proposed method, design, location and accessibility of the storage facilities as required by Sections 406-6.1, 406-6.2, 406-6.3, 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C.**

**Findings:** The applicant has submitted all materials as required in this section.

### **407 Landscape Design**

#### **407-1.4 Commercial, Industrial and Institutional Districts:**

**A. For new development, the minimum area required for landscaping shall be fifteen (15) percent of the land area.**

**B. For developed areas where fifteen (15) percent of the land area is not landscaped, where there are additions, alterations or changes, the following amounts of landscaping shall be provided until the fifteen (15) percent requirement is satisfied:**

**(1) On sites of two (2) acres or less:**

**(a) Changes in use which require an increase in parking, or structural additions up to one thousand nine hundred ninety-nine (1999) square feet, shall be required to landscape at least five (5) percent of the entire developed site area.**

**(b) Structural additions of two thousand (2000) to four thousand nine hundred ninety-nine (4999) square feet shall be required to landscape at least ten (10) percent of the entire developed site area.**

**(c) Structural additions of five thousand (5000) square feet or more shall be required to meet the current minimum landscape requirement for new development.**

**(2) On sites of more than two (2) acres:**

**(a) Changes in use which require an increase in parking shall be required to landscape at least five (5) percent of the developed site area.**

**(b) Any structural additions shall be required to provide landscaping proportional to the additional footage being proposed.**

**Example:**

<b>Lot Area x fifteen (15) percent required landscaping</b>	<b>= X (Existing)</b>
<b>Building Floor Area</b>	<b>= Y</b>

<b>Proposed Building Floor Area</b>	<b>= Z</b>
<b>Z / Y</b>	<b>= A (Addition as percent of total building area)</b>
<b>X x A</b>	<b>= Required amount of landscaping</b>

**(3) Where successive occupancy changes or additions occur the landscape requirement shall accumulate until total conformance is reached.**

**Findings:** The site is 1.21 acres in gross size. A total landscape area of 7,907 square feet is required. The total area of landscaping on the site is 17,500 square feet, or 33% of the site which exceeds the minimum requirement. This standard is met.

**407-1.7 The following interior landscaping requirements shall apply to all parking areas for ten or more vehicles:**

- A. Ten square feet of landscaping per parking space, excluding perimeter landscaping;**
- B. Landscaped islands shall be a minimum of 120 square feet.**

**Findings:** The site has a parking area of more than 10 vehicles. The parking lot includes 12 parking stalls which meets the requirement for 4,983 square feet of retail store gross area. Based on 12 parking stalls, a total of 120 square feet of landscape island area is required. Three landscape islands have been provided within the parking lot area with a total landscape area of 183 square feet. This standard is met.

**407-6 Parking Area Landscaping**

**407-6.1 The landscaping located within and adjacent to access roads and parking areas shall consist of a mixture of ground covers, shrubs and trees.**

**Findings:** As shown on the landscape plan submitted under Appendix E, the landscaping located adjacent to access roads and parking areas will consist of a mixture of ground covers, shrubs and trees. This standard is met.

**407-6.2 Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.**

**Findings:** The landscape areas have been located to provide shade for the parking lots. The parking has been broken into two small clusters of parking areas. The fuel pump parking will be shaded by the green roof canopy. This standard is met.

**407-6.3 In addition to pedestrian ways, parking areas and access roads shall be separated from the exterior wall of a structure with landscaping except where loading and access ways exist.**

**Findings:** Seven of the proposed parking stalls have been located at the front entrance of the building. An accessible sidewalk with a width of 8.5 feet has been provide between the convenience store wall and the proposed parking to provide an accessible route along the front of the building. This standard is met.

**407-6.4 A minimum 5-foot landscape strip shall be created along any parking lot boundary, including access roads, except where the use of joint parking or a zero setback is approved.**

**Findings:** A minimum 5-foot landscape strip has been provided along the parking lot boundary, except along the south property line where a zero setback is allowed. This standard is met.

**407-6.5 Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of 5 feet (see Section 407-1.6).**

**Findings:** The landscape islands located within the parking areas will maintain a minimum width and length dimension of 5 feet. This standard is met.

**407-6.6 Entryways into parking lots shall be bordered by a minimum 5-foot-wide landscape strip.**

**Findings:** Both entryways into the proposed parking lot will be bordered by a minimum 5-foot-wide landscape strip. This standard is met.

**407-6.7 Landscape plans that do not meet the minimum area standard through requirements intended to provide landscaping around buildings and in parking and loading areas, and screening and buffering as required under Section 411, are required to focus landscaping along pedestrian walkways linking on-site building(s) to the street in order to meet the minimum area standard.**

**Findings:** The proposed landscape plans meet the minimum area standards and screening and buffering as required under Section 411. Landscaping will be provided along the pedestrian walkway linking the on-site building to the street. This standard is met.

**407-6.8 In the Pedestrian-Oriented Mixed-Use Districts, the applicable screening requirements between a surface parking area and an adjacent right-of-way are those listed in Section 392.**

**Findings:** The proposed development is not located in a pedestrian-oriented mixed-use district. The requirements of this section are not applicable.

#### **407-7 Urban Street Tree Standards**

**Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:**

**407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and appropriately spaced to maximize canopy coverage and provide canopy overlap for shade. Trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage unless the selected species has a wide canopy. In those instances, the spacing of trees may be greater than thirty-five (35) feet provided the spacing will result in canopy overlap.**

**407-7.2 Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;**  
**407-7.3 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and**

**407-7.4 Street trees shall be a minimum of one and one-half (1 1/2) inches in diameter.**

**Findings:** NW West Union Road has been identified by the County as a future Capital Improvement Project. The applicant is proposing an 18-foot right-of-way dedication along the frontage to allow for a 48-foot half street section. The proposed development will include sidewalk improvements along NW West Union Road. The final improvements, including street trees will be provided as part of the County's Capital Improvement Project.

#### **408 Neighborhood Circulation**

**408-4.1 For all development on a site of two (2) acres or less the applicant shall submit a circulation analysis which at a minimum meets the Off-Site analysis requirements of Section 404-1.4. A larger analysis area may be required in order for the applicant to demonstrate compliance with the requirements of 408-5 or 408-6.**

**Findings:** The Applicant has submitted a circulation analysis which meets the minimum off-site analysis requirements of Section 404-1.4.

#### **408-10 Internal Pedestrian Circulation**

##### **408-10.1 Number of Pedestrian Connections**

- A. All developments with fifty (50) or more parking spaces or that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one (1) street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single family or duplex residential development.**
- B. All developments that generate five hundred (500) or more ADT shall provide:**
  - (1) A connection from the main entrance of the primary structure to within twenty (20) feet of any transit stop located along the frontage of the subject property;**
  - (2) A connection to within twenty (20) feet of any mid-block pedestrian crossing; and**
  - (3) A connection for every two hundred (200) feet of street frontage including connections provided per (1) and (2) above. Connections shall be generally spaced to ensure direct access to buildings on the lot for pedestrians accessing the lot from any direction.**

**Findings:** As shown on the attached Site Plan, the site has approximately 500 linear feet of frontage but only a small portion of the site will be constructed with a building – the convenience store. A pedestrian connection has been provided along the street's frontage to allow for direct and convenient access to the store. This standard is met.

- C. As an alternative to 408-10.1 A. and B. (1-3) above, pedestrian connections shall be provided for new development as part of campus development which connect each building within the campus area and directly connect the building complex to the most appropriate street(s) or pedestrian route(s). More than one (1) pedestrian connection may be required to a particular street or pedestrian route in order to decrease out of direction travel.**

**Findings:** As shown on the attached Site Plan, the site has approximately 500 linear feet of frontage but only a small portion of the site will be constructed with a building – the convenience store. A pedestrian connection has been provided along the street’s frontage to allow for direct and convenient access to the store. This standard is met.

- D. In addition to pedestrian connections required by 408-10.1 A. and 408-10.1 B., connections shall be provided between the proposed development and all off-site pedestrian connections on adjacent properties or streets as required by Sections 408-5 or 408-6.**

**Findings:** As shown on the attached Site Plan, a pedestrian connection has been provided along the street’s frontage to allow for direct and convenient access to the store. As the site’s only frontage is along NW West Union, this criterion is met.

- E. The most reasonably direct internal pedestrian connections shall also be provided between different major developments on the lot, such as from one building to another, or between an on-site recreation facility to a building. Connections are not required between buildings or portions of a lot which are not intended for or likely to be used by pedestrians.**

**Findings:** As shown on the attached Site Plan, a pedestrian connection has been provided along the street’s frontage to allow for direct and convenient access to the store. Pedestrian connections internally have been provided via the proposed drive-isles. All surfaces adjacent to the pumps have been paved for pedestrian and vehicular circulation.

- F. For new development that is part of a larger existing use that shares common automobile parking spaces and access and is under common ownership, and the total larger use generates five hundred (500) or more ADT and does not meet the standards of 408-10.1 B. 408-10.1 C., 408-10.1 D. or 408-10.1 E., the following pedestrian connections shall be provided:**

- (1) For new development that results in an increase of more than ten (10) percent, but less than fifty (50) percent of the ADT of the larger use, a pedestrian connection shall be provided between the abutting street with the highest functional classification (except freeways) and the internal pedestrian network of the larger use or the main entrance of the primary structure on the site. If one or more abutting streets of the larger use have the same functional classification, a connection shall be provided to**

**all streets with the highest functional classification. Pedestrian connections shall be designed consistent with Section 408-9.3.**

- (2) For new development that results in an increase of fifty (50) percent or more of the ADT of the larger use, the larger use shall meet the standards of 408-9.1 B., 408-9.1 C., 408-9.1 D., and 408-9.1 E.**

**Findings:** As shown on the attached Site Plan, a pedestrian connection has been provided between the street and the main entrance of the primary structure on the lot. The closest transit stop is located north of the Site on NW 185<sup>th</sup> Avenue, approximately 255 feet from the frontage of the site. The proposed pedestrian connection will provide access via the public sidewalk to the transit stop. This standard is met.

#### **408-10.2 Reduction of Number of Pedestrian Connections**

**A reduction of the number of pedestrian connections required by 408-9.1 A. through D. may be granted by the Review Authority based on a determination that reducing the number of connections would not result in an increase in out of direction travel from the street or trail to any main building entrance for pedestrians or cyclists accessing the site from:**

- 1) An off-site accessway or trail,**
- 2) The sidewalk or shoulder along the street where the property has frontage,**
- 3) A transit stop,**
- 4) Pedestrian crossings on Arterials and Collectors, and**
- 5) from pedestrian oriented uses across a Collector, Neighborhood Route or Local Street.**

**Findings:** As shown on the attached Site Plan, a pedestrian connection has been provided between the street and the main entrance of the primary structure on the lot. The closest transit stop is located north of the Site on NW 185<sup>th</sup> Avenue, approximately 255 feet from the frontage of the site. The proposed pedestrian connection will provide access via the public sidewalk to the transit stop. This standard is met.

#### **408-10.3 Pedestrian Connection Design**

- A. Connections shall be as direct as practicable; circuitous routes shall be avoided.**
- B. Where connections cross driveways, parking areas, or loading areas, the connection must be clearly identifiable through the use of striping, elevation changes, speed bumps, a different paving material, or other similar method. If striping is used to identify a connection, the striping must be thermal plastic striping or other heavy-duty material that will have relatively little maintenance. Where connections are parallel and adjacent to an auto travel lane, the connection must be safely separated from the auto travel lane through the use of a raised path, a raised curb, bollards, landscaping or other physical barrier.**
- C. Connections shall be at least ten (10) feet in paved unobstructed width when bicycles are intended to share the connection. When bicycle travel is otherwise adequately provided, connections shall be at least five feet in paved unobstructed width. Connections which are likely to be used at night must be lighted. If lighting for other**

**purposes provides adequate light to a pedestrian connection, separate lighting is not required.**

**Findings:** A pedestrian connection has been provided from the public sidewalk to the entrance of the building in a direct path. The connection is five feet in unobstructed width and meets ADA design standards. This standard is met.

## **410 Grading and Drainage**

### **410-1 General Provisions**

**410-1.1 All grading and drainage activities are to occur pursuant to the provisions of Chapter 14.12 of the Washington County Code and the applicable State of Oregon Plumbing Code or its successor and this Code. All grading and drainage activities on lands located within the Clean Water Services (CWS) boundary shall also occur pursuant to the provisions of the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and Chapter 14.12, the more restrictive standard shall prevail. Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review.**

**No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.**

**For Type I development, preliminary grading plans may be submitted as a standalone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.**

**The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required at the preliminary review stage. However, preliminary grading plans shall be accurate enough to provide a basis for determining whether or not the proposed activity, as designed and to be implemented, will meet the applicable Code requirements for a grading permit.**

**All grading permit applications (the second step) shall include detailed plans, per Section 410-2, rather than preliminary grading plans.**

### **410-1.2 Grading Plan**

**The grading plan shall include:**

- A. A vicinity map.**
- B. A site plan which includes the following:**
  - (1) A graphic representation drawn to a scale which is noted on the drawing. In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;**

- (2) Except as required by Section 421, applications for land inside the UGB shall show existing and proposed topography using the following contour intervals:
    - (a) For slopes of five (5) percent or less, contour intervals not more than one (1) foot; or
    - (b) For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; or
    - (c) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
  - (3) Except as required by Section 421, applications for land outside the UGB shall show existing and proposed topography using the following contour intervals:
    - (a) For slopes of ten (10) percent or less, generalized existing contours and drainage channels, including areas of the subject site and adjoining properties that will be affected by the disturbance either directly or through drainage alterations; or
    - (b) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
  - (4) Proposed elevations after grading is completed, including any modifications to drainage channels;
  - (5) Any required retaining walls or other means of retaining cuts or fills including typical cross sections;
  - (6) Typical cross sections showing existing and proposed elevations. Cross sections are to be taken through the areas that will show the most detail of the grading project;
  - (7) The site plan shall show the area of the site where construction, grading, cut or fill is proposed, plus a minimum of fifty (50) feet surrounding the area;
  - (8) Flow lines of surface waters onto and off the site;
  - (9) Proposed building pad, areas with an impervious surface and existing and proposed finished floor and street elevations if building or parking construction is proposed;
  - (10) Existing and proposed water quality sensitive areas, vegetated corridors, and drainage channels including drainage swales, wetlands, ditches and berms;
  - (11) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains and drop inlets;
  - (12) Location of any buildings or structures, parking areas or accessways existing or proposed on the site within fifty (50) feet of the area that may be affected by the proposed grading operations;
  - (13) Location of any proposed streets; and
  - (14) Location of any proposed stockpile areas, either on site or off.
- C. Written narrative and/or supplemental information including all of the following:
- (1) Explanation of the reason for the proposed grading, which must be an allowed use in the district;

- (2) Estimates of surface area disturbed by proposed grading and total parcel size;
- (3) Estimates of cut/fill volume in cubic yards; and
- (4) Estimates of existing and increased runoff resulting from the proposed improvements.
- (5) Soil Map, including a soil survey legend, range of percent slopes (e.g., three [3] to seven [7] percent slopes), and soil description if no limitations exist from the USDA, Soil Conservation Service, Soil Survey Report, Washington County, July 1982. Soil limiting features must address depth to bedrock from pages 120-123 from the report, and other features which may be restrictive to construction, drainage and revegetation of property;
- (6) Provision for saving the site topsoil (surface twelve [12"]) for later revegetation and landscaping, including the locations of any temporary stockpile areas;
- (7) Provisions for the disposal of excavated material, including the location of disposal;
- (8) Written statement demonstrating the feasibility of complying with Section 410-3. Demonstrating feasibility does not require detailed solutions, but there must be enough information for the review authority to find that solutions to problems are possible and likely.

