



Washington County
Department of Land Use and Transportation
Current Planning Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE III

CPO: 7 **COMMUNITY PLAN:**
Sunset West

LAND USE DISTRICT:
Neighborhood Commercial (NC)

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 1N1 19BC
LOT#'S: 500 and 600
SITE SIZE: 1.21 acres
ADDRESS: 18450 NW West Union Road

PROPOSED DEVELOPMENT ACTION: Special Use and Development Review approval for a two story, 4,428 square foot commercial development, "Chevron Market," (Convenience Market / Gas Pumps / Drive-Thru) served by 4 fueling islands (8 pumps) and 22 parking spaces, an Access Management Plan for access to NW West Union Road, and a Half-Street Exception for improvements to NW West Union Road.

November 17, 2022

RECOMMENDATION:

The required findings have been made for the applicable Code sections. When implemented in accordance with the Recommended Conditions of Approval and the approved final plans, staff believes that the project will be in compliance with the Washington County Community Development Code (CDC) and the Transportation System Plan (TSP).

Staff recommends the Hearing's Officer approve the applicant's request, except for the half-street exception, subject to the Recommended Conditions of Approval set forth in Attachment "B" of this report

Staff Planner: Paul Schaefer, 503-846-3832

- Attachments
- A. -- Vicinity Map
 - B. -- RECOMMENDED CONDITIONS OF APPROVAL**
 - C. -- Staff Report
 - D. -- Transportation Report with Attachment D1
 - E. -- Street Trees

CASEFILE: L2200199-SU/SU/SU/D(C)/AMP/M

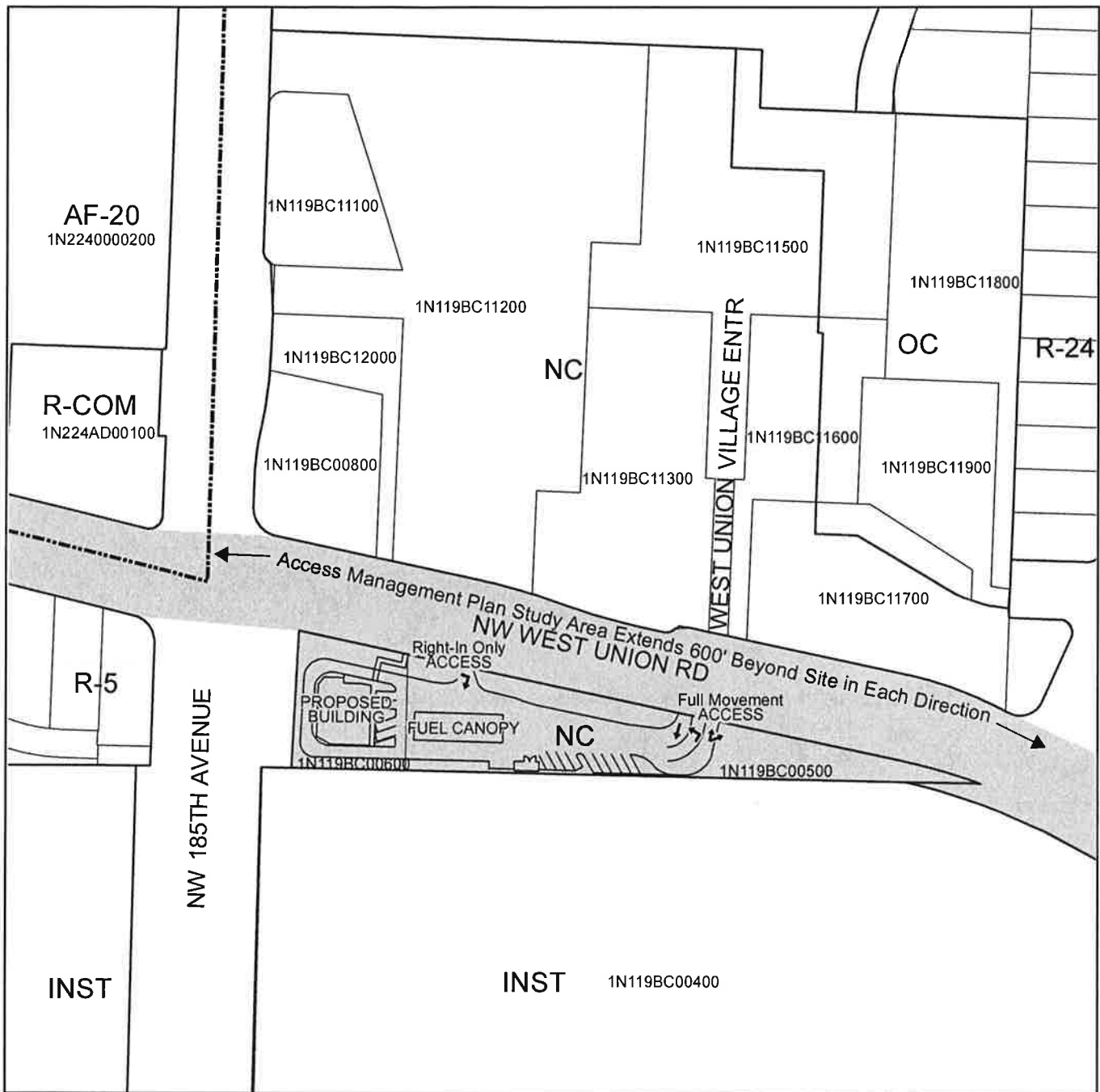
APPLICANT & OWNER:

CJRW LLC / Mr. Bob Barman
P.O. Box 2092
Lake Oswego, OR 97035

APPLICANT'S REPRESENTATIVE:

3J Consulting
Attn: Mercedes Serra
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008

LOCATION: At the southeast corner of the intersection of NW West Union Road and NW 185th Avenue.



↑ NORTH

■ AREA OF CONSIDERATION

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

- Neighborhood Commercial District (NC)
- Institutional District (INST)
- Office Commercial District (OC)
- R-5 District (Residential 5 units/acre)
- R-9 District (Residential 9 units/acre)
- R-24 District (Residential 24 units/acre)

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
 - ARTICLE I, Introduction & General Provisions
 - ARTICLE II, Procedures
 - ARTICLE III, Land Use Districts
 - ARTICLE IV, Development Standards
 - ARTICLE V, Public Facilities and Services
 - ARTICLE VI, Land Divisions & Lot Line Adjustments
 - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

RECOMMENDED CONDITIONS OF APPROVAL

I. **PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES THE APPLICANT SHALL:**

A. **Submit to Building Services Division (503-846-3470) for review and approval:**

1. A Grading Permit application. The application shall include detailed plans as required under CDC Section 410-1.2, as well as submittal requirements noted under CDC Section 410-2.1 and 410-2.2 of the Community Development Code.
2. A site utility permit may be required for all private work.
3. Site specific geotechnical engineering report with recommendations for the development of the site is required. The report should be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
4. Provide driveway/drive aisles/parking lot structural details on the plans per site specific geotechnical engineering recommendations.
5. Provide drainage analysis report stamped by a civil engineer that shows that the additional impervious areas as a result of this proposed work will not impact the surrounding properties negatively per **WCC 14.12.310**.

B. **A Clean Water Services (CWS) Site Development Permit must be obtained. Application for CWS Site Development Permit must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22 (CWS Standards), or prior standards as meeting the implementation policy of R&O 18-28, and is to include:**

1. Compliance with all CWS Standards.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance; project will require a 1200-CN Erosion Control Permit.
3. A drainage report including a downstream drainage analysis meeting the requirements of R&O 19-5, Section 2.04.2.m will be required. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow as provided in the above named design standards.
4. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
5. Plans showing storm service requirements to the site. If private lot LIDA systems proposed, must comply with the current CWS Standards and Washington County Plumbing Standards.
6. Any offsite sanitary or storm sewer improvements identified as part of this development may require additional offsite street improvements/restorations. All transportation-related infrastructure, (including but not limited to roadway surfaces and base material) influenced by sanitary or storm sewer improvements, shall be restored to original or better condition.
7. Provisions for water quality in accordance with the requirements of the above-named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5 Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.