**D. Erosion Control Plan:**

- (1) For areas inside the Tualatin River and Oswego Lake sub-basins, an erosion control plan as required by Section 426 shall be submitted.
- (2) For areas outside the Tualatin River and Oswego Lake sub-basins, an erosion control plan that complies with the requirements of the "Washington County Erosion Control Plans Technical Guidance Book," January 1991, or its successor, is required when:
  - (a) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 1 through May 1; or
  - (b) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of twenty (20) percent, or there is disturbance of more than six thousand (6000) square feet of development area, or within fifty (50) feet of any drainage hazard area or flood plain area.

- E. A request for an imported fill material more than five thousand (5000) cubic yards in an EFU or AF-20 District shall be accompanied by a written recommendation from the Soil and Water Conservation District.**

**F. A request for a Clean Fill Site shall include a reclamation schedule.**

**Finding:** The Applicant has prepared and submitted a Preliminary Grading and Erosion Control Plan (Sheet C241 and C442), prepared by a licensed engineer and Preliminary Drainage Report for the site consistent with the requirements of this section. The applicant's proposed grading plan for the site is appropriate for the proposed use of the property and will not create site disturbances

which are greater than required to facilitate use of the property. This standard is met.

## **410-5 North Bethany Drainage Master Plan**

### **410-5.1 Introduction**

**Clean Water Services (CWS) adopted the North Bethany Drainage Master Plan (the Plan) that is applicable to most of the North Bethany Subarea. A portion of the Portland Community College Rock Creek Campus is not subject to the Plan. The Plan addresses regional stormwater management (water quality and quantity) and 100-year flood plain and drainage hazard areas. It also addresses stormwater management for streets and at the individual building site level.**

### **410-5.2 Applicability**

**Properties subject to the Plan are identified in the North Bethany Subarea. Development within the boundaries of the Plan is subject to review by CWS for consistency with the Plan. For street low impact development approaches (LIDA), coordination with the County Engineer is required.**

**Findings:** The subject parcel is not located in the North Bethany Subarea. Therefore, the requirements of this section do not apply.

## **411 Screening and Buffering**

### **411-2 Location**

**Screening and Buffering shall be located on the perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffering shall not be located on any portion of an existing or dedicated public or private street or right-of-way. In a case of two overlapping types of buffers, the higher type shall prevail.**

### **411-3 Determination of Screening and Buffering Requirements**

**411-3.1 To determine the type of Screening and Buffering required, the following procedure shall be used:**

- A. Identify the primary district of the subject site by referring to the applicable Community Plan;**
- B. Identify the primary district(s) of the surrounding properties by referring to the applicable plan(s);**
- C. Determine the Screening and Buffering type by referring to the Screening and Buffering Matrix (Section 411-5); and**
- D. Determine the Screening and Buffering Standards by referring to the Screening and Buffering Standards (Section 411-6).**

### **411-3.2 Responsibility for Screening and Buffering:**

- A. When a property is the first to develop adjacent to a vacant parcel, the first property shall provide the buffer identified in the vacant land use category as shown on the Screening and Buffering Matrix, Section 411-5.**

- B. The second use to develop shall, at the time it develops, provide all additional plant materials, landscaping, and land necessary to provide total screening and buffering required by the Screening and Buffering Matrix for developed uses.
- C. Screening and buffering is not required when lots or parcels are separated by a public street or road.
- D. Where two adjacent developments in different districts are developed with the same housing type and maintain the same standards as the lower density district, the screening and buffering requirements may be reduced to the level of the lower density use through a Type II procedure when a recorded legal instrument (such as a deed restriction) insures that the lot and house type will remain the same as the lower density requirements for the life of development.

**411-4 Limitations**

All areas for screening and buffering shall remain void of buildings, building mechanical equipment (e.g., heat pumps, air conditioners), parking, service areas (e.g., solid waste and recyclables storage and pick-up facilities, loading and delivery areas), signing, lighting (except lighting of pathways) and utilities (unless underground). Area required for screening and buffering may be used to satisfy landscape and open space requirements and be included in the density calculation of the site.

**Findings:** The subject parcel zoned NC and is bordered to the south by a property zoned institutional (INST). A screening and buffering requirement has not been specified as required between properties zoned NC and INST. The site to the south consists of Goal 5 resources and a developed THPRD park. The resource and park land provide a buffer between the proposed development. The existing trail on the site to the south is located 300 feet from the subject site and is buffered from view by existing vegetation on the site. As part of an agreement with THPRD, the Applicant will provide a small retaining wall along the southern property line with a six-foot tall fence to provide a visual buffer. This standard is met.

**413 Parking and Loading**

**413-3 Off-Street Parking Lot Design**

All off-street parking lots including up to 50% of the spaces for compact cars, shall be designed in accordance with County standards for stalls and aisles dimensions as set forth in the following drawings and tables:

Vehicle Type	A parking angle	B stall width	C stall depth	D aisle width	E** stall width	F** module width	G bumper overhang	H backing area	I module intermesh
Standard	75°	8.5'	19.6'	23'	8.8'	62.2'	2.5'	5'	60'
	90°	8.5'	18'	24'	8.5'	59.5'	3'	5'	59.5'

**413-3.1 For one row of stalls use "C" plus "D" as minimum bay width.**

**413-3.2 The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle (one-way traffic) is 15 feet.**

**413-3.3 Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.**

**413-3.4 Parallel Parking:**

**Space dimensions are to be 9 by 22 feet. Aisle dimensions for parallel parking are to be 12 feet for one-way aisles and 24 feet for two-way aisles.**

**Findings:** The proposed parking lot will include 75-degree stalls with a minimum width of 8.5 feet and depth of 19.6 feet. The proposed 90-degree parking stalls will have a minimum width of 8.5 feet and a minimum length of 18 feet. All two-way drive aisle widths have all been designed to exceed 24 feet. All one-way drive aisles have been designed to be at least 15 feet wide. This standard is met.

**413-3.5 Pedestrian Access:**

**In parking lots for customers, residents or employees of 50 or more spaces and two or more rows of parking stalls, separate internal pedestrian connections shall be provided consistent with 408-10 to minimize vehicular-pedestrian conflicts, and allow safe pedestrian movement within the lot. Parking lots dedicated to the display and storage of automobile, recreational and other vehicle sales are exempt.**

**Findings:** The proposed development does not provide 50 or more spaces or two or more rows of parking. The requirements of this section are not applicable.

**413-3.6 If provided, electric vehicle charging parking spaces, either public or private, shall comply with the following requirements:**

- A. Electric vehicle charging parking spaces may substitute for required minimum off-street parking spaces of Section 413-6.1 at a 1:1 ratio.**
- B. A minimum of one electric vehicle charging space shall be ADA compliant.**
- C. Electric vehicle charging parking spaces shall be posted with signage not to exceed 5 square feet in size.**
- D. Electric vehicle charging unit outlets and operable parts shall be no less than 18 inches off the ground if indoors and 24 inches off the ground if outdoors and no higher than 48 inches off the ground to ensure easy access.**

**413-3.7 Motorcycle Parking:**  
**A maximum of 5%, not to exceed five motorcycle parking spaces total, shall be allowed to count toward the minimum off-street parking requirements of Section 413-6.1.**

**Findings:** Electric vehicle charging parking spaces are not proposed. The requirements of this section are not applicable.

**413-3.8 Pedestrian-Oriented Mixed-Use Districts, parking location:**

**In the Pedestrian-Oriented Mixed-Use Districts (Section 392), all off-street parking areas and vehicular circulation facilities shall be located to the side or rear of buildings.**

**Findings:** The proposed development is not located in a Pedestrian-Oriented Mixed-Use District. The requirements of this section are not applicable.

#### **413-4 Off-Street Parking Standards**

**413-4.1 All required off-street parking and loading areas inside the urban growth boundary shall be surfaced with concrete or asphaltic material to conform with either of the following standards:**

**A. A minimum of 4 inches of concrete for vehicles and 6 inches for commercial vehicles or trucks; or**

**B. Two inches of asphalt overlaying a 6-inch base (compacted) of crushed stone.**

**C. In lieu of being constructed as described under A. or B. above, required off-street parking and loading areas may be constructed of pervious paving materials when the applicant's engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in A. or B. above.**

**Findings:** All off-street parking and loading areas will be surfaced with a minimum of 4 inches of concrete and will be surfaced with 6 inches of concrete along commercial vehicle circulation routes. This standard is met.

**413-4.4 Based upon approval of a grading plan pursuant to Section 410, for the purpose of temporary or overflow parking, or storage of heavy equipment or vehicles in the Industrial District, a gravel surface may be approved with a minimum 4 inches of base rock with 2 inches of three-quarter-inch minus leveling course.**

**Findings:** Gravel surfaces are not proposed. The requirements of this section are not applicable.

**413-4.5 All required off-street parking areas, except for detached or two unit attached dwellings on a single lot and areas outside the UGB not required to be surfaced to the standards of Section 413-5.1, shall be constructed with curbs of concrete or asphalt. Driveways for detached dwelling units that are less than 100 feet in length shall be paved. All driveways for single-family attached dwelling units shall be paved. Those areas constructed with a gravel surface may use curbs of wood or other materials as may be approved by the Review Authority.**

**Findings:** All parking areas will be surfaced to the standards of Section 413-5.1 and will be constructed with curbs of concrete. This standard is met.

**413-4.6 Parking spaces in paved parking areas having more than three stalls are to be marked with paint striping, a minimum of 2 inches in width. Parking spaces in gravel surfaced lots may be identified by wheel stop barriers.**

**Findings:** All parking spaces will be marked with paint striping a minimum 2 inches in width. This standard is met.

**413-4.7 Covered parking spaces are to have a vertical clearance of at least 7 feet, 6 inches above the parking lot surface for all uses except residential.**

**Findings:** The covered parking spaces located under the fuel canopy will have a vertical clearance of at least 7 feet, six inches. This standard is met.

**413-4.8 The finished grade of a parking lot is not to exceed 5% slope.**

**Findings:** The finished grade of the parking lot will not exceed 5% slope. This standard is met.

**413-4.9 Parking and loading areas that are not associated with a structure shall have no less than a 10-foot front and rear yard setback and shall conform to the street side yard requirements of the primary district.**

**Findings:** All parking and loading areas are associated with a structure. The requirements of this section are not applicable.

**413-4.10 All parking lots shall be landscaped as required by Section 407-6.**

**Findings:** The parking lot will be landscaped as required by Section 407-6 which has been addressed within this narrative. This standard is met.

**413-4.12 Driveways for two individual lots, each containing a single-family attached or detached dwelling unit, may be combined when the following standards are met:**

**A. The minimum combined driveway width shall be 20 feet; and**

**B. Driveway surface within each lot shall measure a minimum continuous width of 10 feet.**

**Findings:** The proposed development will not include a shared driveway. The requirements of this section are not applicable.

**413-4.13 There shall be at least 18 feet of curb face along the street between combined and/or single driveways where a required on-street parking space is proposed.**

**Findings:** On-street parking is not proposed. The requirements of this section are not applicable.

**413-6 Minimum and Maximum Off-Street Parking Requirements**

**413.6.1 Minimum Off-Street Parking Requirements**

**C. Business and Commercial:**

<b>(2) Automobile Service Station</b>	<b>Two for each lubrication, stall rack or pit; and one for each gasoline pump</b>
<b>(14) Retail stores, except as otherwise specified herein</b>	<b>2.5 for each 1,000 square feet of gross area</b>

**Findings:** The Applicant has proposed to construct approximately 4,983 square foot two-story convenience store. The ground floor of the building will have a gross floor area of 4,296 square feet and will operate as a service station and a convenience store retail use. The second floor of the building will also be approximately 687 square feet, but

it will remain largely unimproved and will provide storage for merchandise and mechanical equipment. Five gasoline islands have been proposed to operate in front of the convenience store with a total of ten fueling pumps.

Automobile Service Stations are required to provide one parking space for each gas pump. In this case, a total of 10 parking spaces are required. Retail stores are required to provide a total of 2.5 spaces for every thousand square feet of floor area, or 12 spaces. The total parking required on site is therefore 22 spaces.

The Applicant has proposed to meet this standard by providing 12 traditional parking spaces, specifically intended to meet the parking demands related to the retail business. An additional 10 spaces have also been provided in front of the pump islands. The two distinct types of uses proposed on site require different types of parking. While the site will attract a limited number of retail-only customers, the gas station will attract customers who may finalize transactions at the pumps or who may elect to complete transactions inside while making purchases within the convenience store. These customers will be provided with a covered walkway to the convenience store from the island parking and fueling stations. This standard is met.

**413-6.3 Maximum Off-Street Parking Requirements**

- A. In accordance with the Community Plans' Parking Maximum Designations, urban unincorporated properties shall be identified as being located in either Zone A or Zone B. Properties brought into the Urban Growth Boundary after adoption of the Parking Maximum Designations shall be considered to be located within Zone B for the purposes of Section 413 unless the property meets the following Zone A criteria. Zone A properties are located within one-quarter (1/4) mile of a bus route that provides twenty (20) minute peak hour service or within one-half (1/2) mile of a light rail station. Zone B properties are the remaining urban unincorporated areas.**
- B. The maximum number of allowable off-street parking spaces by type of use shall be determined by the following:**

<b>MAXIMUM OFF-STREET PARKING RATIOS IN ZONE A AND ZONE B AS ILLUSTRATED IN THE COMMUNITY PLANS</b>	
(parking ratios are based on spaces per 1,000 gross square feet unless otherwise stated)	
<b>Use</b>	<b>Zone A (Transit Accessible Areas)</b>
<b>Retail stores and shopping centers (except as otherwise specified in Section 413-6.1</b>	<b>5.1</b>

**Findings:** The proposed development is identified in the Sunset West Community Plan as being in Zone A. The convenience store has a gross area of 4,983 square feet and will have 12 parking spaces, which does not exceed the maximum off-street parking ratio of 5.1 for retail stores. The fuel station use does not have a maximum parking ratio. This standard is met.

## **414 Signs**

### **414-2 Commercial and Institutional Districts**

#### **414-2.1 Scope:**

**This Section shall apply to all Commercial Districts and the Institutional District.**

#### **414-2.2 Number and Size:**

**For each lot or parcel, signing at the listed size may be allowed:**

**In the Neighborhood Commercial (NC), Office Commercial (OC), Institutional (INST), Neighborhood Corner Commercial (NCC NB), Neighborhood Commercial Mixed Use (NCMU NB), and Institutional North Bethany (INST NB) districts, except as otherwise required within standards for the particular district or use, signs shall not exceed thirty-five (35) square feet.**

**Findings:** As detailed in the Site Plan (Sheet C211 and C212), a small pole mounted sign has been proposed along the project's frontage along NW West Union Road. The sign is proposed to be located within the area which is being dedicated to the County for future ROW improvements along West Union Road. The sign will be moved back onto the subject property once the County completes road improvements along NW West Union. The proposed sign is approximately 19 square feet, which is less than the 35 square foot maximum. This standard is met.

## **415 Lighting**

### **415-1 Applicability**

**The roadways, access drives, parking lots and sidewalks of all new developments of attached units shall be lighted in conformance to the standards of this Section (415). This Section is not intended to apply to public street lighting.**

**Findings:** The proposed development is commercial. The requirements of this section are applicable.

### **415-2 Lighting Plan**

**Prior to the issuance of a Development Permit for a structure other than a detached dwelling or attached dwelling of less than three (3) units, an Exterior Lighting Plan shall be submitted in order to determine whether the requirements of this Section (415) have been met. This plan shall include:**

**415-2.1 Site Plan and Building Floor Plans and Elevations showing luminaire location;**

**415-2.2 Luminaire details;**

**415-2.3 Lighting coverage and cutoffs; and**

**415-2.4 Any additional information necessary to insure compliance with Section 415.**

**Findings:** The Applicant has provided a Photometric Plan (Sheet E1.0) demonstrating compliance with Section 415 as part of this application. This standard is met.

### **415-4 Standards**

**The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post**

with a non-cutoff type luminaire or a higher pole, up to forty (40) feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees (Figure 1). The maximum light post height permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. Exterior lighting shall meet one (1) of the following standards:

**415-4.1 When light source or luminaire has no cutoff:**

District	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
Residential & Institutional	0.20	10 feet
Commercial & Industrial	0.30	20 feet

**415-4.2 When a luminaire has total cutoff of an angle greater than ninety (90) degrees (Figure 2), (as compared to [90] degrees exactly [Figure 3]), the maximum illumination and the maximum permitted luminaire height shall be:**

District	Maximum Permitted Illumination	Maximum Permitted Height of Post
Residential & Institutional	0.5	20 feet
Commercial & Industrial	1.0	30 feet

**415-4.3 When a luminaire has total cutoff of light at an angle less than ninety (90) degrees (Figure 1) and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:**

District	Maximum Permitted Illumination	Maximum Permitted Height of Post
Residential & Institutional	0.5	20 feet
Commercial & Industrial	3.0	40 feet

**415-5 General Provisions**

**Notwithstanding any other provision of this Section (415) to the contrary:**

**415-5.1 No flickering or flashing lights shall be permitted.**

**415-5.2 Light sources or luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.**

**415-5.3 Lighting shall be located and oriented so as not to shine excessive light into nearby habitat areas.**

**Findings:** The Applicant has submitted a Site Photometrics Plan (Sheet E1.0) detailing the proposed lighting for the subject site. Lighting has been designed to conform to the maximum permitted illumination outlined in this section and to minimize glare on to adjacent areas and are not in areas identified for screening or buffering. No flickering or flashing lights are proposed. This standard is met.

## **416 Utility Design**

### **416-1 General Provisions**

**416-1.1 All utility distribution facilities supplying electric, communication, or similar or associated service, installed in and for the purpose of supplying such service to any development shall be placed underground; provided however, that the word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than fifty thousand (50,000) volts.**

**416-1.2 Notwithstanding Section 416-1.1, overhead utility distribution lines may be permitted upon approval of the Review Authority through a Type I procedure when terrain, soil, or geologic conditions prohibit underground installation, or when proposed development is part of an urban infill process and surrounding developments do not have underground utilities. Location of such overhead utilities shall be along rear or side lot lines wherever feasible.**

**416-1.3 Easements necessary for sewers, water mains, electric lines, stormwater facilities, or other public utilities shall be provided. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line.**

**416-1.4 The location, design, installation and maintenance of all utility lines and facilities shall conform to ORS Ch. 92 and be carried out with minimum, feasible disturbance of soil and site.**

**Findings:** A Preliminary Composite Utility Plan (Sheet C301 and C302) prepared by a registered engineer in coordination with County engineering staff detailing the proposed utility design on site has been provided under Appendix E.

## **418 Setbacks**

### **418-1 Obstruction in Required Yards**

**Required yards shall be horizontally unobstructed except as follows:**

**418-1.1 Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend, or project into a required side yard not more than two (2) inches for each (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may not project into a front or rear yard more than twenty-four (24) inches. Chimneys may project up to twenty-four (24) inches into a side yard setback, but no closer than three (3) feet to a property line.**

**418-1.2 Open balconies and unenclosed stairways more than thirty (30) inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than**

four (4) feet and such porches may extend into a required front yard not more than thirty (30) inches.

**418-1.3** A ground level deck not more than thirty (30) inches in height and not covered by a roof or canopy may be allowed in any yard regardless of the setback requirements.

**418-1.4** A deck more than thirty (30) inches in height, not covered by a roof or canopy, may be allowed in a required rear yard not closer than five (5) feet to the rear property line when the rear yard abuts a designated open space or public non-buildable tract. Such tracts may include flood plains, power line easements, or drainage courses.

**Findings:** The applicant has requested variances to the front and corner side yard setbacks under the variance standards of Code Section 435. The proposed variations in setbacks have been listed in the table below. The variance criteria have been addressed within this narrative.

	Required Setback	Proposed Setback
Front	20 feet	2 feet
Side (Corner Lot)	20 feet	10 feet

#### **418-2 Additional Setbacks Required for Future Right-of-Way**

**418-2.1** Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased to accommodate the future right-of-way. The yard or setbacks shall be measured from the centerline of the existing right-of-way. The yard or setback shall be measured from the future edge of right-of-way and allow for half the maximum right-of-way as shown in the following diagram. The maximum right-of-way width shall be determined by the Transportation System Plan, including the Functional Classification Map, the Functional Classification Design Parameters Table and the Lane Numbers Map. The County Engineer may designate an alternative future right-of-way for streets where the area of the right-of-way is not balanced with respect to the current right-of-way centerline.

**418-2.2** Prior to issuance of a building permit where the land use action is subject to growth management, an applicant shall dedicate the additional right-of-way to meet the County standard. Notwithstanding the above, outside the UGB, dedication of additional right-of-way to meet the county standards shall be required prior to the issuance of any building permit where required as a valid condition of approval.

**418-2.3** Setback requirements shall be determined from future rights-of-way as set forth by the official Washington County Functional Classification System Map, and as indicated on the Washington County Transportation System Plan. When a stub street abuts a site, the property owner shall place all on-site structures in such a way as to not preclude extension of that stub street into or through the site.

**418-2.4** The setback requirements of this Code shall not apply to existing structures when the setback is reduced by a public dedication. If the setback is not reduced by a public dedication, the structure(s) shall meet the setback requirements of this section.

### **418-3 Corner Vision**

Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, and structures. The sight triangle shall be measured from the street corner (apex), a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The county may require additional vision clearance based on a hazard identified by the county. Nothing in this Section shall supersede proper application of the sight distance standards in Section 501-8.5 F.

**Findings:** The proposed setbacks have been provided from the future right-of-way line along NW West Union Road. An 18-foot right-of-way dedication has been provided along NW West Union Road. This standard is met.

### **418-4 Fences and Retaining Walls**

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

**418-4.1** A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.

**418-4.2** A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.

**418-4.3** A combination fence (not more than six [6] feet in height) and retaining wall structure (not more than four [4] feet in height) located in a side or rear yard (for design standards see Section 419-4).

**418-4.4** Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.

**418-4.5** All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.

**418-4.6** A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.

**418-4.7** Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot square along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 2 and Figure 3).

**Findings:** The proposed development does not include any new fences or retaining walls along the site frontage. The existing retaining walls along the frontage do not obstruct sight-distance from the ingress and egress locations.

#### **419 Height**

**In addition to the height restrictions in the primary districts, the following limitations shall apply:**

**419-1 Within twenty (20) feet of another primary district with a lower height restriction, the height restriction of the adjacent district shall apply.**

**419-2 Beyond the twenty (20) foot area in Section 419-1 above, the height may increase on the subject property at a ratio of one (1) foot of height to one (1) foot of horizontal distance from the adjacent primary district with a lower height limitation, to the maximum height permitted in the primary district.**

**419-3 A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over seven (7) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).**

**419-4 A combination fence and retaining wall structure may be located in a side or rear yard. This structure shall consist of a retaining wall [not more than four (4) feet in height] and a fence [not more than six (6) feet in height]. The fence portion shall be measured from the back-filled or highest side of this structure and may not exceed six (6) feet in height. The non-back-filled or lowest side measurement may not exceed a combined total of ten (10) feet in height. This provision may only be used when there is an existing or proposed grade difference between properties and a retaining wall is required by the Building Official (see Figure 1). This structure is exempt from a structural building permit only when the backfill is level for a proportional horizontal distance to the height of the retaining wall or as approved by the Building Official.**

**419-5 Tiered retaining wall structures shall not exceed seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.**

**419-6 There shall be no limitation of vegetation such as hedges, except as provided in Section 418-3.**

**419-7 No structure or structural part shall exceed height standards for any airport in the county established in accordance with Federal Aviation Administration's Aviation Regulations.**

**Findings:** A combination retaining wall and fence will be provided along the side yard southern property line. The retaining wall height will vary between two and a half feet and five feet. The fence will have a height of six feet. No other walls or fences are proposed.

This standard is met.

#### **421 Flood Plain and Drainage Hazard Area Development**

The County administers and enforces the State of Oregon Specialty Codes pursuant to the requirement established in ORS 455. The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

#### **421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards**

##### **421-1.1 Flood Plain**

The following data sources shall be referenced for purposes of determining lands subject to flood plain standards. In any event, the most restrictive flood boundary information shall be utilized. The maps referenced herein are on file at the offices of the Washington County Department of Land Use & Transportation.

- A. The following maps are adopted by reference.**
  - (1) "Flood Insurance Rate Map, Washington County, Oregon," effective date October 19, 2018 with amendments; and
  - (2) "Flood Insurance Study for Washington County, Oregon and Incorporated Areas," dated October 19, 2018 with amendments.
- B. Where base flood elevation data has not been provided (approximate A Zone):**
  - (1) "Flood Plain Series, Washington County, Oregon, revision 5/01/1974, 1/03/1978, 1/1981, 5/25/1983 and 12/12/1983" based upon data from the U.S. Army Corps of Engineers.
  - (2) In addition, the Director shall obtain, review and reasonably utilize any base flood elevation data available from a federal or state source, or hydrologic and hydraulic analysis performed in accordance with standard engineering practice by a licensed professional engineer, in order to administer this Section.
- C. In addition to the information sources identified in A. and B. above, the Director may also utilize any other available authoritative flood data, including but not limited to high water marks, photographs of past flooding or historical flood data.**

**Findings:** The Applicant has submitted a delineation of the 100-year Flood Plain boundary (Zone X) shown on the Existing Conditions Plan (Sheet C101) and the Tentative Plat (Sheet C201) submitted under Appendix E. Base flood elevations provided in this application are source from FEMA's flood insurance study date Nov. 4<sup>th</sup>, 2016 (no. 41067CV001A). The proposed development is not located within the mapped Flood Plain.

##### **421-1.2 Drainage Hazard Areas:**

The following data sources shall be referenced for the purposes of determining lands subject to drainage hazard area standards. In the event, the most restrictive flood boundary

information shall be utilized. The maps referenced herein area on file at the offices of the Washington County Department of Land Use & Transportation.

- A. "Flood Plain Series, Washington County, Oregon, revision 5/01/1974, 1/03/1978, 1/1981, 5/25/1983 and 12/12/1983" based upon data from the U.S. Army Corps of Engineers.
- B. In addition, the Director shall obtain, review and reasonably utilize any flood elevation data available from a federal or state source, or hydrologic and hydraulic analysis performed in accordance with standard engineering practice by a licensed professional engineer, in order to administer this section.
- C. In addition to the information sources identified in A. and B. above, the Director may also utilize any other available authoritative flood data, including but not limited to high water marks, photographs of past flooding or historical flood data.

**Findings:** The Applicant has submitted a delineation of the flood plain, wetland, and associated vegetative corridor located off-site showing one-foot contour intervals, on the Existing Conditions Plan submitted under Appendix E – Sheet C101 and the Natural Resource Assessment submitted under Appendix D. This standard is met.

**421-1.3 Persons seeking to develop within a flood plain or drainage hazard area must do so with the understanding that they and their successors assume the risks and that the risks cannot be eliminated, even with strict compliance with the standards adopted herein. This section does not imply that lands outside of flood plain or drainage hazard areas, or development permitted within, will be free from flooding or flood damage.**

**Findings:** The Applicant understands that they assume the risks associated with development within the flood plain or drainage hazard area. The proposed development is not located within a delineated flood hazard area.

#### **421-3 Submittal Requirements**

In addition to the requirements of Sections 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed. This information shall be prepared by a licensed professional engineer and may be submitted with or be made part of a site plan or grading plan for the proposed development.

**421-3.1 Recognizing that the scale may be such that the true and accurate flood plain or drainage hazard area boundaries cannot be determined from the maps referenced in Section 421-1.1 and 1.2 alone, all persons seeking a development permit for lands within said areas and within 250 feet of the map boundary of a flood plain or drainage hazard area identified in Section 421-1.1 and 1.2, except as noted below for land divisions and property line adjustments, shall submit with the development permit application:**

- A. A delineation of the flood plain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations for the flood plain based upon maps or other data sources referenced in Section 421-2.2; and

- B. A delineation of the drainage hazard area and the drainageway, established by a registered engineer or a registered surveyor from surface elevations for the drainage hazard area based upon maps or other data sources referenced in Section 421-1.2. Such delineation shall be based on mean sea level datum and be field located from recognized landmarks.
- C. Land divisions and property line adjustments outside the UGB may provide only generalized flood plain information, such as contour maps and aerial photos, which need not be prepared by an engineer. Notwithstanding this provision, for the purpose of implementing the requirements of Section 421-14.7, applicants may be required to submit detailed delineations as specified in 421-3.1 A and B above.
- D. For each of the above, submitted plans shall be accurately drawn and at an appropriate scale that will enable ready identification and understanding of the submitted information. The plans shall include the locations of any existing or proposed property lines, buildings, structures, parking areas, streets, accessways, or other relevant information on the subject property, and within 50 feet of the delineation.