8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to Clean Water Services.
9. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
10. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 21-000384, dated June 14, 2022.
11. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
12. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
13. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.
14. Any proposed offsite construction activities will require an update to the current Service Provider Letter for this project.

PRIOR TO SEWER CONNECTION PERMIT ISSUANCE

1. **The above noted improvements must be completed to CWS satisfaction.**
 2. **The as-constructed drawings (as-builts), or a bond guaranteeing the as-builts, shall be submitted and accepted by CWS.**
- C. Submit to Land Development Services (Project Planner Paul Schaefer, 503-846-3832):**
1. Submit a completed FEMA-issued Elevation Certificate certified by a professional land surveyor documenting the 100-year flood elevation and evidence of field marks of this elevation provided on site (**prior to any right-of-way disturbances or construction**) if any portion of the proposed project is found to be within the FEMA Special Flood Hazard Area (100-Year Floodplain / Base Flood Elevation 175.9 feet [1988 NAV]). No structures are allowed within this area without additional review.
 2. Copies of all applicable Underground Storage Tank Permits and Certifications issued by Oregon DEQ.
 3. As applicable, documentation from the Fire Marshal demonstrating compliance with TVF&R Permit 2022-0048.

II. PRIOR TO FINAL APPROVAL (WITHIN FOUR YEARS OF OBTAINING PRELIMINARY APPROVAL):

- A. The following documents shall be executed (Contact John Kidd, Survey Division, 503-846-7932):**
1. Dedication of right-of-way for **NW 185th Avenue** to a County Arterial standard designation to provide adequate corner radius and pedestrian/utility easements, as approved by the County Engineer.
 2. Dedication of right-of-way for **NW West Union Road** to a County Arterial standard designation to provide a total of 18 feet of right-of-way from legal

centerline, including adequate corner radius and pedestrian/utility easements, as approved by the County Engineer as applicable to provide 48 feet from centerline.

3. A ten (10) foot Public Utility Easement along NW West Union Road.
4. Vehicular access restrictions along the entire frontage of NW 185th Avenue.
5. Vehicular access restrictions along the entire frontage of NW West Union Road, except at the approved location(s).

B. Submit to Current Planning Services, Public Assurance Staff (503-846-3842):

1. Completed "Design Option" form.
2. \$39,000 Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail regarding uploading plans and documents properly. In short: (a) Upload plans into the "Plans" folder, and (b) Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

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Upon final compliance review you will receive an e-mail with final instructions; i.e. download, print and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements (see II. E. below):

- a. Complete **NW West Union Road** half-street improvements to a county Arterial (A-1) standard with the Enhanced Major Street Bikeway designation to include but not limited to the following: paving, sidewalk, planter strip, curb and gutter, ADA ramps, street trees, signing, illumination, utility re-location, bike lane, and drainage and two commercial driveways. Improvements required for the two accesses are further described below:

- i. Construct the right-in only access to restrict the access as right-in only approximately 300 feet east of NW 185th Avenue. *Noting the current design does not provide enough of a design constraint to prevent west-bound traffic from turning left into the site from the right-turn only access. Traffic Engineering will need to approve the right-in only access design prior to issuance of the Facility Permit or other access permit authorizing construction of the right-in only access.*
 - ii. Construct the new eastern driveway directly opposite the entrance to the West Union Village Shopping Center and construct the south leg of the existing West Union Road/Albertsons signal with two outbound lanes (one left turn lane and one shared through/right turn lane) and one inbound lane. Coordinate with Washington County, design and construct the new added traffic signal for the proposed access and modify the existing traffic signal as needed.
 - iii. Install protected-plus-permitted left turn phasing capacity for the EB-to-NB left turn movement at the West Union Village Drive/West Union Road intersection prior to the issuance of certificate of the building occupancy.
 - iv. Upgrade the existing traffic signal and pedestrian actuation, at the entrance to accommodate the new four-legged intersection. Complete intersection improvements including, but not limited to, sidewalk, ADA ramps and crosswalks.
- b. Proposed improvements shall align with the ultimate improvements west of NW 185th Ave, designed by Washington County Department of Land Use & Transportation – Capital Project Management Division.
 - c. Upgrade the existing traffic signal and pedestrian actuation at the NW West Union/185th Avenue intersection to accommodate the new road section.
 - d. Provide adequate illumination at the proposed right-in access on NW West Union Road. Direct technical questions concerning this condition or the current Roadway Illumination Standards to Traffic Engineering, at (503) 846-7950.
 - e. All other existing accesses shall be closed.
 - f. Repair/replacement of any damaged/broken sidewalk panels on NW 185th Avenue, as applicable.
 - g. Construct sidewalk to connect to the existing sidewalks located east of the site fronting Tax Lot 1N119BC00400. Noting that the application materials stated that the applicant agreed to complete the off-site sidewalk section to fill the sidewalk gap.
 - h. Relocate utilities that are in conflict with street improvements.

NOTE: *These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards and Roadway Illumination Standards.*

Direct technical questions concerning street lighting or the current Roadway Illumination Standards to the Traffic Engineering Division at 503-846-7950.

These improvements shall be completed and accepted by the County prior to final building inspection approval or occupancy, unless otherwise specified in the Public Improvement Contract.

4. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).
5. Geotech/Pavement report prepared and signed by a licensed Oregon engineer supporting the roadway sections.
6. Relocate utilities that are in conflict with street improvements.
7. Provide a Pavement Report prepared by a Professional Engineer. The report will include recommendations for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include but is not limited to the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus and laboratory test results. Contact Rob Saxton at Rob_Saxton@co.washington.or.us prior to field investigation.

C. Obtain Departmental approval, provide financial assurance and obtain a Facility Permit for construction of the public improvements listed in Conditions II.B.

NOTE: The Public Assurances staff of Current Planning Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.

D. As applicable, ensure the maintenance and power costs of streetlight facilities through the petition for service and formation of a Service District for Lighting (SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to plat recordation or acceptance of the public improvements.

NOTE: Contact Administrative Services, 503-846-3679. The formation process takes approximately 4 to 6 weeks. You must also establish a job with PGE by contacting 503-323-6700.

E. As an alternative to completing Conditions of Approval II.B., C., and D., the applicant can complete Conditions of Approval II.E., F., and G. Submit to Current Planning Services, Public Assurance Staff (503-846-3842):

1. Completed "Design Option" form.
2. \$39,000 Administration Deposit.

*NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail regarding uploading plans and documents properly. In short: (a) Upload plans into the "Plans" folder, and (b) Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

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Upon final compliance review you will receive an e-mail with final instructions; i.e. download, print and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements:

- a. Remove the existing curb & sidewalk and install a commercial driveway directly across the entrance to the West Union Village Shopping Mall. Construct the south leg of the existing West Union Road/Albertsons signal with two outbound lanes (one left turn lane and one shared through/right turn lane) and one inbound lane. Coordinate with Washington County, design and construct the new added traffic signal for the proposed access and modify the existing traffic signal as needed.
- b. Upgrade the existing traffic signal and pedestrian actuation, at the entrance to accommodate the new four-legged intersection. Complete intersection improvements including, but not limited to, sidewalk, ADA ramps and crosswalks.
- c. Remove the existing curb & sidewalk and install a right-in only commercial driveway approximately 300 feet east of NW 185th Ave. *Traffic Engineering will need to approve the right-in only access design prior to issuance of the Facility Permit or other access permit authorizing construction of the right-in only access.*
- d. Evaluate and replace any missing, broken, damaged, sub-standard, or non-compliant ADA sidewalk, ramps, and driveways per the direction of the County. Also evaluate the existing pavement and provide necessary repair/reconstruction to the street centerline as described in item 5 below.
- e. Upgrade the existing ramps at the southeast corner of the NW West Union/NW 185th Avenue intersection to current ADA standards. *At the option of the applicant, construct non-contiguous ADA ramps at the other 3 corners of the intersection to ADA standards. This option is TDT creditable.*
- f. Design ultimate half-street improvements described in Condition II.B.3. above for future construction of the improvements by Washington County.
- g. Apply the design to compute a cost estimate for construction of the ultimate improvements including relocation and removal of existing facilities.
- h. Apply ODOT, RS Means or other numbers that reflect prevailing wages in calculation of the cost estimate for a fee-in-lieu to be paid to the County and pay the county-approved fee-in-lieu.