**Findings:** The Applicant has submitted a delineation of the flood plain, wetland, and associated vegetative corridor located off-site showing one-foot contour intervals, on the Existing Conditions Plan submitted under Appendix E – Sheet C101 and the Natural Resource Assessment submitted under Appendix D. This standard is met.

**421-3.2 Existing and proposed topography within the boundaries of the flood area using the following contour intervals:**

- A. For slopes of five percent or less, contour intervals not more than one foot;
- B. For slopes greater than five percent and up to and including 10 percent, contour intervals not more than two feet; and
- C. For slopes greater than 10 percent, contour intervals not more than five feet.

**Findings:** The Applicant has submitted a delineation of the flood plain, wetland, and associated vegetative corridor located off-site showing one-foot contour intervals, on the Existing Conditions Plan submitted under Appendix E – Sheet C101 and the Natural Resource Assessment submitted under Appendix D. This standard is met.

**421-3.3 For applications for Type II and III flood plain or drainage hazard area alterations, documentation which demonstrates compliance with the applicable review standards of Section 421-7 through 421-14.**

**Findings:** The applicable review standards of Section 421-7 through 421-14 have been addressed within this narrative.

**421-3.4 Upon demonstration by the Director of no other alternative, applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, fences or other development, in the regulatory**

**floodway is permitted that will cause any increase in the base flood elevation. The CLOMR shall be submitted prior to the application being deemed complete.**

**Findings:** The Applicant has submitted plans and materials sufficient to illustrate the extent of the site's topography, existing and proposed grading, natural features and the location of the flood plain, wetland, and vegetative corridor. This standard is met.

#### **421-5 Uses and Activities Allowed Through a Type II Procedure**

**Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan, Section 422, or Clean Water Service's "Design and Construction Standards for sanitary sewer and surface water management", a development permit may be approved in a flood area through a Type II procedure for the following:**

##### **421-5.12 Removal of vegetation down to duff or bare soil in areas designated as Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan.**

**Findings:** The Applicant has submitted all required plans including existing conditions and post development plans to illustrate the proposed impacts to the vegetative corridor on the site. This standard is met.

#### **421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities**

**The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:**

##### **421-7.1 Development proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall:**

- A. Demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a licensed professional engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase in flood levels during the occurrence of the base flood discharge.**
- B. Comply with all applicable flood hazard reduction provisions of Section 421.**

**Findings:** The proposed development will not encroach into the regulatory floodway; therefore, the requirements of this section are not applicable.

**421-7.2 Notwithstanding Section 421-7.1, development that would result in an increase in flood levels may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor).**

**421-7.3 Development proposed on a flood plain site where the development does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a licensed professional engineer, that the cumulative effect of the proposal, when combined with all**

**other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase flood levels during the occurrence of the base flood discharge more than one foot.**

**Findings:** The eastern corner of the subject parcel currently contains FEMA Zone X and AE Zones. After the dedication of an 18-foot portion of right-of-way to the County, this area will be further reduced to an insignificant portion of the site. No development is proposed within the designated flood plain, and the proposed development will not increase flood levels. The requirements of this section have been met.

**421-7.4 In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within flood areas on the Flood Insurance Rate Map (FIRM), unless it is demonstrated through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a licensed professional engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase flood levels during the occurrence of the base flood discharge more than one foot.**

**Findings:** The eastern corner of the subject parcel currently contains FEMA Zone X and AE Zones. After the dedication of an 18-foot portion of right-of-way to the County, this area will be further reduced to an insignificant portion of the site. No development is proposed within the designated flood plain, and the proposed development will not increase flood levels. This standard is met.

**421-7.5 Notwithstanding Sections 421-7.3 and 421-7.4, an increase in flood levels in excess of one foot may be approved in the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor)**

**Findings:** The eastern corner of the subject parcel currently contains FEMA Zone X and AE Zones. After the dedication of an 18-foot portion of right-of-way to the County, this area will be further reduced to an insignificant portion of the site. No development is proposed within the designated flood plain, and the proposed development will not increase flood levels. This standard is met.

**421-7.6 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a licensed professional engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community.**

**Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.**

**Findings:** The proposed development is not located in a drainage hazard area (i.e. an area subject to flooding as the result of a twenty-five-year storm). The development will impact the vegetative corridor associated with a wetland located on an adjacent parcel. The applicant has provided a hydrologic analysis within the preliminary drainage report submitted under Appendix D of this application. The stormwater conveyance system will be sized in the final design phase. A hydraulic analysis will be provided at that time. This standard is met.

**421-7.7 Encroachments into a floodway allowed under Section 421-7.1 shall be designed so as to minimize the risk that the encroachment will catch substantial debris or otherwise significantly impede floodwater flows. Designs may include, but are not limited to, adequate sizing of openings, secured breakaway bridges, diverters or spacing of supports.**

**Findings:** The Applicant is not proposing encroachments into the floodway. This standard is met.

**421-7.8 The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard. "Open Channel Hydraulics" by V.T. Chow, McGraw-Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity. "Hydraulic Engineering Circular No. 14, "hydraulic Design of Energy Dissipators for Culverts and Channels, published by the Federal Highway Administration, September 1983, is presumed to be the best available reference for the design of energy dissipators.**

**Findings:** The Applicant has provided a detailed Preliminary Drainage Report under Appendix D which details the proposed stormwater management system, which will release the stormwater at predevelopment rates. This standard is met.

**421-7.9 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut or storage within the boundary of the development site unless:**

- A. The proposed cut and fill is found to be in compliance with an adopted Drainage Master Plan; or**
- B. Off-site excavation will be utilized to balance a fill, provided:**
  - (1) The off-site excavation area will be part of the application for the development proposing to place the fill;**
  - (2) The off-site excavation area will be located in the same drainage basin as the proposed fill area;**

- (3) **The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's licensed professional engineer shall conduct a storage routing analysis to determine the location of the fill;**
- (4) **The off-site excavation area will be constructed as part of the development placing the fill;**
- (5) **Any use or future development of the excavated area shall comply with the standards of Section 421 and Section 422 if the area is designated as a Significant Natural Resource; and**
- (6) **Ownership of the excavated area shall be by one of the following mechanisms:**
  - (a) **Dedication of the area to an appropriate public agency when a public agency is willing to accept the dedication;**
  - (b) **Ownership of the area by the applicant of the proposed development;**
  - (c) **Dedication of the development rights of the area to an appropriate public agency with ownership remaining with the property owner. Maintenance of the area shall be the responsibility of the applicant or property owner; and**
  - (d) **Deed or easement-restricted private ownership which prevents any use or future development of the area as specified by Section 421-7.9 B(5). Maintenance of the area shall be the responsibility of the applicant or property owner. A contract for conditions shall be recorded in the Department of Assessment & Taxation, Recording Division.**

**Findings:** The Applicant is not proposing any cut or fill within the flood plain or regulatory floodway. This standard is met.

**421-7.10 There is adequate storm drainage behind a dike such as a lift pump or flap gate to drain the flood plain or drainage hazard area behind the dike.**

**Applicant's Findings:** The site does not have a dike. The requirements of this section are not applicable.

**421-7.11 That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.**

**Findings:** The environmental impact of the disturbance has been minimized where possible. The site has been graded and revegetated to match the existing vegetation on site as practicable. The site improvements did not disturb significant natural features on the site. This standard is met.

**421.7.12 Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.**

**Findings:** The proposed drainage system has been designed according to all applicable standards. The applicant has submitted a preliminary drainage report under Appendix D of this application detailing the proposed system. This standard is met.

**421-7.13 Proposed partitions and subdivisions shall minimize flooding by complying with the applicable standards of Sections 410, 421, 426, 605-3.2 and 610-3.1, and Clean Water Services Design and Construction Standards for sanitary sewer and surface water management.**

**421-7.14 Public utilities and facilities in proposed partitions and subdivisions shall be located and constructed in a manner that will minimize flood damage.**

**421-7.15 Proposed partitions and subdivisions shall provide adequate drainage to reduce exposure to flood damage by complying with the standards of Section 410 and applicable standards of Section 605-3.2 or 610-3.2, whichever is applicable.**

**Findings:** The proposed development is not a partition or subdivision. This standard is met.

#### **421-14 General Requirements and Prohibitions**

**421-14.1 Property owners shall maintain the flood area in such a manner as to prevent reduction of the natural carrying capacity. Maintenance outside of the public right-of-way shall be done by means of hand implements unless a development permit for an alteration is first obtained (lawn mowers are considered hand implements).**

**Findings:** The subject site does not have mapped flood plain or floodway on site. The proposed development will not impact the carrying capacity of a flood area.

**421-14.2 Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides and rodenticide is prohibited.**

**421-14.3 Dumping of solid waste in the flood area is prohibited.**

**Applicant's Findings:** The Applicant will not store the prohibited materials listed in 421-14.2 within the flood area. The Applicant will not dump solid waste into the flood area. This standard is met.

**421-14.4 Section 421 is in addition to any and all Federal, State or special district laws and regulations in force at the time of approval of the development permit. Any permits required from a local, state or federal agency shall be obtained prior to any development within the flood area.**

**Findings:** The applicant will obtain any required permits from local, state or federal agencies. This standard is met.

**421-14.5 The standards and criteria of this Section are cumulative and in addition to any other requirements of this Code. Any more stringent provisions of an applicable Community Plan or the Rural/Natural Resource Plan Element shall control.**

**Findings:** The Applicant has addressed all relevant sections of the development code. This standard is met.

**421-14.6 The Review Authority may condition any Type II or III development permit to the extent necessary to avoid any specifically identified deleterious impacts on the natural integrity of the flood area or to wildlife and vegetation within the flood area.**

**Findings:** The Applicant understands that The Review Authority may condition the development to the extent necessary to avoid any specific identified deleterious impacts on the natural integrity of the flood area. This standard is met.

**421-14.7 In the case of the partitioning or subdivision of land for the location of structures for human occupancy, such site shall provide a building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, with a ground elevation at least one (1) foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.**

**Findings:** The Applicant is not proposing partition or subdivision. The requirements of this section are not applicable.

**421-14.8 There shall be no dumping of fill in a flood area without a flood plain or drainage hazard area alteration permit.**

**Findings:** The Applicant is not proposing dumping or filling in the flood area. This standard is met.

**421-14.9 The applicant shall submit to the Floodplain Administrator technical data as set forth in Section**

**Findings:** The Applicant has submitted the materials required by this section. This standard is met.

**421-14.10 prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area. 421-14.10 Within six (6) months of project completion, an applicant who obtains a CLOMR from FEMA, or whose development alters a watercourse, modifies floodplain boundaries, or Base Flood Elevations shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).**

**Findings:** The proposed development will not result in the expansion, relocation or elimination of the special flood hazard area. This standard is met.

## **422 Significant Natural Resources**

### **422-2 - Lands Subject to this Section**

**Those areas generally identified in the applicable community plan or the Rural/Natural Resource Plan Element as one of the Significant Natural Resources described below and verified on-site through the process described in Section 422-3.1. Areas identified as Class I and**

**II Riparian Habitat on Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map shall be evaluated using the field verification methodology and process in Section 422-3.1.**

**Significant Natural Resources have been classified in the community plans or the Rural/Natural Resource Plan Element by the following categories:**

**422-2.1 Water Areas and Wetlands. 100-year flood plain, drainage hazard areas, ponds, except those already developed.**

**422-2.2 Water-Related Fish and Wildlife Habitat. Water-related areas that are also fish and wildlife habitat, including the Riparian Corridor.**

**422-2.3 Upland/Wildlife Habitat. Identified sensitive habitats, including forested areas coincidental with water areas and wetlands.**

**422-2.4 Significant Natural Areas. Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.**

**Findings:** The subject site is in an area that has been identified as a Water Area and Wetlands & Fish and Wildlife and Wildlife Habitat area on the Sunset West Significant Natural and Cultural Resources Map. The site is in an area identified as an "Area Where Nearby Activities Have an Impact on Resources" on Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map. The requirements of this section are applicable.

#### **422-3 - Submittal Requirements**

**An application for development on a site that contains or is within 100 feet of a mapped or otherwise established Significant Natural Resource area as described in Section 422-2 must submit the following materials in addition to the required master plan and site analysis in Section 404.**

**422-3.1 A Significant Natural Resources Field Verification (Field Verification) that identifies the limits of any applicable Significant Natural Resource area located on the site, as described below.**

- A. Water Areas and Wetlands. Identification of limits of resources based on the following:**
  - (1) Oregon Department of State Lands (DSL) methodology for delineating water areas and wetlands found in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual (1987 Manual) or its successor and/or Chapter 3 of the most current Clean Water Services (CWS) Design and Construction Standards for the Water Quality Sensitive Area (Sensitive Area). Permit/assessment-related materials submitted to DSL or CWS may be used to satisfy this requirement.**
  - (2) Methodology in Section 421 for flood plain and drainage hazard areas.**
- B. Water-Related Fish and Wildlife Habitat. Identification of limits of resources based on the following:**

(1) Chapter 3 of the most current CWS Design and Construction Standards for the Vegetated Corridor. A CWS Service Provider Letter may be used to satisfy this requirement.

(2) Section 106 definition of Riparian Corridor.

**C. Upland/Wildlife Habitat. Identification of limits of resources based on delineation of the outer drip-line boundary of the tree canopy cover identified in Section 422-3.4 (tree inventory) and described in Section 422-3.5 (Habitat Assessment).**

Findings: A Natural Resource Assessment has been provided under Appendix D of this land use application which includes a delineation of the wetland and associated vegetative corridor on and adjacent to the site. The boundary for Bethany Creek wetlands, 100-year floodplain and associated vegetative corridor has also been shown on the Demolition and Existing Conditions Plan (Sheet C121-C122) and the Site Plan (Sheet C211-C212). This standard is met.

**422-3.2 Extent of ground disturbance proposed for development, description of the treatment or proposed alteration to the field-verified Significant Natural Resource area, and identification of the proposed area of preservation when required per Section 422-5.**

Findings: A Natural Resource Assessment has been provided under Appendix D of this land use application which details the ground disturbance proposed for development, description of the treatment and proposed alteration to the field-verified Significant Natural Resource area and identification of the proposed area of preservation. This standard is met.

**422-3.3 A description of how clear and objective design elements of the applicable community plan apply to the urban development site; or how the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy e. applies to the rural development site.**

Findings: The Sunset West Community Plan General Design Elements and Rock Creek Design Elements within this narrative. This standard is met.

**422-3.4 A tree inventory as required in Sections 404 and 407.**

Findings: The Applicant has addressed the Sunset West Community Plan General Design Elements and Rock Creek Design Elements within this narrative. This standard is met.

**422-3.5 A Habitat Assessment that identifies the size, extent and type of wildlife habitat located in the field-verified Water-Related Fish and Wildlife Habitat and Upland/Wildlife Habitat. The Assessment will evaluate and rate the different habitat values using the methodology outlined in the Habitat Assessment Guidelines.**

Findings: A Natural Resource Assessment has been provided under Appendix D of this land use application which includes a delineation of the wetland and associated vegetative corridor on and adjacent to the site. The boundary for Bethany Creek wetlands, 100-year floodplain and associated vegetative corridor has also been shown on the

Demolition and Existing Conditions Plan (Sheet C121-C122) and the Site Plan (Sheet C211-C212). This standard is met.

#### **422-4 - Allowable Uses and Activities within Significant Natural Resource Areas**

**Development within a field-verified Water Area and Wetland and Water-Related Fish and Wildlife Habitat is subject to the following:**

**422-4.1 No new or expanded alteration of the vegetation or terrain shall be allowed except for the following uses and activities:**

- A. Construction, maintenance and repair of streets, street crossings, roads or other public transportation facilities.**
- B. Installation, maintenance or construction of the following utilities: sanitary and storm sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.**
- C. Wildlife viewing areas and recreation or nature trails.**
- D. Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6 and the applicant's CWS Service Provider Letter or associated permit materials submitted to DSL and/or the U.S. Army Corps of Engineers (USACE).**
- E. Detached dwelling and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the verified Water Area and Wetland or Water-Related Fish and Wildlife Habitat and all required local, state or federal permits are obtained. Sufficient buildable land area is defined as the area required for the proposed structures plus a 10-foot perimeter around the proposed dwelling.**
- F. An alteration as required by the applicant's CWS Service Provider Letter or as permitted by DSL or the USACE.**
- G. All activities and uses associated with an expansion or alteration of Barney Reservoir and Henry Hagg Lake/Scoggins Dam; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.**
- H. All public use airport related uses and activities allowed pursuant to Section 387-4.1. Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.**
- I. Fencing adjacent to stream buffers or other wildlife habitat areas, if it is split rail or other design that allows for the passage of wildlife by meeting the following design requirements:**

- (1) The lowest horizontal fence element must be at least 18 inches off the ground for passage of fawns and smaller mammals.**
- (2) The highest horizontal fence element must be no more than 42 inches in height to allow adult deer or elk passage.**
- (3) Fencing shall not include woven wire, cyclone fencing, or contain barbed wire elements.**

Findings: The proposed development does not include development within a field-verified water area, wetland or water-related fish and wildlife habitat. A Natural Resource Assessment has been provided under Appendix D of this land use application which includes a delineation of the wetland and associated vegetative corridor on and adjacent to the site. The boundary for Bethany Creek wetlands, 100-year floodplain and associated vegetative corridor has also been shown on the Demolition and Existing Conditions Plan (Sheet C121-C122) and the Site Plan (Sheet C211-C212). The proposed development will include enhancement to the existing degraded wetland on site as well as enhancement of the existing degraded vegetative corridor. New vegetative corridor area will be created on site. The requirements of this section are not applicable.

**422-4.2 In addition, within all Significant Natural Resource areas outside the UGB, the following uses and activities are permitted:**

Findings: The subject site is located within the UGB. The requirements of this section are not applicable.

**422-4.3 Where development or alteration of the Riparian Corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria in Section 421 shall be followed.**

Findings: The development criteria in Section 421 has been addressed within this narrative.

**422-5 - Tree Preservation in Habitat Area(s)**

**These standards are intended to encourage the preservation of stands of trees and other vegetation providing habitat value in or near existing habitat, particularly native species, and ensure such preservation occurs prior to development, while allowing development as envisioned in community plans.**

**422-5.1 Applicability**

**Inside the UGB, the following tree preservation criteria apply to review of Type II and III development actions. As used in this section, Habitat Area consists of the field-verified Upland/Wildlife Habitat plus any portion of the Riparian Corridor located outside the CWS Vegetated Corridor.**

Findings: The subject site does not have areas that have been identified as Upland Habitat Area. The site has mapped wetland and associated CWS Vegetative Corridor. The trees proposed for removal are located within the CWS Vegetative Corridor which will be

mitigated on site with wetland and vegetative corridor enhancement and creation. The requirements of this section are not applicable.

#### **422-6 - Significant Natural Areas**

- A. Within the UGB, the features of significance for each Significant Natural Area are identified by the applicable community plan. In order to reduce impacts on the identified unique or fragile character or features of the Significant Natural Area, development plans shall provide:**
- (1) Screening and buffering landscaping that meets or exceeds that required by Section 411-6.3, located between the identified significant features and the proposed use on the site; and**
  - (2) A 20-foot setback from features of significance to proposed structures and any formal outdoor gathering spaces.**
- B. Outside the UGB, any development which is proposed in a Significant Natural Area, as identified by the Rural/Natural Resource Plan, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:**

**Findings:** The proposed development will include screening from the adjacent significant natural resources with a retaining wall and fence consistent with the requirements of section 411-6.3. This standard is met.

#### **423 Environmental Performance**

**The provisions of Section 423 are known as performance standards. All uses and activities shall observe these standards in order to achieve the purpose and objectives of this Code. Continued compliance is required and may be required to be demonstrated by the owner, if the Director has reason to believe incidence of noncompliance has occurred.**

##### **423-2 New Uses**

**Development after the effective date of this Code shall observe the following requirements:**

**423-2.1 When federal, state and local standards apply, the most restrictive shall govern.**

**423-2.2 Prior to issuance of a development permit or certificate of occupancy, the Director may require:**

- A. Evidence that mandatory federal, state and local permits have been or will be obtained.**
- B. Information demonstrating that the proposed development complies with applicable standards set forth in this Section. This information may be required as a report of findings prepared by qualified engineers or other technical consultants.**

**Findings:** All mandatory federal, state and local permits will be obtained. The applicant will document compliance will all necessary standards.

##### **423-3 Measurements**

**Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice. Measurements shall be made at or anywhere outside the property lines of the property from which an emission is generated.**

#### **423-4 Air Quality**

**All development shall comply with the State Department of Environmental Quality Air Quality Standards.**

#### **423-5 Odor**

**All development shall comply with the State Department of Environmental Quality Standards pertaining to odor.**

#### **423-6 Noise**

**All development shall comply with the State Department of Environmental Quality Standards relating to noise. Demonstration of compliance may be required by the Review Authority.**

**Findings:** The proposed development will comply with the State Department of Environmental Quality air, odor and noise standards.

#### **423-7 Vibration**

**No development shall generate ground vibration which is perceptible by the Director beyond the property line of origin without use of instruments. Ground vibrations caused by motor vehicles, trains, aircraft, or temporary construction work are exempt from strict application of these standards, but good faith efforts to control such vibrations shall be made by the originator.**

**Findings:** The proposed development will not generate ground vibration which is perceptible beyond the property line beyond the vibrations caused by construction or motor vehicles. This standard is met.

#### **423-8 Heat and Glare**

**Heat and glare shall be limited as follows:**

**423-8.1 Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.**

**423-8.2 Exterior lighting shall be directed entirely away from adjacent properties.**

**Findings:** The proposed development will not produce heat or glare outside of the proposed structure. All exterior lighting will be directed away from adjacent properties. The applicant will provide a lighting plan which meets these standards prior to applying for a site development permit. This standard is met.

#### **423-9 Storage**

**423-9.1 All materials, including wastes, shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.**

**423-9.2 No open storage of materials and equipment shall be permitted unless contained by a site obscuring fence or landscaped screening.**

**423-9.3 Fencing will be allowed between the required landscaping and use where necessary to protect the property concerned or to protect the public from a dangerous condition subject to the following provisions:**

- A. No fence shall be constructed in the required setback from the public road right-of-way.**
- B. Fences shall be constructed as required through development review.**
- C. Fencing or sight obscuring screening for storage areas must be at least six (6) feet, but no more than ten (10) feet high.**

**Findings:** The waste enclosure will be constructed of brick and cultured stone and will screen the waste bins. The waste enclosure is located at the southern property line, away from the public right-of-way and will not obstruct sight-distance. This standard is met.

#### **423-9.4 Storage of Hazardous Materials**

**Developments which store hazardous materials must comply with state standards, OAR 340-063, and the federal standards, 40 CFR Part 262 and 264 and shall demonstrate such compliance. All hazardous materials must be stored above ground. Transport of and disposal of such materials shall be in conformance with all applicable local, state and federal regulations with such compliance demonstrated.**

**Findings:** The proposed development will comply with all state and federal standards for material storage.

#### **423-10 Drainage and Waste Water**

**All development shall comply with the state Department of Environmental Quality Water Quality Standards for all runoff, drainage and waste water.**

**Findings:** The proposed development will comply with the DEQ water quality standards for runoff, drainage and wastewater. A composite utility plan and preliminary drainage report have been submitted with this application.

#### **423-11 Adequate Water Supply**

**All development shall be required to have an adequate water supply. Adequacy shall include:**

**423-11.1 Adequate supply for the use prior to issuance of a building permit (see Section 501-7.1, Critical Services).**

**Findings:** A Service Provider Letter has been provided by Tualatin Valley Water demonstrating that there is an adequate water supply to serve the site. A composite utility plan has been provided under Appendix E of this land use application.

#### **423-12 Radioactive Materials**

**The handling and storage of radioactive materials, the discharge of radioactive materials into air or water, and the disposal of radioactive waste in connection with all uses shall be in conformance with all applicable local, state, and federal regulations with such compliance demonstrated.**

**Findings:** The applicant is not proposing to store radioactive materials on site. The requirements of this section are not applicable.

#### **423-13 Toxic or Noxious Matter**

**All development shall comply with the state Department of Environmental Quality standards pertaining to omission of toxic or noxious matter and such compliance shall be demonstrated.**

**Findings:** The proposed development will comply with all state Department of Environmental Quality standards pertaining to omission of toxic or noxious matter. This standard is met.

#### **423-14 Determination of Violation**

**Alleged violations of the performance standards set forth in this Section shall be determined and enforced in the following manner:**

##### **423-14.1 County Determination:**

**Where it can be determined by the Director or a state official, the determination shall be so made and an order of compliance requiring correction of the violation within a reasonable time period shall be issued. If necessary to eliminate a violation, the Director shall take or cause to be taken, lawful action as provided for in the Washington County Community Development Code.**

##### **423-14.2 Third Party Determination:**

**Where determination of a violation entails the use of highly skilled personnel or expensive instruments not ordinarily available to the county, and when, in the judgment of the Director, a violation may exist, the Director shall so notify the person who owns or controls the use in question.**

##### **423-14.3 Notice:**

**The notice shall describe the particulars of the alleged violation and state the reasons why the Director believes the violation exists. The notice shall also require a determination of compliance or correction of the alleged violation within a reasonable time limit to be set by the Director. The notice shall further state that if the alleged violation is not corrected, a technical determination based on the performance standards set forth in this Code shall be made by qualified engineers or other technical consultants, and that if a violation as alleged is found, enforcement action shall be taken according to Section 215 of this Code.**

#### **423-15 Conflicting Provisions**

**Where standards set forth in this Section conflict with provisions elsewhere in the law, the more stringent shall govern**

**Findings:** The applicant acknowledges the County's process for a violation. This standard is met.

#### **429 Bicycle Parking**

##### **429-3 General Bicycle Parking Criteria**

**429-3.1 Bicycle parking requirements shall be provided in amounts specified for the particular use;**

**429-3.2 Requirements for a use not mentioned shall be the same as the most similar mentioned use, as determined by the Review Authority;**

**429-3.3 Required bicycle parking spaces shall be available for use by residents, guests, customers, patrons and employees only and shall not be rented, leased or assigned to any other person or organization. No parking of bicycles that are not associated with the legal use of the premises shall be permitted in the required parking areas. Bicycle parking spaces may only be rented or leased where required motor vehicle parking is rented or leased or at Transit Centers and Park and Ride lots.**

#### **429-4 General Requirements**

**429-4.1 Proper maintenance of bicycle parking facilities shall be a continuing obligation of the property owner.**

**429-4.2 In case of enlargement of a building or a change in the use of a building, the number of parking spaces required shall be based on floor area or capacity of the entire use of the building. If the building is part of a larger existing use with multiple buildings, only the subject building shall meet the parking requirements.**

**429-4.3 In the event several uses occupy a single structure or parcel of land, the total requirements for bicycle parking shall be the sum of the requirements of the several uses computed separately.**

**429-4.4 All applications for a development permit shall include a plot plan drawn to scale, showing the bicycle parking facilities to be provided. The required plot plan shall include but not be limited to:**

- A. Location of short-term and long-term bicycle parking facilities;**
- B. Bicycle parking access to the public right-of-way, existing and proposed bikeways, and well-used building entrances;**
- C. Circulation area necessary to serve bicycle parking facilities;**
- D. Bicycle parking facility design;**
- E. Bicycle parking space dimensions;**
- F. Bicycle parking signing; and**
- G. Bicycle parking lighting;**

**Findings:** The applicant has submitted a Site Plan set under Appendix E which provides the location and size of the provided bicycle parking. This standard is met.

#### **429-6 Number of Bicycle Parking Spaces Required**

**The minimum number of bicycle parking spaces required for long-term use is specified by land use category and shall be in accordance with Table A. The minimum number of bicycle parking spaces required for short-term use is specified by land use category and shall be in accordance with Table B.**

**Table A.**

<b>429-6.3</b>	<b>Business and Commercial</b>	
<b>D.</b>	Retail stores, except as otherwise specified herein	Two (2) spaces, or one (1) space for each fifty (50) employees on maximum working shift

**TABLE B**

**MINIMUM REQUIRED SHORT-TERM BICYCLE PARKING SPACES**

<b>429-6.8</b>	<b>Business and Commercial</b>	
<b>G.</b>	Retail stores, except as otherwise specified herein	Two (2) spaces or one (1) space for each five thousand (5000) square feet of gross floor space

**Findings:** The applicant has provided two short-term bicycle parking stalls and two long-term bicycle parking stalls, consistent with the requirements in Table A and B. This standard is met.