- i. Install protected-plus-permitted left turn phasing capacity for the EB-to-NB left turn movement at the West Union Village Drive/West Union Road intersection prior to the issuance of certificate of the building occupancy.
- j. Provide adequate illumination at the proposed right-in access on NW West Union Road. Direct technical questions concerning this condition or the current Roadway Illumination Standards to Traffic Engineering, at (503) 846-7950.
- k. All other existing accesses shall be closed.
- l. Construct sidewalk to connect to the existing sidewalks located east of the site fronting Tax Lot 1N119BC00400. Noting that the application materials stated that the applicant agreed to complete the off-site sidewalk section to fill the sidewalk gap.

NOTE: *These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards and Roadway Illumination Standards.*

Direct technical questions concerning street lighting or the current Roadway Illumination Standards to the Traffic Engineering Division at 503-846-7950.

These improvements shall be completed and accepted by the County prior to final building inspection approval or occupancy, unless otherwise specified in the Public Improvement Contract.

3. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).
 4. Geotech/Pavement report prepared and signed by a licensed Oregon engineer supporting the roadway sections.
 5. Provide a Pavement Report prepared by a Professional Engineer. The report will include recommendations as applicable for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include but is not limited to the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus and laboratory test results. Contact Rob Saxton at Rob_Saxton@co.washington.or.us prior to field investigation.
- F. Obtain Departmental approval, provide financial assurance, including payment of fee-in-lieu, and obtain a Facility Permit for construction of the public improvements listed in Conditions II.E.**
- NOTE:** *The Public Assurances staff of Current Planning Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.*
- G. As applicable, ensure the maintenance and power costs of streetlight facilities through the petition for service and formation of a Service District for Lighting (SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to plat recordation or acceptance of the public improvements.**

NOTE: *Contact Administrative Services, 503-846-3679. The formation process takes approximately 4 to 6 weeks. You must also establish a job with PGE by contacting 503-323-6700.*

H. Submit to Land Development Services (Project Planner Paul Schaefer, 503-846-3832), for review and approval:

1. Final Approval form (Type I procedure).

NOTE: The final approval application shall contain complete evidence that all Conditions of Approval to occur prior to final approval have been met.

2. Final Approval fee.

3. Final plans and project details showing:

- a. Substantial conformance with plans stamped "preliminary approval" in the casefile.

Final site plans shall continue to reflect the following: Building plans and elevations providing a maximum of 5,000 square feet of gross floor area. This includes the total of the ground/main floor and the second floor mezzanine floor area.

- b. Fueling station designs calling for fueling hoses & nozzles with the capability of reaching both sides of the fuel pump, thereby allowing vehicles to refuel on either side of the fuel island. *Noting that such design measures have been utilized at other local gas stations to help facilitate vehicle circulation which is critical given the proximity of fueling islands to the western-most site access.*

- c. Revise the southern fence and retaining wall combined heights to comply with Section 419-4 (i.e., max 4 foot retaining wall and max 6 foot fence).

- d. Written documentation from PGE approving the building and canopy locations and heights in relationship with the powerlines and poles in order to assure that adequate radial separation will be maintained between the overhead transmission lines and all structures and the new 4th signal. Contact PGE Services Coordination Department at 503-323-6700.

- e. Final plans that shall ensure that none of the foundations, underground tanks, including any physical containment barriers, are located within the PUE. (Noting that there shall also be no restrictions or barriers to where new poles will be relocated [in the event that the applicant pays fee in lieu rather than construct the half-street improvements]. The new signal pole shall also be designed to accommodate the relocated overhead power lines.)

- f. Directional signage (e.g., painted directional arrows) to ensure safe vehicular circulation. See Section 413 of the Staff Report.

- g. Design and construct the two proposed EV charging spaces, one of which will be ADA compliant, pursuant to Section 413-3.6 A., B., and C.

4. Copies of the new recorded deed and survey demonstrating that the approved Property line Adjustment (L1900411-PLA) has been recorded and all taxes have been paid implementing the approved Property Line Adjustment and provide evidence that the lots have been consolidated.

5. A delineation of the Flood Plain to include the engineer's original signature and wet stamp prior to issuance of the Facility Permit to the applicant for construction of the public improvements. Noting, that the applicant shall obtain approval of a Flood Plain Alteration permit if improvements encroach with the delineated Flood Plain. See *Condition of Approval I.C. above.*

III. PRIOR TO SUBMITTAL OF A BUILDING PERMIT(S):

- A. Obtain Final Approval, as required above.**

IV. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT(S):

- A. Pay System Development Charges as applicable.**

NOTE: Transportation Development Tax shall be required as determined by Ordinance #793-A.

- B. Submit with building plans and elevations to Building Services (503) 846-3470, site development plans consistent with the final plans approved by Land Development Staff.**

V. PRIOR TO BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL:

- A. All public improvements shall be completed and accepted by the County (Conditions of Approval II.B.3.), OR**

All public improvements shall be completed and accepted by the County (Conditions of Approval II.E.3.)

- B. All facilities and improvements required by Clean Water Services shall be completed and approved by the District, including implementation of the Vegetated Corridor enhancement and mitigation plan prepared by PHS, Inc.**
- C. Final inspection and sign off by the Fire Marshal demonstrating compliance with TVF&R Permit 2022-0048.**
- D. Provide Final Certification of Sight Distance at the access to NW West Union Road to confirm adequate intersection sight distance has been achieved. Certification must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.**
- E. Contact the Project Planner (Paul Schaefer, 503-846-3832) to schedule a site inspection to verify that all improvements have been installed including, but not limited to landscaping, including street trees, bicycle parking and 2 EV charging stations, garbage & recycling enclosure, traffic circulation signs/painted traffic arrows and lighting consistent with these Conditions of Approval and the plans stamped, "Final Approval." *Please provide at least 48 hour notice before date site visit is requested.***

VI. ADDITIONAL CONDITIONS:

- A. Adequate sight distance shall be continuously maintained by the property owner(s) at any access to a public road serving the subject site. This may require the property owner(s) to periodically remove obstructing vegetation from the road right of way (and on site).**
- B. This development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the Community Development Code (Section 207-5).**
- C. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207 5).**
- D. Transferability of this Development Permit shall be in accordance with Section 201-8.**
- E. No display of merchandise outside the building except small items such as oil, windshield wiper blades and tires (limited to one rack of 20).**
- F. No outside storage or sale of vehicles is permitted for more than 24 hours per vehicle.**
- G. Maintain current permits and certifications issued by Oregon DEQ for the underground fuel storage tanks.**

- H. Approval by PGE shall be included in the sign permit application for the freestanding signs to be located within the PUE along NW West Union Road.**
- I. This approval shall automatically expire four years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated (Section 201-4).**

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Sunset West Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 Type II Procedure
 - Section 202-3 Type III Procedure
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 311 Neighborhood Commercial District (NC)
 - 3. Article IV, Development Standards:
 - Section 404 Master Planning
 - Section 405 Open Space
 - Section 406 Building Siting and Architectural Design
 - Section 407 Landscape Design
 - Section 408 Neighborhood Circulation
 - Section 410 Grading and Drainage
 - Section 411 Screening and Buffering
 - Section 413 Parking and Loading
 - Section 414 Signs
 - Section 415 Lighting
 - Section 416 Utilities
 - Section 417 Irrigation
 - Section 418 Setbacks
 - Section 419 Height
 - Section 421 Flood Plain and Drainage Hazard Area Development
 - Section 422 Significant Natural Resources
 - Section 423 Environmental Performance Standards
 - Section 426 Erosion Control
 - Section 429 Bicycle Parking
 - Section 430 Special Uses
 - 430-35 Convenience Groceries
 - 430-41 Drive-in or Drive-up Establishment
 - 430-123 Service Stations
 - 4. Article V, Public Facilities and Services:
 - Section 501 Public Facility and Service Requirements
 - Section 502 Sidewalk Standards
- D. Ordinance No. 768-A, 783-A, 799-A – Washington County Transportation System Plan
- E. Ordinance No. 793-A - Washington County Transportation Development Tax Ordinance
- F. Ordinance No. 738- Road Design and Construction Standards Uniform Road Improvement Standards
- G. Resolution & Order 86-95 - Determining Traffic Safety Improvements
- H. Resolution and Order No. 19-05 - Erosion Control, Water Quality and Water Quantity, as amended by Resolution and Order No. 19-22