**429-7 Bicycle Parking Location**

**A. Short-term:**

Short-term parking must be located on site and within fifty (50) feet of a well-used building entrance. In those instances where motor vehicle parking is adjacent to a use (such as a convenience market), short-term parking shall be located within thirty (30) feet from the entrance. Bicycle parking shall have direct access to public right-of-way, existing and proposed bikeways and the main entrance of the principal use. With the permission of the Director, short-term parking may be located in the public right-of-way. Where no short-term bicycle parking is required, long-term parking spaces shall be made available for short-term bicycle parking.

All other parking requirements identified in Subsections 429-7 C., 1-4 shall also be met for short-term parking.

**B. Long-term:**

Long-term parking shall be located in a secure well lighted area no farther from a well-used building entrance than the nearest long-term motor vehicle parking space [with the exception of disabled parking or clustered parking allowed consistent with 429-7 C. (1)]. Bicycle parking may also be provided inside a well-marked area within a building in a secure and accessible location. Outside bicycle parking facilities shall have direct access to public right-of-way and existing and proposed bikeways. All other parking requirements identified in Subsection 429-7 C. (1 - 4) shall also be met for long-term parking.

**C. All Bicycle Parking:**

(1) On property with multiple uses, buildings, building entrances, or parking lots (such as in a commercial center or college) bicycle parking may be clustered in one (1) or more locations. Short-term parking shall be located on site and within fifty (50) feet of a well-used building entrance for which the parking is intended

and must meet all other requirements for bicycle parking as found in Subsection 429-7 A. Long-term parking shall be located in a secure well lighted area and have direct access to public right-of-way and existing and proposed bikeways. Such parking shall be located in areas which offer security and convenience to bicyclists.

- (2) Bicycle parking facilities shall be separated from motor vehicle parking and maneuvering areas by a barrier or a minimum of five (5) feet. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.
- (3) Bicycle parking shall not obstruct pedestrian walkways.
- (4) If a portion of motor vehicle parking spaces are protected from precipitation, the same percentage of bicycle parking spaces must be covered by an awning, eave, overhang, or other means. If a parking structure is provided for motor vehicles, bicycle parking spaces must also be provided for within the parking structure.

**Findings:** Bicycle parking has been provided within 50 feet of the main building entrance. The parking is south of the entrance in alignment with the vehicle parking stalls. This standard is met.

#### **429-8 Bicycle Parking Facility Design**

- A. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked.
- B. Bicycle racks must hold bicycles securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle racks shall accommodate:
  - (1) Locking the frame and one (1) wheel to the rack with a high-security U-shaped shackle lock;
  - (2) Locking the frame and both wheels to the rack with a chain or cable not longer than six (6) feet without removal of the front wheel.
- C. Bicycle parking facilities at Transit Centers and Park & Ride Lots shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or in an area where parking would be monitored by a concessionaire or parking lot attendant. All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure. Pavement surrounding outdoor parking facilities shall consist of a smooth, durable and well-drained surface.

**Findings:** Bicycle parking has been provided with a stationary rack that holds bicycles securely by means of frame. This standard is met.

#### **429-9 Bicycle Parking Space Dimensions**

Each required bicycle parking space shall be at least twenty-two (22) inches by six (6) feet and, when covered, provide a vertical clearance of seven (7) feet. An aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. This aisle shall be at least five (5) feet wide. Bicycle racks shall also be located so that at least two (2) feet shall be provided and maintained in front of and behind each row of bicycle parking spaces so as not to impede the use of the rack (see figure 1).

#### **429-10 Bicycle Parking Signing**

Where bicycle parking facilities are not directly visible and obvious from the public right(s)-of-way, entry and directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility. Bicycle parking signing shall be in accordance with Subsection 414.

**Findings:** Each bicycle parking space is twenty-two inches by six feet. This standard is met.

#### **429-11 Bicycle Parking Lighting**

Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. If lighting for other purposes satisfies the bicycle parking lighting requirements, separate lighting is not required. Bicycle parking lighting shall be in accordance with Section 415.

**Findings:** The Applicant has submitted a Site Photometrics Plan (Sheet E1.0) detailing the anticipated distribution of proposed lighting. Facilities will be illuminated and visible from the adjacent sidewalks and parking area as required by this section. This standard is met.

### **430 Special Use Standards**

#### **430-35 - Convenience Grocery**

A convenience grocery store is one which sells frequently purchased foods and sundries to residents of an immediate area and/or to the traveling public. Convenience grocery stores may be permitted subject to the following:

##### **430-35.1 Entrances and Exits:**

**A. Access shall be determined based upon a site inspection which considers the following:**

- (1) Site Size;**
- (2) Road Classification;**
- (3) Sight distance and allowed m.p.h.; and**
- (4) Adjacent development.**

**B. Consolidation of access with adjoining uses shall be encouraged.**

**Findings:** The Applicant's proposed access points have been selected in order to create a mid-block access to the site from West Union and a second access point which will create a fourth leg of an existing intersection. The proposed access point is the most logical access point given the site's frontage and the proposed use which will require large fuel trucks to enter and exit the site. This standard is met.

**430-35.2 In consideration of possible negative impact on nearby residential uses, lighting, sign illumination, height and hours of operation may be restricted through the development review process.**

**Findings:** The Applicant has submitted a Site Photometrics Plan (Sheet E1.0) detailing the anticipated distribution of proposed lighting. Lighting has been designed to minimize impacts on surrounding residential uses. The proposed pole-mounted sign will not be illuminated. The proposed height and hours of operation are in conformance with the requirements of the underlying zoning district and will not negatively impact surrounding uses. This standard is met.

**430-35.3 When a convenience grocery is located in the R-25+ District, it shall be pedestrian oriented.**

**Findings:** The proposed development is not located in the R-25+ District. The requirements of this section are not applicable.

**430-35.4 When a convenience grocery is located in the Office Commercial District, hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.**

**Findings:** The proposed development is not located in the Office Commercial District. The requirements of this section are not applicable.

#### **430-123 - Service Station and/or Car Wash**

**A commercial establishment primarily involved with sales and services of motor fuels. In addition, the following may occur: supplying goods and services generally required in the operation and maintenance of automotive vehicles, including sales of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items; car washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. No merchandise or incidental items, including prizes or premiums, shall be displayed outside an enclosed building. Major automotive repairs, painting and fender work are excluded. Service Stations and car washes are subject to the following:**

##### **430-123.1 Entrances and Exits**

**A. Access shall be determined based upon a site inspection which considers:**

- (1) Site size;**
- (2) Road classification;**
- (3) Sight distance and allowed m.p.h.; and**
- (4) Adjacent development.**

**B. Consolidation of access with adjoining uses shall be encouraged, particularly when the proposed driveway is within ten (10) feet of the side property line.**

**Findings:** The Applicant's proposed access points have been selected in order to create a mid-block access to the site from West Union and a second access point which will create a fourth leg of an existing intersection. The proposed access point is the most logical access point given the site's frontage and the proposed use.

**430-123.2 Lighting, sign illumination, height and hours of operation may be restricted through the development review process in consideration of possible negative impact on nearby residential uses.**

**Findings:** The Applicant has submitted a Site Photometrics Plan (Sheet E1.0) detailing the anticipated distribution of proposed lighting. Lighting has been designed to minimize impacts on surrounding residential uses. The proposed pole-mounted sign will not be illuminated. The proposed height and hours of operation are in conformance with the requirements of the underlying zoning district and will not negatively impact surrounding uses. This standard is met.

**430-123.3 No display of merchandise outside the building except small items such as oil, windshield wiper blades and tires (limited to one rack of twenty [20]).**

**Findings:** The applicant acknowledges that the display of merchandise outside the building is limited to small items as listed above.

**430-123.4 No outside storage or sale of vehicles is permitted for more than twenty-four (24) hours per vehicle.**

**Findings:** The applicant acknowledges that no outside storage or sale of vehicles is permitted for more than twenty-four (24) hours per vehicle.

**430-123.5 Hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.**

**Findings:** The proposed development is not located in the Office Commercial District. The requirements of this section are not applicable.

**435 Variance**

**435-4 Variance Criteria**

**A variance may be granted only when the Review Authority makes findings, based upon evidence in the record, that the variance is consistent with all of the following criteria:**

**435-4.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following condition:**

- A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity and the variance is necessary to permit the property to be**

**developed or enjoyed to an extent comparable with other properties in the same district in the area;**

**Findings:** The applicant has requested a variance under the variance standards of Code Section 435 to allow for modified setbacks. The subject site is triangularly shaped and is quite narrow, prohibiting many of the development types which could be located on the site due to dimensional constraints. Further, the property is required to make an 18-foot dedication to the County in order to allow for the future widening of NW West Union Road. An existing stormwater facility located within the widened right-of-way of NW 185<sup>th</sup> along the western property line provides a 40-foot-wide buffer between the back of sidewalk and the proposed building. The remaining size of the parcel is roughly 126 feet deep at the widest point, transitioning to 0 feet of depth across approximately 629 feet. The consolidated lot following the dedication will be 40,119 square feet however, much of the property will be completely unusable due to the dimensions of the site and restrictions upon access from NW West Union. A 4,983 square foot convenience store building has been proposed near the widest part of the site, but the building represents only 12% of the total area available. Habitat on site includes a 537 square foot wetland, 3,853 square feet of enhanced vegetative corridor and an addition of 6,713 square feet of created vegetative corridor for on-site mitigation. The total habitat area on site is 11,103 square feet, or 28 percent of the site following the right-of-way dedication. The remainder of the site has been developed for either access or circulation, both of which are necessary for the site to function as a fueling station.

If the site's setbacks were imposed as required, the buildable area would be reduced from approximately 4,983 SF to 2,400 SF, and the resulting building footprint would be smaller in order to maintain a rectangular shape. According to the National Association of Convenience Stores (NASC), a typical convenience store contains approximately 2,800 SF of sales space and 1,900 SF of non-sales area for a total of 4,700 SF. These areas are vital to the feasibility of fueling stations, because the greater margins associated with in-stores sales, particularly food and beverage, are necessary to offset the slim and typically volatile margins associated with fuel sales. Therefore, a smaller building footprint would significantly impact the financial feasibility of the project and render the proposed use of the site as a retail market and fueling station unviable.

This site is unique to other sites within the area in that it carries a commercial zoning designation but the opportunities for access and building placement are dramatically restricted. The applicant's proposal represents a reasonable and non-invasive opportunity to utilize the site in a manner which is comparable with other properties in the area.

The proposed variations in setbacks have been listed in the table below.

	Required Setback	Proposed Setback
Front	20 feet	2 feet

Side (corner)	20 feet	10 feet
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**435-4.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation;**

**Findings:** The restriction of buildable area imposed by the required setbacks are a result of the irregular geometry of the lots and exacerbated via the provision of an 18-foot dedication to the county to allow for the future widening of NW West Union Road. This hardship did not result from the actions of the applicant, owner, or previous owners.

**435-4.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available;**

**Findings:** The proposed variance is not intended to avoid any site design standards of this Code. The site requires an 18-foot right-of-way dedication, as well as on-site enhancement of the degraded vegetative corridor along the southern property line. The proposed layout has been designed to facilitate safe movement of vehicles and fueling trucks on to and through the site. The convenience store will be two stories, which reduces the ground floor building footprint on the site to accommodate the retail space, with storage and mechanical equipment located on the second floor.

There is not a viable alternative design that meets the setback requirements without a variance.

**435-4.4 Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:**

- A. Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties;**
- B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and**

**Findings:** The subject site is oriented in such a manner that the proposed variance would have minimal impact on surrounding uses. To the north and west of the site are two arterials separating the use from adjacent uses. The site tapers on the eastern end with no abutting property, and to the south is Bethany Creek, which will not be substantially impacted by the proposed variance. The proposed building will be constructed of low-maintenance materials, which will not require a front yard setback to maintain. This standard is met.

**435-4.5 The variance will allow the property to be used only for purposes authorized by this Code.**

**Findings:** The granting of this variance will allow the property to be utilized as a Service Station, which is a use permitted in the underlying zoning district.

**435-4.6 The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.**

**Findings:** The Applicant acknowledges the authority of the decision-making body to impose conditions deemed necessary to mitigate any adverse impacts.

**501 Public Facility and Service Requirements**

**501-6 Exceptions for Critical and Essential Services**

**501-6.1 Development proposals that cannot ensure critical and essential services other than those required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless all of the following findings can be made:**

**B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;**

**Findings:** The applicant does not propose half-street improvements at this time as NW West Union Road has been identified as a future Capital Improvement Project by the County. The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage in order to accommodate future improvements. This standard is met.

**C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and**

**Findings:** Attached to this application is a Transportation Operations Assessment submitted under Attachment D, which concludes that the existing transportation and access facilities will be able to accommodate the proposed development. Sidewalk replacement will be provided in the areas disturbed by the development to ensure the proposal will not cause a danger to the public or nearby residents. This standard is met.

**501-6.3 Development proposals that cannot ensure improvements required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.**

**A. Within five hundred (500) feet of the subject site (not including the subject site), measured in each direction along the frontage road, but not beyond the nearest intersecting Collector or Arterial road:**

**(1) No similar frontage improvements exist on the same side of the street as the subject site; and**

- (2) Seventy-five (75) percent or more of the parcels fronting on the same side as the subject site cannot be divided based on the allowed minimum lot size or density requirements of the applicable land use district(s).**

**Findings:** NW West Union Road is planned for a future widening of the roadway to accommodate a second westbound through lane. These improvements have not been developed on the south side of NW West Union Road within 500 feet of the subject property boundaries, measured in each direction along West Union Road but not beyond its intersection with NW 185<sup>th</sup> Avenue. Additionally, more than 75% of the parcels fronting on the south side of West Union Road cannot be divided based on the allowed minimum lot size requirements of the land use district in which it resides.

The applicant is providing an 18-ft dedication of right-of-way for the purpose of expanding the roadway, which is a sufficient and proportionate contribution from the property owner.

Therefore, and in accordance with 501-6.3(A), half street improvements are not required in conjunction with the development of the proposed project.

## **501-8 Standards for Development**

### **501-8.1 Critical Services**

- A. An applicant for development shall provide documentation from the appropriate non-county service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.**

**Findings:** The Applicant has provided all necessary service provider letters to document that the site is able to be served by critical services, including water, sewer and fire protection. This standard is met.

- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:**

- (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries or future roadway alignments designated in the Washington County Transportation System Plan (TSP). Roadways shall be developed in accordance with Washington County's Road Design and Construction Standards and roadway alignments designated in the TSP may be adjusted within the subject property as approved by the County Engineer; and**

**Findings:** The subject site is not located on local or neighborhood route roads. The requirements of this section are not applicable.

- (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation System Plan, likely to attract the highest traffic volume from the proposed development (based on existing and/or forecast traffic volumes) the road(s) must meet the following minimum standards:

**Findings:** The subject site is not located on an access road. The requirements of this section are not applicable.

- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.

**Findings:** The subject site does not abut an existing Local or Neighborhood Route stub street. The requirements of this section are not applicable.

- (4) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

**Applicant's Findings:** The subject site does not abut an existing Local or Neighborhood Route stub street. The requirements of this section are not applicable.

- C. No development shall be approved without adequate drainage as prescribed by the county Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for stormwater, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.

**Findings:** The applicant has provided a preliminary drainage report which provides a detailed analysis of the proposed drainage system on site. The proposed system has been designed to meet all applicable standards.

- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

**Findings:** The subject site is not located outside of the Washington County Urban Road Maintenance District. This standard is met.

- E. For development in a Transit Oriented District, or development outside a Transit Oriented District but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

**Findings:** The subject site is not located in a Transit Oriented District or a Special Area street. The requirements of this section are not applicable.

## **501-8.2 Essential Services**

### **A. Service Provider Documentation**

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency, trail provider and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.
- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time-frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
  - (a) Schools:
    - (i) Amount of bonded indebtedness;
    - (ii) Use of double shifting;
    - (iii) Extended school periods;
    - (iv) Bussing to underutilized facilities;
    - (v) Year-round school;
    - (vi) Construction of new facilities;
    - (vii) Portable classrooms;
    - (viii) Impact fees;
    - (ix) Any combination of these or other alternatives.
  - (b) Police or Sheriff Services:
    - (i) Contracting with private agency;
    - (ii) Contracting with other public agency;
    - (iii) Impact fees;
    - (iv) Any combination of these or other alternatives.
  - (c) Provision of Transit Improvements:

- (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.
  - (ii) Property located along a Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station; as designated on the Transportation System Plan. If an existing or planned transit stop is located in front of the subject property, the Transit District may request via the service availability letter that the county require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements.
- (3) Additionally, the Transit District may relocate a stop or request via the service availability letter that the county require a new stop in front of the property along with an easement at the stop. The Transit District shall make the determination as to whether or not additional right-of-way or an easement is necessary.
- (iii) Properties subject to this section may also be subject to more expansive transit related requirements as set forth in Section 380, Convenient Access to Transit Overlay District.
- (d) Regional Trails
- (i) The applicant shall provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any identified Regional Trail on the Transportation System Plan; and
  - (ii) The applicant shall include in the submitted site plan any open space or easement reservation or dedication area and/or off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (i) above.

**Findings:** The applicant has provided Service Provider Letters from all necessary services, as identified in the pre-application conference notes documenting adequate service for the site.

#### **B. Adequate Level of Arterial and Collector Roads**

- (1) No development shall be approved without an adequate level of Arterial and Collector roads available to the proposed development in place or assured at the

time of occupancy. This requirement is satisfied by payment of the Transportation Development Tax. In addition, payment of the Transportation Development Tax is not an assurance for improvements required by Sections 501-8.2 C. through J. In addition to payment of the Transportation Development Tax an applicant shall, at a minimum, assure the following with said assurance provided prior to issuance of a building permit:

- (1) All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development;
- (2) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (1/2) the right-of-way of existing roads lying adjacent to such lands;
- (3) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO);
- (4) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards including Streetscape Overlay and Enhanced Major Street Bikeway designations;
- (5) Access to Arterials and Collectors is in accordance with Section 501-8.5; and
- (6) Collectors or Arterials inside the UGB that abut a site and have an existing gravel surface must be brought up to urban standards in accordance with Section 501-8.2 E.

#### **C. Street Lighting**

- (1) For all new Local, Neighborhood Route, Collector and Arterial streets, and half-street improvements an applicant shall provide street lighting consistent with county engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing county service district for lighting or other funding method approved by the County Engineer.

- D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the county has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage. NW West Union Road has been identified as a future Capital Improvement Project by the County. Additionally, the applicant will provide a

fourth leg to the existing three leg intersection on the site. Sidewalk replacement will be provided in the areas disturbed by the development.

- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing county service district for lighting or other funding method approved by the County Engineer.**

**Findings:** The applicant is not proposing gravel roads. The requirements of this section are not applicable.

- F. Future alignments of Collectors or Arterials as designated on the Transportation System Plan (TSP) or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County TSP and Road Design and Construction Standards. Roadway alignments identified in the TSP may be adjusted within the subject property, as approved by the County Engineer.**

**Findings:** The subject site is not located in an area that has a future alignment of a collector or arterial as designated on the TSP. The requirements of this section are not applicable.

- G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage. NW West Union Road has been identified as a future Capital Improvement Project by the County. Additionally, the applicant will provide a fourth leg to the existing three leg intersection on the site. Sidewalk replacement will be provided in the areas disturbed by the development.

- H. For development in a Transit Oriented District, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.**

**Findings:** The subject site is not located in a Transit Oriented District or a Special Area street. The requirements of this section are not applicable.

- I. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient**

**pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage. NW West Union Road has been identified as a future Capital Improvement Project by the County. Additionally, the applicant will provide a fourth leg to the existing three leg intersection on the site. Sidewalk replacement will be provided in the areas disturbed by the development.

**J. When a development site includes frontage on a roadway that is identified as a "Pedestrian Parkway" or "Streetscape Overlay" on the Pedestrian System Map in the Transportation System Plan, the Director shall determine if additional right-of-way, setbacks, easements or right-of-way reservations are required so that implementation of Pedestrian System designations will not be precluded.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage. NW West Union Road has been identified as a future Capital Improvement Project by the County. Additionally, the applicant will provide a fourth leg to the existing three leg intersection on the site. Sidewalk replacement will be provided in the areas disturbed by the development.

**K. Law Enforcement Services**

**(1) No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.**

**Findings:** The applicant has provided a Service Provider Letter from the Washington County Sheriff's office documenting that the site can be adequately served law enforcement.

**L. Applications may be conditioned to provide on- and off-site Regional Trails including appropriate on-site open space or easement reservations or dedications, when identified by the appropriate agency. Applications shall address any regional trail, identified on the Transportation System Plan Pedestrian System map, or the applicable community plan, that is adjacent to or in proximity to the subject site. Specifically, the applicant shall:**

**(a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any Regional Trail or pathway identified on the Transportation**

System Plan Pedestrian System map or on the applicable community plan; and

- (b) Show on the submitted site plans any open space or easement reservation or dedication area for any Regional Trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above.

**Findings:** The subject site does not connect to any on- or off-site Regional Trails. The applicant has not provided additional regional trails.

### 501-8.3 Desirable Services

**A. Pedestrian walkways, Community Trails and other off-street accessways, traffic calming devices, and mid-block crossings, pathways and bicycle facilities**

- (1) Applications may be conditioned to provide Community Trail connections identified on the Transportation System Plan Pedestrian System map, on- and off-site traffic calming devices, on- and off-site mid-block crossings, on- and off-site pedestrian walkways, off-street trails and pathways; and on- and off-site bicycle facilities, including appropriate open space or easement reservations or dedications, when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.

Mid-block crossings or traffic calming devices may be required if all the following circumstances are met:

- (a) The County Engineer makes a written determination that traffic calming devices or mid-block crossings are necessary.
- (b) Placement of traffic calming devices on or within the pavement must be coordinated with fire protection service provider.
- (c) Traffic calming devices and mid-block crossings shall be constructed in accordance with the Road Design and Construction Standards.

**Findings:** The subject site does not connect to any on- or off-site Regional Trails. The applicant has not provided additional regional trails. The proposed development does not include any proposed traffic calming devices, mid-block crossings, off-street trails and pathways. The applicant is providing a sidewalk connection between the proposed building entrance and the sidewalk along the frontage. This standard is met.

- (2) Applications shall address any Community Trail, off-street trail, pathway, walkway or other feature identified on the Transportation System Plan Pedestrian System map or the applicable Community Plan (including facilities identified in Pedestrian Connectivity Areas), that is on, adjacent to or in proximity to the subject site. Specifically, the applicant shall:

- (a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or

- dedications and/or any necessary improvements for any identified Community Trail, on- or off-site walkway, or pathway; and
- (b) Include in the submitted site plan any open space or easement reservation or dedication area and/or Community Trail, off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above.

**Findings:** The subject site does have any identified community trails, off-street trails, pathways, walkways or other features on the Transportation System Plan Pedestrian System map or the applicable Community Plan. This standard is met.

#### **B. Park and recreation facilities**

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:
- (a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,
  - (b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and
  - (c) The Park District has adopted a Park Master Plan for the area the property is located in.
- (2) Provision of park and recreation services to properties added to the UGB after 1998:
- (3) No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.
- (4) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the county a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application.

Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

**Findings:** The subject site is located within the Tualatin Hills Park and Recreation District. This standard is met.

#### **501-8.4 Dedication of Right-of-Way**

**Except as provided in Section 418-2.2, dedication of right-of-way shall be required pursuant to the classification of the facility as designated by the Washington County Transportation System Plan and based upon the county Road Standards.**

**Findings:** The applicant has provided an 18-foot dedication of right-of-way to the County. This standard is met.

#### **501-8.5 Access to public roads**

**All developments shall have legal access to a public road. Except for interim access as provided in Section 501-8.5 E. (Interim Access), access onto any public road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the county road standards and the standards of Section 501.**

##### **A. Roadway Access**

**See following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.**

- (1) Minimum right-of-way radius at intersections shall conform to the county Road Standards.**
- (2) All minimum distances stated in the following sections shall be governed by sight distance requirements according to county Road Standards.**
- (3) All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.**
- (4) All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.**
- (5) Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:**

##### **B. Roadway Access:**

**No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 501-8.5 E. (Interim Access), exceptions to access criteria are provided for in subsection C below. Access spacing shall be measured from existing or approved accesses on either side of a street or road.**

##### **(1) Local Streets**

**Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may**

result in an access spacing greater than ten (10) feet. Interim access may be permitted, pursuant to the standards of Section 501-8.5 E. (Interim Access).

**(2) Neighborhood Routes**

All residential, commercial, institutional and industrial uses with seventy (70) feet or more of frontage will be permitted direct access to a Neighborhood Route. Uses with less than seventy (70) feet of frontage shall not be permitted a permanent single or separate direct access to a Neighborhood Route. Interim access which does not preclude a future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems.

No use will be permitted direct access to a Neighborhood Route within fifty (50) feet of Point "A"; or future "P.I." as designated in or consistent with the Transportation System Plan (TSP). New Neighborhood Route alignments identified in the TSP can be adjusted within the subject property, as approved by the County Engineer. In the case of a Neighborhood Route which is entirely within a development, double aisle parking areas will be permitted direct access to that Neighborhood Route. Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than fifty (50) feet.

**(3) Collectors**

All commercial, industrial and institutional uses with one hundred fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one hundred fifty (150) feet of frontage shall not be permitted direct access to Collectors. Interim access which does not preclude future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. No use will be permitted direct access to a Collector within one hundred (100) feet of any present Point "A"; or future "P.I." as designated in the Transportation System Plan (TSP). New Collector Street alignments identified in the TSP may be adjusted within the subject property, as approved by the County Engineer.

In the case of a Collector which is entirely within a single development and which provides circulation only within that development, double aisle parking

areas will be permitted access to that Collector. Minimum spacing between driveways (Point "C" to Point "C") shall be one hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located to provide adequate left turn refuge as required by Resolution and Order No. 86-95 as modified or updated. This requirement may result in an access spacing greater than one hundred (100) feet.

**(4) Arterials**

Direct access to arterial roads shall be from collector or other arterial streets. Exceptions for local streets and private accesses may be allowed through a Type II process when collector access is found to be unavailable and impracticable by the Director. New Arterial Street alignments identified in the TSP may be adjusted within the subject property, as approved by the County Engineer. Access to arterials shall comply with the following standards:

**(a) Arterials**

Direct access to an arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that Minor Arterial (Point 'C').

**(b) Principal Arterials**

Principal Arterials shall be designed and developed as limited access facilities. Access to a Principal Arterial is subject to approval by ODOT through the State's Access Management Policy and its implementing measures. Access to Tualatin Valley Highway, between SW 170th and SW 209th Avenues, is subject to the provisions of the TV Highway Access Management Plan contained in the Aloha-Reedville-Cooper Mountain Community Plan.

**(c) On sites where direct access may be provided to more than one Arterial or Principal Arterial only one such access shall be granted.**

**Findings:** The subject site is located at the intersection of two arterial roads. Access to the site is proposed via a right-in only along NW West Union Road and a newly constructed south leg of the existing West Union/Albertsons traffic signal. An exception to access criteria has been requested as part of the Access Management Plan application.

**C. Exception to Access Criteria**

**(1) Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the Review Authority after considering the applicant's compliance with this Article.**

**Findings:** Access to the site is proposed via a right-in only along NW West Union Road and a newly constructed south leg of the existing West Union/Albertsons traffic signal. A

Traffic Operations Assessment prepared by Kittelson and Associates has been submitted under Appendix D of this application. This standard is met.

- (2) An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application.**
- (3) An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:**
  - (a) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, as set forth in Section 501-8.5 B., measured from the property lines or access point(s), whichever is greater. For example, a property with five hundred (500) feet of frontage on a minor arterial (required six hundred [600] foot access spacing standard) shall have a minimum study area which is one thousand seventeen hundred (1700) feet in length.**
  - (b) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.**
  - (c) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the county standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.**
  - (d) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.**

**Findings:** A Traffic Operations Assessment prepared by Kittelson and Associates has been submitted under Appendix D of this application. The Traffic Operations Assessment provides explanation for the need for the modification to accommodate heavy vehicle maneuverability. The heavy vehicles will enter the site from the west right-in driveway

and exit the site via the traffic signal. The Traffic Operations Assessment provides an assessment for how the modification will maintain the classified function and integrity of the facility including Washington County Motor Vehicle Performance Measure targets. This standard is met.

- (4) Notice for a proposed access management plan shall include all property owners within the study area defined in 501-8.5 C. (3) (a).**

**Findings:** Notice for the proposed access management plan will include all property owners within the study area. This standard is met.

**D. Access in Transit Oriented Districts and the North Bethany Subarea Plan**

- (2) Access points shown in the Transportation System Plan, on a Community Plan within a Transit Oriented District, or in the North Bethany Subarea Plan are not subject to the access spacing standards and do not need an access spacing variance or an access management plan. However, as part of the development review process, the exact location of such access points shall be determined and safety impacts associated with such access points shall be identified and mitigated. Additional access points are subject to the access spacing standards.**

**Findings:** The subject site is not located within a Transit Oriented District or the North Bethany Subarea. The requirements of this section are not applicable.