II. AFFECTED JURISDICTIONS

State Highways:	Oregon Department of Transportation
Sewer:	Clean Water Services
Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Water Quality and Quantity:	Clean Water Services
Erosion Control:	Clean Water Services
Water:	Tualatin Valley Water District
Fire Protection:	Tualatin Valley Fire & Rescue

Police Protection:	Washington County Sheriff
Schools:	Beaverton School District
Transit:	Tri-Met
Parks:	Tualatin Hills Park & Recreation District

III. FINDINGS

Background Information:

1. The request is for Special Use and Development Review approval for a two story 4,428 square foot commercial development¹, "Chevron Market", **(Convenience Market with Gas Pumps and a Drive-Thru)** served by 4 fueling islands (2 pumps per fueling island for a total of 8 pumps), 22 parking spaces (8 at the pumps and 14 surface parking spaces) and associated site landscaping. See *Section 311 of the Staff Report for findings addressing the size of the proposed Convenience Grocery.*

Other project element includes an Access Management Plan (AMP) to allow two accesses to NW West Union Road.
2. The subject property is located at 18450 NW West Union Road (Tax Lots 1N119BC00500 and 600). The subject site is 1.21 acres and is designated Neighborhood Commercial (NC) on the Sunset West Community Plan. The applicant obtained approval of a Property Line Adjustment (Casefile L1900411-PLA) to consolidate the two tax lots. The approved PLA, survey and deeds will need to be recorded and taxes paid (if any) prior to issuance of Final Approval.
3. Access will occur from two driveways on NW West Union, for which the applicant requested approval of an Access Management Plan. The first and western-most driveway is proposed as right-in only and is located approximately 210 feet east of NW 185th Avenue. The second driveway is aligned with the commercial driveway serving the Albertson's shopping center on the north side of NW West Union Road. The second driveway is located about 440 feet east of NW 185th Avenue and will be improved to comprise the 4th leg of the signalized intersection. Applicable access standards are described in Attachment, D, Transportation Report, and D1, Traffic Engineering AMP Report (Jinde Zhu).
4. The applicant also requests approval of an Exception to the Half-Street Improvements required for NW West Union Road pursuant to Section 501-3.2 G. *(noting that the existing improvements completed on the site's NW West Union Road frontage were constructed as interim improvements.)* As documented in Attachment D, staff finds that half-street improvements are roughly proportional to the expected impacts from the proposed development. In brief, there are 2,764 new daily vehicle trips per ITE Trip Generation Manual (Category 853), which equate to a sizable increase as a percentage of the number of trips on West Union, based on 2019 traffic counts. See *Attachment D.*
5. Several e-mails/letters were received for this project at the time of this report, two of which were in support of the development. Key concerns with the project as proposed are expressed in the remaining comments, followed by staff findings below. Any new comments will be provided to the Hearings Officer prior to or at the scheduled hearing for this proposal and placed into the Casefile.

Key Concerns: Potential impacts to the environment and increased vehicle trips represent the key concerns expressed to date. The gas station is located too close to nearby wetlands and presents a risk for potential environmental impacts if there are accidents (e.g., fuel leaks). Secondly, a gas station at this location will increase traffic congestion and decrease safety at the busy intersection (of 185th and West Union

¹ 4,428 gross square would generate based on ITE Category 853 about 2,764 new trips (624.20 trips / 1000 square feet of gross floor area = 624.2 x 4.428 = 2,764 new trips).

Road). There are other locations north of Highway 26 that are better suited for a gas station that do not have the same critical environmental and traffic considerations as this site. Other more-environmentally friendly commercial uses should be developed on the property, such as a café/restaurant or convenience market but without a gas station.

Staff: Gas stations (311-3.15) are currently listed as a Type II Use permitted in the Neighborhood Commercial (NC) District. Convenience Groceries (311-3.3) and Drive-Thru businesses (311-3.5) are also currently listed as Type II Uses permitted in the Neighborhood Commercial (NC) District. Each Type II use is also subject to certain Special Use Standards as set forth in Section 430 of the Code. Staff understands the level of concern specific to the adjacent wetland. However, the proposed gas station will be subject to significantly greater environmental review than most other commercial uses that could be developed on this site. For instance, gas stations (fueling pumps) are subject to permitting requirements from the Oregon Department of Environmental Quality (DEQ). Each of the proposed uses without the gas pumps could be developed on the site.

The Oregon Department of Environmental Quality issues an annual operating certificate for gas stations with the understanding that the underground storage tank (UST) permittee (applicant) will operate in accordance with the conditions and requirements outlined in Oregon Administrative Rule (OAR) 340-150-0163. DEQ approvals/permits are required in addition to county land use approval. Further, Oregon's Underground Storage Tank (UST) Program, which is under DEQ's Land Quality Division, deals with matters related to *"tank registration and operating certificates; installation, operation and removal of UST's; cleanup of soil and groundwater contamination from petroleum leaks; training of system operators; financial liability protection for future leaks, licensing of contractors working on UST's and enforcement of state UST rules."* As it pertains to environmental quality involving underground tanks, Oregon tank owners and permittees as well as the public benefit by having a single set of state requirements enforced, thus eliminating duplicative state and federal requirements.

Clean Water Services also ensures that the proposed development will comply with the District's design and construction standards concerning storm water management & treatment and sanitary sewer conveyance. DEQ and CWS requirements, in particular, are designed and anticipated to protect against adverse environmental impacts from the service station at this location. Lastly, the possibility that the tanks may leak in the future does not constitute a denial criteria for the proposed Type II land use. Additionally, the Community Development Code, including the Special Use standards of Section 430-123, do not regulate service stations based on the potential for environmental impacts.

The proposed commercial development will generate additional vehicle trips. Traffic Engineering has reviewed the proposed access report and Access Management Plan for the proposed development and has concluded that the proposed accesses will be safe provided certain improvements are completed (See Attachment D. and D1 and the Recommended Conditions of Approval in Attachment B of this report). Staff responses to other concerns are presented in this Staff Report and in the Transportation Report (Attachment D and D.1) as they address compliance with applicable Code compliance and address concerns with increase in trips. Lastly, it is important to note that access is restricted to one right-in only access plus the full-signalized access near the east boundary of the site. Access restrictions required by Article V of the Code and required access illumination of the proposed site accesses required by R&O 86-95 are expected to improve traffic and pedestrian safety.

7. Letters were received from Clean Water Services, Washington County Building Division and Washington County Engineering (see Casefile). Copies of all agency letters were provided to the Hearings Officer and placed in the Casefile.

Where appropriate, the recommendations proposed in these letters are included as Recommended Conditions of Approval in Attachment B of this report.

8. Application Submitted: May 11, 2022
Application Deemed Complete: July 21, 2022
Public Hearing Date: October 20, 2022
Continued Hearing Date: November 17, 2022
120 Day Clock: November 18, 2022
9. The applicant requested that the hearing be continued to November 17 and also agreed to extend the 120 day clock to accommodate a continued hearing. On October 20, the Hearings Officer approved the applicant's request and continued the public hearing to November 17 at 1:00 pm. Public testimony was also deferred to November 17.

A. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals that affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

B. Sunset West Community Plan:

The site is located in the Rock Creek subarea.
The site is not located in an Area of Special Concern.
The site is designated as a Significant Natural Resource (a narrow portion of the southern property is designated with Title 13 Riparian areas).
The site does not contain a Historic Resource per county Resource Inventory.

The project has been reviewed for conformance with the applicable Community Plan General Design Elements. The Community Plan is implemented by the Community Development Code. When built in conformance with the Conditions of Approval, the project will be in compliance with the Community Plan.

C. Washington County Community Development Code:

1. Article II, Procedures:

202-2 Type II Procedures

202-2.1 *Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.*

STAFF: The site is being developed as a commercial development with a **convenience market** (311-3.3), **service station** (311-3.15), and **drive-thru** (311-3.5) which are listed as Type II uses in Section 311-3. The "Chevron Market" will consist of a **Convenience Market with Gas Pumps** (as classified by ITE Code 853) as it includes a two story 4,428 square foot building served by 4 fueling islands (2 pumps per fueling island for a total of 8 pumps).²

202-3 Type III Procedures

² In the NC District, Convenience Groceries are limited to a **maximum** of 5,000 square feet of gross floor area, regardless of how the floor area is used. Hence, the floor area of the second floor mezzanine counts towards the maximum gross floor area allowed of 5,000 square feet.

202-3.1 *Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.*

202-3.2 *The following are Type III actions:*

- A. *Those identified in this Code as Type III;*
- B. *Those not identified or otherwise classified which are determined by the Director to be substantially similar to the uses or development designated as Type III, require the exercise of significant discretion or judgment, involve complex development issues, or which likely will have significant impact. The determination may be challenged on appeal of the decision on the proposed development but is not subject to appeal on its own; and*

STAFF: This review has been elevated by County staff to a Type III Procedure given the complexity of proposed uses and the amount of public interest in this application. The Hearings Officer will consider the applicant's submittal, staff findings for applicable standards, and public submittals to the record for this case in rendering a decision. The Hearings Officer's decision will also address all elements of the proposed development as part of the land use proceedings. Staff notes the proposed Convenience Grocery and Gas Pumps with a Drive-Thru, as Type II uses, are **not** subject to the Type III Denial Criteria, as set forth in Section 403-3.1.

207-5 Conditions of Approval

207-5.1 *The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.*

207-5.2 *In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:*

- A. *Requested the condition;*
- B. *Consented to the condition in writing or on the record; or*
- C. *Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or*
- D. *Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.*

STAFF: Conditions of approval shall be imposed upon an approval by the Hearings Officer to ensure compliance with the standards of the Code and other County regulations and to mitigate for the potential for any adverse development-related impacts to the surrounding area. Recommended Conditions of Approval, listed in Attachment B, are intended to ensure the project is in conformance with applicable code standards and comments from other departments and agencies.

2. Article III, Land Use Districts:

Section 311 Neighborhood Commercial District (NC)

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 five thousand (5000) square feet - Section 430-35.*

311-3.5 *Drive-In or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.*

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

STAFF:

The proposed development includes a 4,428 square foot building containing a convenience grocery store (market) with a drive-thru and service station, served by 4 fueling islands (8 pumps) and 22 off-street parking spaces, plus associated vehicular maneuvering areas and site landscaping. The Convenience Grocery is proposed to consist of two floors, with the first floor containing 3,510 square feet of Convenience Grocery, while the proposed second floor mezzanine containing 918 square feet for storage. The second floor, which will provide useable [gross] floor area for storage and equipment, counts towards the cap of 5,000 square feet of gross floor area.

The preliminary plans and building elevations provide a Convenience Grocery with a **maximum** gross floor area of less than 5,000 square feet (Noting that Convenience Groceries located in the GC and CBD Districts are not subject to size limits). Staff has included a recommended condition of approval in Attachment B of this report requiring that the final building plans and site plans showing a structure with a maximum floor area of 5,000 square feet. It is worth noting that even at a smaller size of 4,428 square feet, the use is in line with the two characteristics of the Convenience Market and with Gasoline Pump (ITE Code 853).³ See Section 430 of the Staff Report and Attachment D.

311-6 Dimensional Requirements

311-6.1 *Lot Area:*

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

STAFF:

The development site encompasses 1.21 acres, which is significantly larger than the Code minimum. Lot area requirement. A separate property line adjustment (Casefile L1900411-PLA) was processed to consolidate the two tax lots into a single development site. Recordation of the deed and survey for this PLA is required prior to Final Approval of this development.

311-6.2 *Yard Requirements:*

The minimum yard requirements shall be as follows:

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

STAFF:

As a corner lot, staff finds that the NW 185th Avenue frontage to be the front lot line, for it is the shortest of the two street frontage dimensions pursuant to Section 106-113.1.⁴ The applicant's site plans show a 20 foot street front setback from NW 185th Avenue. With the existing stormwater facility west of the site, the building would be about 60 feet from the

³ ITE Category 853 identifies two characteristics of Convenience Markets and with Gasoline Pumps: gross floor area of at least 2,000 gross square feet, and less than 10 fueling stations.

⁴ 106-113.1 **Front Lot Line.** For interior lots, a line separating the lot from the street right-of-way. For corner lots, the line separating the narrowest frontage from the street right-of-way.

sidewalk on NW 185th Avenue. The water quality facility effectively functions as additional front yard setback. The front yard setback is met.

B. Side Yards:

- (1) Abutting a Residential or Office Commercial District, the side and rear yard shall be no less than that required by the abutting district;*
- (2) Except on corner lots and as in one (1) above, there are no required side or rear yards;*
- (3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and*

STAFF: The property, a corner lot, has 20 foot street side (NW West Union Road) yard setback requirements but no interior side yard (south property line) setbacks. As with the front yard setbacks, the applicant proposes a 20 foot street side yard setback. The proposed canopy complies with the 20 foot street side yard setback with the exception of a 20 inch encroachment of the northeast corner (street side yard) of the structure as allowed by Section 418-1.1. Noting that Section 418-1.1 allows: "*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 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 20 inches.*"

See Attachment D. for findings on the amount of right-of-way dedication required.

C. Twenty (20) foot rear yard; and

STAFF: The proposed structure (canopy) greatly exceeds the 20 foot rear yard (from the east property line) setback, in part, due to the wide triangular shaped parcel and the narrowing of the lot at the east property line. In fact, the structure will maintain a rear yard setback (from the east corner of the property) of more than 500 feet due to the very wide lot dimension.

D. Additional setbacks may be required as specified in Sections 411 and 418.

STAFF: At this time, staff has not identified any other setbacks that are needed to be imposed on the proposed development. *See Sections 416 and 435 of the Staff Report.*

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.*

STAFF: The proposed building and covered awning/canopy over the fueling islands are noted in submitted plans as less than 35 feet in height. The building elevation indicates that the two story structure is less than 28 feet in height and the canopy measures 16 feet – 6 inches in height. Verification of height requirements will occur prior to issuance of the building permits.

3. Article IV, Development Standards:

Section 404 Master Planning

STAFF: The applicant has submitted materials showing on-site and off-site topography and tax lot lines, as well as roadways in proximity to the site. This information adequately represents the

Master Planning requirements of CDC Section 404. See Section 405 and findings under the Sunset West Community Plan regarding the mapped Open Space area on the site. The aforementioned materials are included in the Casefile.

Section 405 Open Space

STAFF: Small areas of Title 13 (Riparian areas) are mapped on the development site along the south property line. These mapped riparian lands encompass approximately 10,508 square feet (0.24 acres). The riparian areas are associated with the off-site natural resources of Rock Creek and the associated wetlands/riparian areas located in the Rock Creek Greenway (THPRD park land). Staff believes the riparian areas present on the development site have been largely impacted from past development activities which predated the mapping of Title 13 lands by Metro and subsequent mapping by the County as part of the Tualatin Basin Goal 5 Approach update.

The application included a delineation of the boundaries of the resource as part of an environmental assessment required under Section 422 of the CDC. The applicant proposes to retain a section of the existing Vegetated Corridor along the south property line. This section extends east from the west property line and measures approximately 11 feet wide by 200 feet long and then tapers down to approximately 80 feet by 2 ft – 6 inches; in total, encompassing approximately 2,400 square feet). This area will be fenced off and enhanced per CWS standards. See Figure 5 of the CWS ADDENDUM Service Provider Letter (CWS Fille Number 21-000384) in Appendix D.

According to the Natural Resource Assessment in Appendix D, permanent encroachment of 8,895 square feet of the Vegetated Corridor will result from the proposed development. The applicant proposes to mitigate impacts to the on-site degraded Title 13 lands and has prepared a mitigation plan consistent with Clean Water Services (CWS) standards (see Appendix D), which regulate Vegetated Corridor buffers around wetlands and creek/stream channels, such as those bordering Rock Creek on the THPRD property to the south). Additional mitigation will be focused in the eastern portion of the site, located east of the eastern-most access (noting that the mitigation area will encompass 10,566 square feet).