**E. Interim Access**

- (3) No development shall be denied a Development Permit for the sole reason that the parcel for which it is sought cannot physically accommodate the access spacing requirements of this Code. In such an event, the use may be issued an interim access permit which shall expire when access as required under Article V becomes available. An interim access permit may be granted based upon the following:**

- (1) The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.**
- (2) The interim access shall meet minimum county traffic safety and operational requirements, including sight distance.**
- (3) Alternate access shall not be deemed adequate and connections to alternate access shall not be required if the resulting route of access would require a trip in excess of one (1) block or five hundred (500) feet out of direction (whichever is less).**
- (4) New interim access locations on Arterials and Collectors shall be posted with a sign. The sign shall note that the access is interim and will be removed once ultimate access is available. The sign and its location shall be approved by the County Engineer.**

- (5) The property owner signs a waiver of the right to remonstrate against the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable county standard.
- (6) The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
- (7) The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.
- (8) The property owner records an agreement stating that the interim access shall ultimately be removed.

**Findings:** Interim access is not proposed. The requirements of this section are not applicable.

#### **F. Sight Distance**

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the county in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

- (4) Inside a UGB, existing access points which do not meet the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section (501-8.5 F.), except as required by Section 501-2.1 A.

Improvements at these existing access points may be required to maximize sight distance to the extent practicable by the county Operations Division through an Access Permit or Right-of-way Permit.

- (5) The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following unless the eighty-five percentile speed is determined to be less by the Review Authority pursuant to the standards of Section 501-8.5 F. (2)(c).
  - (a) Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
  - (b) Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the county.

- (c) **Eighty-five (85) Percentile Speed** - That speed as certified by a registered engineer (Oregon) below which eighty-five (85) percent of all traffic units travel, and above which fifteen (15) percent travel. The eighty-fifth (85) percentile speed shall be measured at the point where the sight restriction occurs.
- (6) The intersectional sight distance shall:**
  - (a) Be based on an eye height of three and one-half (3.5) feet and an object height of four and one-quarter (4.25) feet above the road; and
  - (b) Be assumed to be fifteen (15) feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the eye of the driver of a stopped vehicle.
- (7) Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road as determined by the standards of Section 501-8.5 F. (1) and (2) such as in the following table.**
- (8) Intersectional sight distance values shall conform with section (3) and (4) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the AASHTO remaining sight distance standards.**
- (9) For land development actions, the following specifies the procedure for determining whether or not minimum sight distance requirements are met:**
  - (a) Current Planning personnel will review the Traffic Impact Statement.
  - (b) County personnel will perform the initial sight distance measurements.
  - (c) If the measurements made under (b) above do not meet the minimum requirements shown in the table, the applicant may retain a State of Oregon registered professional engineer to perform the field measurements. If the applicant's engineer does perform the measurements and submits the information to the county for acceptance, the information must bear the stamp and signature of the engineer and must meet the minimum sight distance requirements.
- (10) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:**
  - (a) Submitted and certified by a registered engineer (Oregon);
  - (b) Documented and reference nationally accepted specifications or standards;

- (c) Certified that the modification will not compromise safety or the intent of the county's transportation standards, which include but are not limited to the following: Washington County Transportation System Plan; Washington County Road Design and Construction Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the Traffic Impact Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;
- (d) The cost of any modifications agreed to must be borne by the applicant; and
- (e) There shall be no location available to provide access to the proposed development site which currently meets the sight distance requirements, or which can be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:
  - 1. Any location on the proposed development site which meets or can meet the sight distance requirements; or
  - 2. Any location off the proposed development site which:
    - (i) Can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application; and
    - (ii) Meets or can meet the sight distance requirements.

**Findings:** A sight-distance analysis has been provided for the proposed accesses under Appendix D. This standard is met.

#### **G. Motor Vehicle Access Restriction**

(11) In order to implement the access spacing and safety requirements of this article, a motor vehicle access restriction shall be recorded along a development site's frontage on a Collector or Arterial road, except at approved motor vehicle access locations. The Review Authority may require a motor vehicle access restriction to be recorded along a site's frontage on a Local or Neighborhood Route street that intersects with a Collector or Arterial road in order to address operational and safety concerns at the intersection(s).

(12) The motor vehicle access restriction shall be recorded as a restrictive covenant or, if a plat is filed, as a partition or subdivision plat restriction.

**Findings:** The applicant acknowledges that a motor vehicle access restriction may be recorded along the development site's frontage on NW West Union Road.

## H. Road Standards

- (13) All roads proposed to be of public ownership shall conform to the county Road Standards.
- (14) All proposed curve radii shall be designed to county Road Standards for truck-turning requirements.
- (15) All roads not proposed to be of public ownership shall conform to Section 409 (Private Streets).

**Findings:** The proposed development does not include new roadways. The requirements of this section are not applicable.

## 605 – Land Divisions and Property Line Adjustments Inside a UGB

### 605-1 Property Line Adjustment (Property Line Relocation)

A property line adjustment is the relocation or consolidation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

#### 605-1.1

##### A. General Limitations

Property line adjustments are limited as follows:

- (1) Existing lots or parcels reduced in size by a property line adjustment may not be reduced below the minimum lot size established by the applicable land use district, unless authorized by Section 605-1.1 B.
- (2) For property line adjustments on lots or parcels with two or more land use districts, the minimum lot size shall be based on the predominant land use district of the parcel.

##### B. Property Line Adjustments Permitted Through a Type I Procedure

Property line adjustments shall be processed through a Type I procedure, unless otherwise specified in this Code, provided that:

- (1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or
- (2) Equal land areas are exchanged; or
- (3) For properties entirely outside the boundary of a city, one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable district before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable district; or
- (4) For properties entirely outside the boundary of a city, both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the property line adjustment.

**Findings:** The subject site exceeds the minimum lot size for the NC zone. Therefore, the requirements of this section are applicable.

### **605-1.2 Submission Requirements**

In addition to the requirements of Section 203-4, all applications for a property line adjustment shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s).
- B. A plot plan showing:
  - (1) All existing and proposed lot lines;
  - (2) All existing and proposed structures;
  - (3) Existing and proposed easements;
  - (4) The location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding; and
  - (5) The location of any water quality sensitive areas and vegetated corridors.
- C. Existing and proposed lot sizes.

**Findings:** A tentative plat showing the proposed information has been submitted under Appendix E of this application.

### **605-1.3 Review Standards**

The proposed property line adjustment must be found to comply with the applicable provisions of this Code and the applicable Community Plan, including the definition set forth above and the dimensional requirements of the district except as described in Section 605-1.1 B. No property line adjustment shall result in a boundary line that violates the setback standards of the applicable land use district unless a variance to the setback is approved. Property line adjustments shall comply with Section 501-8.5 (Access to county and public roads) except as provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 F., (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.

### **605-1.4 Survey Requirements**

As set forth in Section 602-11.

### **605-1.5 Filing and Recording**

As set forth in Section 602-1.

**Findings:** Attached to this application is a Partition Plan (Sheet 201) detailing the proposed PLA with all required components listed above.

## **Sunset West Community Plan**

### **General Design Elements**

1. In the design of new development, flood plains, drainage hazard areas, streams and their tributaries, riparian and wooded areas, steep slopes, scenic features, and power line easements and rights-of-way shall be:

- a. used to accent, define, or separate areas of differing residential densities and differing planned land uses;
- b. preserved and protected consistent with the provisions of the Community Development Code to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community; and
- c. where appropriate, interconnected as part of a park and open space system.

**Findings:** The subject site is located north of a drainage hazard area, riparian and wooded area, and power line easement. Attached to this application is a Natural Resource Assessment (Appendix D), detailing the proposed mitigation and enhancement strategies to ensure the area will be preserved and protected consistent with the provisions of the Community Development Code.

2. **Master Planning-Planned Development and/or Master Planning-Primary Use shall be required for development on land which includes a Significant Natural Resource and steep slopes as a means of protecting the resource while accommodating new development. A density transfer from the resource area to the buildable portion shall be allowed for any Significant Natural Resource site as specified in the Community Development Code.**

**Findings:** The subject site does not contain a Significant Natural Resource as shown on Map 4.1 of the Sunset West Community Plan. The requirements of this section do not apply.

3. **Trees located within a Significant Natural Resource area shall not be removed without first obtaining a development permit for tree removal as provided for within the Community Development Code. A permit shall not be required for tree removal from powerline rights-of-way, public parks and playgrounds, or mineral aggregate sites.**

**Findings:** The applicant does not propose the removal of a tree within a Significant Natural Resource area. The requirements of this section do not apply.

4. **Significant historical and/or cultural resources shall not be altered, defaced, demolished or relocated without first obtaining a development permit as provided for in the Historic and Cultural Management Overlay District contained in the Community Development Code.**

**Findings:** The subject parcel does not contain significant historical or cultural resources. The requirements of this section do not apply.

5. **All new subdivisions, attached unit residential developments, and commercial development shall provide for pedestrian/bicycle pathways which allow public access through or along the development and connect adjacent developments and/or shopping areas, schools, public transit, and park and recreation sites.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage, which will provide bicycle pathways when improved. Any disturbed sidewalks will be replaced by the applicant to preserve pedestrian access along the development. This standard is met.

**6. Open space shall be utilized for park and recreation facilities or passive recreation and dedicated to the appropriate recreation service provider wherever feasible.**

**Findings:** The subject parcel does not contain designated open space. The requirements of this section do not apply.

**7. Bicycle parking facilities shall be required as part of all commercial, industrial and institutional developments. Residential developments which have parking lots of 20 or more spaces shall provide bicycle parking facilities.**

**Findings:** The applicant has provided two short-term bicycle parking stalls and two long-term bicycle parking stalls, consistent with the requirements in Section 429. This standard is met.

**8. In the design of road improvements that are required of new development to meet the County's growth management policies, pedestrian/ bicycle pathways identified in Washington County's Transportation System Plan (TSP) shall be included.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage, which will provide bicycle pathways when improved. This standard is met.

**9. The County shall emphasize non-auto (transit, bicycle and pedestrian) measures as an interim solution to circulation issues. These measures shall be used to facilitate access to transit centers.**

**Findings:** The Applicant has submitted a circulation analysis which meets the requirements of Section 408. The site has approximately 500 linear feet of frontage but only a small portion of the site will be constructed with a building – the convenience store. A pedestrian connection has been provided along the street's frontage to allow for direct and convenient access to the store.

**10. Noise reduction measures shall be incorporated into all new developments located adjacent to Arterials and Collectors. Noise reduction alternatives include vegetative buffers, berms, wall and other design techniques such as insulation, setbacks and orientation of windows away from the road.**

**Findings:** Landscaping, buffering, and setbacks are not proposed as noise reduction measures given the proposed use as a service station and site dimensional limitations. However, the proposed retail store features insulation and windows oriented away from the adjacent arterials to mitigate noise.

**11. Where the impact of noise and lighting associated with commercial or industrial uses on adjacent residential areas does not meet the standards in the Community Development Code, the commercial development shall be subject to limited hours of operation.**

**Findings:** The Applicant has submitted a Photometric Plan (Sheet 1.0) demonstrating mitigation of light trespass onto adjacent properties. Noise associated with the proposed use

will be comparable to the existing traffic noise on the adjacent arterials. Therefore, the requirements of this section do not apply.

- 12. New development shall, when determined appropriate through the development review process, dedicate right-of-way for road extensions and alignments indicated in Washington County's TSP Plan or the Sunset West Community Plan. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.**

**Findings:** The applicant is providing an 18-foot right-of-way dedication for NW West Union Road along the property frontage to accommodate future improvements per the County's Capital Improvements Program. This standard is met.

- 13. New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible.**

**Findings:** The proposed development includes a right-in only access and a signalized access on to NW West Union Road, an Arterial. The applicant has provided a Traffic Impact Statement and Access Management Plan. The access configuration has been designed to allow for large fuel vehicles to access and exit the site without having to back up on site. This standard is met.

- 14. Commercial and industrial development adjacent to the Sunset Highway shall consider through building siting, landscaping, setbacks and other design techniques, impacts to the visual corridor created by the highway. Steps shall be taken during the development review process to minimize impacts and intrusions to the visual features of the Sunset Highway Corridor.**

**Findings:** The subject parcel is not located adjacent to the Sunset Highway. The requirements of this section do not apply.

- 15. Certain industrial properties within the Sunset West Community Planning area have received land development approvals based upon the assumption of the ultimate development pattern being a mix of fifty percent (50%) industrial uses and fifty percent (50%) office-related uses. Development and growth management approvals have been received by Cornell Oaks and Twin Oaks based upon this mixed-use assumption. Therefore, they have met the standards for the industrial Business Park in the 1983 Community Development Code and can continue to proceed with development actions based upon previously granted approvals and conditions regarding the mixture of industrial and office uses. Prior to March 1, 1984, industrial developments receiving growth management approvals based upon a 50/50 mix of office and industrial land uses, shall be permitted to proceed based upon approvals granted and conditions applied.**

**Findings:** The proposed use is not an industrial or office-related use. The requirements of this section do not apply.

**16. The required amount of parking for development shall be determined by the Parking Maximum Designations and the standards of the Community Development Code.**

**Findings:** As discussed earlier in this narrative, the proposed development meets the applicable requirements of Section 413.

**Rock Creek Design Elements**

**1. Three creeks cross the Rock Creek subarea: Rock Creek, Bronson Creek and Willow Creek. Portions of Rock Creek and Willow Creek have already been preserved and incorporated into site development plans as open space during previous land development actions. As development continues, flood plains shall be preserved, protected and incorporated into site development plans as set forth in the Community Development Code. These steps are particularly important for the Bronson Creek flood plain which is relatively undisturbed by adjacent development. Additionally, Bronson Creek is used as a buffer between low density and medium density areas.**

**Applicant's Findings:** The proposed development is not adjacent to Rock, Bronson, or Willow Creek. The proposed development abuts Bethany Creek, and attached to this application is a Natural Resource assessment detailing the proposed mitigation and enhancement techniques to preserve and protect natural resources associated with the flood plain. This standard is met.

**2. Power line easements provide an opportunity to establish a multi-purpose trail system in the Sunset West planning area. This has already been demonstrated in both the Rock Creek and Oak Hills areas where soccer fields and bicycle paths are found in the power line easements. The power line easement in the central portion of the Rock Creek subarea has been identified as a part of the proposed off right-of-way bike route system in the TSP. For development that occurs adjacent to the power line easement, the opportunity to establish a bike route using the power line easement shall be considered an important site design element in the development review process.**

**Findings:** The proposed development is not located adjacent to the power line easement identified in this standard. The requirements of this section do not apply.

**SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the County's Planning Department of this application for a Type III Special Use Development Review Application with Variances.