Of the approximate 10,566 square feet of on-site Vegetated Corridor mitigation, 6,713 square feet will consist of new Vegetated Corridor, while 3,853 square feet of the existing on-site Vegetated Corridor along the eastern and western sections of the south property line will be enhanced. CWS will oversee the complete implementation of the riparian mitigation plan. As stated previously, the applicant will be required to obtain approval by CWS of a Vegetated Corridor mitigation plan meeting the District standards. Approximately 537 square feet of on-site wetland at the eastern corner of the site will also be enhanced.

Aside from the few small areas of Title 13 lands on the site along the southern property line, there are no other mapped Goal 5 resources, such as Wildlife Habitat. Consequently, existing trees on the site can be removed as part of the proposed development. Notwithstanding, staff would encourage that trees larger than 6 inches DBH be retained, if possible, in particular in the riparian mitigation area in the eastern part of the site.

See Section 422 of the Staff Report and the Natural Resource Assessment prepared by Pacific Habitat Services, Inc and dated October 7, 2019.

Section 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.*

STAFF: Compliance with these requirements is addressed in the responses to Section 311 above.

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

STAFF: This development's compliance with the Americans with Disabilities Act will be evaluated by the Building Services Section's review of development permits for the site. This includes the quantity and location of handicapped parking, of which one is proposed near the building entrance.

406-2.2 *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;*

STAFF: The site and surrounding properties have been developed at different times and reflect a variety of land uses: commercial to the north, residential to the east, and parks & open space to the south. There are no notable natural features on the site or in the vicinity. Staff finds that there are no specific design features or natural features that the proposed development should complement or reflect. However, the architectural designs of the structure are generally comparable to the commercial shopping center buildings across NW West Union Road to the north. The design includes the use of cultured stone and brick which is in line with the change of materials found on buildings in the West Union Village development on the north side of NW West Union Road. The west façade and much of the north and south walls are 'blank' in that there are few windows or other architectural features. However, the west façade and portions of the north and south walls constitute 'green walls' and as such will be covered with landscaping (vines). The landscape plan calls out two different types of vine selected to create the green walls. Staff finds that proposed design and use of plant materials satisfy Section 406-2.2.

406-2.3 *Renovate or revitalize existing structures identified within the Community Plan;*

STAFF: A prior sit down restaurant was removed from the development site and a detached dwelling unit will be removed to facilitate the development. Neither structures were/are identified on the Community Plan map as a historic resource nor could either structure practicably be remodeled to serve as the proposed Convenience Grocery and gas pumps with a drive-thru.

406-2.4 *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;*

STAFF: There are no identified scenic views or vistas that would be obscured or degraded by the proposed development. The Convenience Grocery is proposed to be located close to the west and south property lines; thus, views across the site (from the north/NW West Union Road) are possible through the site to the south towards Rock Creek Greenway.

B. *Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;*

STAFF: There are no existing dwellings on surrounding properties, except for a small subdivision to the west – across NW 185th Avenue – and a residential subdivision to the south beyond the Rock Creek Greenway. The subdivision to the west, across NW 185th Avenue, is located about 145 feet from the development and also screened from the site by a block sound wall; whereas the subdivision to the south is located more than 440 feet from the development site (as measured from roughly the middle of the site). It is worth noting that a large number of the dwellings to the south across the greenway are further buffered by large mature trees and vegetation along the rear property lines of those lots.

The applicant also proposes to construct a 4 foot sight-obscuring fence along the south property line to provide additional screening and buffering, including minimizing the potential impact from lights from vehicles using the site and residential uses farther to the south. Loading and delivery activities will be screened to the west by the building and the block sound wall (on the west side of NW 185th Avenue) and to the south by the large distance (440 feet plus) and mature landscaping. For these reasons, staff finds that the proposed development will be adequately screened from nearby residences.

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.*

STAFF: None of these features are proposed with this development. Noting that the closest existing bus stop is located on the east side of NW 185th Avenue, just north of the intersection with NW West Union Road. There are no existing bus stops on the site's NW West Union Road frontage.

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.*

STAFF: The narrow north/south dimension of the site constrains the orientation and configuration of the building. Locating the building in the far western portion of the site is necessary in order to site the 4 fueling islands and the fuel tanks as proposed. Additionally, no lots are being created. Application of this standard is not appropriate.

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

STAFF: This development's compliance with applicable energy conservation standards will be evaluated by the Building Services Section's review of development permits for the site. It is worth noting that the proposal includes solar panels on top of the canopy to help with the proposed development being environmentally sustainable. According to the applicant, this is the same approach that he applied in building the Chevron Market located at the southeast corner of the intersection of Murray Blvd. and Allen Blvd. in Beaverton (e.g., solar panels and green roofs).

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.*

STAFF: This is not applicable because the proposed development is not multi-family residential.

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

STAFF: The standards of Section 427-3 are for creation of residential lots and are not applicable to the proposed development.

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.*

STAFF: These are not applicable because the proposed development is not residential.

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.

STAFF: This is not applicable because the proposed development is not residential.

406-6 Mixed Solid Waste and Recyclables Storage Facilities

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

- (2) *Non-residential buildings shall provide a minimum storage area of ten (10) square feet plus:*

Retail: Ten (10) square feet/one thousand (1000) feet GFA;

STAFF: The development is for 4,428 square feet of gross floor area for the convenience store plus 8 fueling pumps. The applicant proposes an enclosure encompassing approximately 204 square feet to serve the proposed commercial development. Pursuant to B. (2) above, a minimum of 54.28 square feet of storage area (10 square feet plus 44.28 [4.43 x 10 square feet per 1,000 GFA] = 54.28 square feet) is required. The proposed enclosure facilities will adequately serve the proposed commercial use. It is worth noting that the site design, according to the applicant, allows hauler vehicles to exit the site moving forward (i.e., not backing onto the street in reverse).

The applicant has a Service Provider Letter from Washington County Health & Human Services / Solid Waste & Recycling Program approving the proposed location, design, and sizes of the waste and recycling collection for the proposed development. The applicant included a plan showing the turning movements of garbage and recycling haulers once they access the site from the right-in only access.

Section 407 Landscape Design

407-1 Minimum Landscape Standards

- 407-1.1 *The minimum landscaping area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, screening and buffering as required under Section 411, and vegetated stormwater facilities as defined by Section 106-198.1.*

- 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.*

STAFF: The site is 1.21 acres, which requires 7,907 square feet of landscaping per Section 407-1.4 A. The applicant's landscape plan shows that about 20,200 square feet (or 38 %) of the site will have landscaping. The plans for the applicant's final approval are required to maintain conformance with this standard.

- 407-1.7 *The following interior landscaping requirements shall apply to all parking areas for ten (10) or more vehicles:*

- A. *Ten (10) square feet of landscaping per parking space, excluding perimeter landscaping;*
- B. *Landscaped islands shall be a minimum of one hundred twenty (120) square feet.*

STAFF: Fourteen parking spaces are proposed, exclusive of the 8 parking spaces located at the fueling islands, thus requiring 140 square feet of interior landscaping. The applicant's site plan includes two landscaped islands, each island contains a minimum of 120 square feet of interior parking area landscaping. As a result, 240 square feet of interior landscape islands are proposed.

407-4 Landscape Plan

407-5 General Provisions and Guidelines

STAFF: The applicant's site plan demonstrates compliance with the required application materials and standards of these sections. Detailed landscaping plans will be reviewed as part of the development permits for the project.

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.*
- 407-6.2 *Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.*
- 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.*
- 407-6.4 *A minimum five (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 (0) setback is approved.*
- 407-6.5 *Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of five (5) feet (see Section 407-1.6).*
- 407-6.6 *Entryways into parking lots shall be bordered by a minimum five (5) foot wide landscape strip.*
- 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.*

STAFF: The applicant's site plan demonstrates compliance with the requirements of Sections 406-6.1 through 6.7. This includes appropriate landscaping buffers adjacent to the development's access roads (driveways) and parking areas. Noting that staff recommends approval of a reduced (0 feet) landscape strip – in accord with Section 407-6.4 – on a small section of the landscape strip along the south property line. The rest of the landscaping will be comprised of enhanced Vegetative Corridor. The reduction is recommended due to the narrowness of the development site. Any potential impacts from the reduction would be mitigated by the landscaping proposed as well as the fact that the entire property to the south consists of natural open space. Further, there are no interior side yard setbacks (along the south property line) so a zero setback is allowed (approved) along the south interior property line.

Staff does not find that there are any screening and buffering issues between the proposed use and the park land to the south. It is worth noting that the development site is located about 320 feet from the existing regional trail located to the south, which is more than a football field in length. Staff find that it is not necessary to provide any onsite screening and

buffering (between the development site and the regional trail to the south). Notwithstanding, the applicant proposes to construct a 4 foot sight obscuring fence along the south property line. Lastly, in the event that relocated utility poles will be within the parking area, plans shall be revised to ensure that the poles are located, at minimum, within curb-protected landscape areas – but not in landscaped areas that impact parking or drive aisles.

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.*

STAFF: The applicant stated that the proposed development will include sidewalk improvements along NW West Union Road but that final [street] improvements, including the planting of street trees, will be provided by the county as part of the county's Capital Improvement Project for NW West Union Road. However, according to county staff, the current West Union Road project is only for design of future road improvements and that the designs do not call for extending east of 185th Avenue. The future design work for future improvements will stop short of the intersection with SW 185th Avenue.

Currently, the county does not have any plans to revise West Union Road east of SW 185th Avenue and it is not known when construction west of 185th Avenue will begin. Lastly, according to engineering staff, the capitol project for West Union Road west of 185th Avenue is currently slated in the future to construct a 3-lane street section. However, the design features are expected to accommodate a future 5 lane Arterial street cross-section on the north side of the road. Street trees shall be planted so that they do not interfere with intersection clear vision requirement.

407-8 Installation and Maintenance

STAFF: Installation and maintenance of landscaping shall be in conformance with the standards of this section. Ongoing compliance is noted in Attachment B, Conditions of Approval.

Section 408 Neighborhood Circulation

408-5 Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps or on Lands Not Designated as a Pedestrian/Bicycle District

STAFF: The development site is a corner lot, with the entire south property line abutting Rock Creek Greenway (natural open space / Rock Creek and a regional recreational trail). There are no other properties abutting the site that do not already have frontage on the nearest Arterial Street or local streets (and provided access). Given that the site is bordered by park land and

Goal 5 resources on the south and all portions of abutting properties abut either NW West Union Road or NW 185th Avenue rights-of-way, there is no reason to evaluate further street or accessway connections through the property.

408-10 Internal Pedestrian Circulation

408-10.1 Number of Pedestrian Connections

- A. *All developments 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 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.*
- 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.*

STAFF: The applicant has included an on-site walkway connecting to the front of the building and the public sidewalk on NW West Union Road. Due to the narrowness of the site, the sidewalk along NW West Union Road effectively serves as an east/west pedestrian connection that provides access to all uses on the site and provides neighborhood connectivity, including the Rock Creek Greenway trail.

Staff finds that one connection will be adequate. However, staff recommends that – unless site constraints dictate otherwise –the pedestrian accessway extend due north from the building to provide a shorter and more direct route to the sidewalk on NW West Union Road and ultimately to the intersection of NW 185th Avenue and NW West Union Road. Alternatively, change the angled alignment such that the connection to the sidewalk is closer to the intersection.

- 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.*

STAFF: There are no off-site pedestrian connections that need to be made to adjacent properties. Further staff finds that it is not practicable or feasible to require a pedestrian connection to the south. One reason is that the Rock Creek Greenway trail (a regional trail) is located more than a football field's length feet to the south and also located south of Rock Creek. The

sidewalks on NW 185th Avenue and NW West Union Road provide for adequate circulation, providing access to the Rock Creek Greenway trailheads (to the south and the east).

Section 410 Grading and Drainage

STAFF: The applicant submitted preliminary details as required by this section, including preliminary grading and drainage plans. Washington County Building Engineers have reviewed the preliminary details and determined the plans meet the requirements of Section 410-1.1. A Grading Permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the Conditions of Approval of this Casefile.

Pursuant to Resolution and Order No. 19-05, Clean Water Services (the District) has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The District has provided service provider letters affirming that storm sewer service is available to the site. The applicant will be required to obtain approval from the District for the proposed drainage plan prior to any on-site work.

Section 411 SCREENING AND BUFFERING

411-1 Applicability

411-1.1 Screening and Buffering requirements are in addition to the setback requirements in residential and institutional districts and inclusive of the setback requirements in the commercial and industrial districts, as well as the setback requirements and design standards of the transit oriented districts, and shall be provided on the subject site at the time of development.

411-1.2 Screening and Buffering shall apply to all Development permits as determined in Section 411-3 or as determined by the Review Authority.

STAFF: The development site is designated NC and the property to the south is designated Institutional. However, lands to the south consist of Goal 5 resources and developed park lands, including a regional trail and open lawn areas. The existing Goal 5 resources provide a substantial buffer between the proposed development and residential lands to the south and east, so much so that staff find that screening and buffering elements required by Section 411 are not necessary. Specifically, the trail is more than 300 feet from the development site and the abutting open space is heavily vegetated but also contains two major groupings of overhead power transmission lines. Further, Section 411 has not been used to provide block walls or other screening between a development and wetlands and significant natural resources.

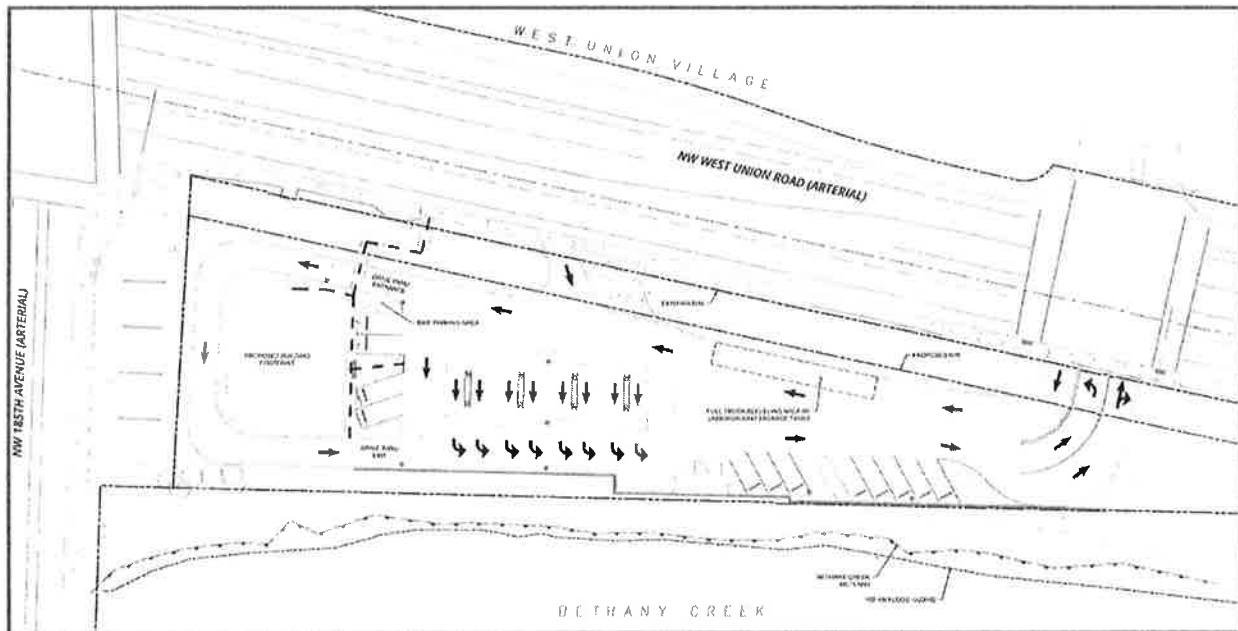
Vegetated Corridor buffers required by CWS are generally considered adequate wetland and riparian area buffers. A block wall as was suggested in the previous application review, would in staff's mind, be too extreme when the creek is about 55 feet to the south of the site and CWS Vegetated Corridors are designed to adequately buffer these resources. The length of a block wall along the south property line would also be an unnecessary expense. The applicant proposes to construct 4 foot sight obscuring fence along the south property line and north of the Vegetated Corridor areas.

Lastly, the intent of Section 411 is to provide screening and buffering between different land uses and intensities, such as between different residential densities and between residential and commercial or industrial land uses. The intention rather is not to provide screening and buffering measures between a particular land use (or particular development) and open space and natural resource areas. And as stated previously, the off-site regional park trail is more than 300 feet from the development site and so staff does not believe it is warranted to provide a solid block wall along the south property. The trail is too far for any block wall to be practical or warranted. As noted above, the applicant will construct a sight obscuring fence

along the south property line between the building and the eastern access (noting that the fencing will be located on the north boundary of the retained onsite Vegetated Corridor).

Section 413 Parking and Loading

STAFF: The site design includes both two-way and one-way circulation patterns. Sheet C222 of the submitted plans provides the intended on-site circulation pattern for the development, with traffic arrows indicating the direction of traffic. Vehicles can access the site from one of two accesses: the western right-in only access and the full eastern signalized access.



However, the traffic flow from the eastern access is limited to the northern access drive aisle as the southern drive aisle will be used by drivers exiting the fueling stations and the convenience store & drive-thru. The western and southern drive aisle, not including the drive-thru lane, are also one-way directions because they are each less than 24 feet wide; they measure 19 ft – 6 inches (413-3.2). Directional signage (e.g., painted directional arrows) will be needed to ensure safe vehicular circulation.

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.

The northern drive aisle with the shared use by fueling trucks (traveling east) and customers accessing the fueling stations and the convenience store from the eastern site access (traveling west) needs to be at least 24 feet wide. The northern access serves as the access for fueling tanker trucks as well as garbage and recycling trucks and customers, provides two-way traffic flow and is 24 feet wide. Less than 24 feet would, staff fear, become a narrow choke point, and one that is very close to the right-in only access.

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.*

STAFF: The applicant proposes 2 EV charging spaces, one of which will be ADA compliant. The spaces will be designed and constructed pursuant to Section 413-3.6 A., B., and C.

Off-street parking: The applicant's site plan includes 22 off-street parking spaces. The minimum amount of required parking is based on the following:

413-6.1

USE		MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
C. Business and Commercial:		
(2)	Automobile Service Stations	Two for each lubrication, stall rack or pit; and one for each gasoline pump
(14)	Retail stores, except as otherwise specified herein	2.5 for each thousand (1000) square feet of gross area

Proposed Uses:

Convenience Market (4,428 square feet): 11 spaces (2.5 spaces x 4.428 sq. ft. ratio)

Service Station (4 islands & two pumps each): 8 spaces (provided at the pumps)

Total Required: 19 off-street parking spaces.

This results in a requirement for 19 off-street parking spaces for 4,428 square feet of convenience grocery and service station with 4 fueling islands, each with 2 fueling pumps. The site plan provides 22 parking spaces (14 surface parking spaces and 8 parking spaces for the service station located at the fueling islands). Staff finds that adequate off-street parking will be provided.

Section 414 Signs

STAFF: The applicant has proposed specific signage with this development (See Sheets FS-2, FS-3 and FC-1). Future signage shall be processed under a separate permit(s) and will be based on the consolidated lot and dedicated right-of-way. The sign permit application(s) for the pole and ground mounted signs submitted to the county shall include written documentation of support/approval from PGE for location within the 10 foot PUE.

Section 415 Lighting

STAFF: The proposed development is commercial and lighting is not required per Section 415. The applicant has submitted a lighting plan to demonstrate that the proposed lighting will not adversely impact surrounding residential uses. Staff has reviewed the proposed lighting plan and photometrics and finds that the proposed lighting meets the intent of the requirements of Section 415-4.

The applicant proposes four 18 foot pole lights located along the boundaries of the parking/drive aisles to illuminate the drive aisles (two are located along the northern drive aisle boundary between the two accesses, one is located in the southern landscape island between two parking areas, and one is located along the eastern boundary of the drive aisle boundary about 20 feet north of the south property line), additional lighting underneath the canopy to illuminate the fueling area and 6 wall-mounted sconces on the north, west and south sides of the building.

The applicant provided lighting details and photometrics that satisfy Section 415 with respect to minimizing spillover of lighting onto adjacent parcels. The application materials demonstrate that the lighting has been designed to minimize glare onto adjacent areas. No flickering or flashing lights are proposed. Lastly, the proposed sight obscuring fence along the southern property line is expected to block light from vehicles using the site. Staff finds that the proposed lighting should not adversely affect residential uses located approximately 145 feet to the west (across NW 185th Avenue) or much farther to the south or east.

Section 416 Utility Design

- 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.*
- 416-1.3 *Easements necessary for sewers, water mains, electric lines, 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 be carried out with minimum, feasible disturbance of soil and site.*

STAFF: Consistent with CDC Section 416, new utilities must be located underground and associated utility easements provided (noting that an existing 10 foot wide sewer easement is located along the south property line and the proposed building is located outside of the easement). Further, in accordance with 416-1.4, disturbance of soil shall be kept to a minimum when installing utilities.

The applicant proposes a 10 foot wider Public Utility Easement (PUE) along West Union. With respect to the width of the PUE and the location of the electrical transmission lines (on West Union) and poles and in particular the height (elevation) of the transmission line, the location/height of the building and canopy do not appear to be problematic. Of relevance are past conversations between County Engineering and PGE staff during the review of the first Chevron development application (L2000057-SU/D(C)/AMP/V/M), where PGE staff indicated that PGE had plans to install new poles on West Union, though staff did not know if this included the east side of NW 185th Avenue. According to these previous communications, PGE indicated that there is a "Flying Tap" at the intersection of 185th and West Union (southwest corner) that is required to run the transmission lines to the North (along 185th Avenue). The Flying Tap needs to be retained as it is integral to the transmission system, which includes a new substation constructed on the north side of Germantown Road, east of 185th Avenue. Further, according to PGE, these lines need at least 10' to 15' clear from the outermost powerline, which means for this development, that there should be no overhangs (roof, signal poles, etc.) within this area.

For this reason, prior to Final Approval, the applicant shall provide written documentation from PGE approving the building and canopy locations and heights in relationship with the powerlines and poles and the 10 foot PUE. Further, the final plans shall ensure that none of the foundations or underground tanks, including any physical containment barriers, are located within the PUE. There shall also be no restrictions or barriers to where new poles will be relocated (in the event that the applicant pays fee in lieu rather than construct the half-street improvements). The future signal pole shall also be designed to accommodate the relocated overhead power lines.

Section 417 Irrigation

STAFF: The minimum required landscape area for the site exceeds 1,000 square feet. Irrigation is required for the site, and compliance with Section 417 will be verified through the final approval process.

Section 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.*

STAFF: See Section 311 of the Staff Report concerning setbacks.

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.*

STAFF: The TSP calls for 21 feet of additional right-of-way dedication from centerline of NW West Union Road. In the two previous Chevron land use applications (L2000057-SU/D(C)/AMP/V/M and L2100244-SU/SU/D(V)/AMP/M), the applicant expressed concern with the width of the required dedication and agreed to dedicate 18 feet. The applicant maintained that, according to their consultants, a dedication of 18 feet and not 21 feet was adequate to accommodate the required street improvements. The applicant also proposed at that time a 10 foot wide Public Utility Easement after discussions with Portland General Electric (PGE) as it involves the overhead powerlines along the West Union frontage. The applicant continues to propose a 10 foot wide Public Utility Easement and a dedication of 18 feet on West Union Road.

In Casefiles, L2000057-SU/D(C)/AMP/V/M and L2100244-SU/SU/D/V/V/AMP/M the County Engineer agreed to accept the applicant's proposal to dedicate 18 feet and believed that 18 feet would be adequate to accommodate the required street improvements. The County Engineer continues to accept a dedication of 18 feet along West Union Road, plus any additional corner radius at the intersection with SW 185th Avenue, and the 10 foot PUE.

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 triangle 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).*

STAFF: Section 311 establishes setback requirements for the NC District (See Section 311 of the Staff Report).

A short retaining wall is proposed along the south property line. According to the preliminary grading plans, the retaining wall extends the entire length of the property line between 185th Avenue and the eastern access and ranges from 0.3 to 5.1 feet. The retaining wall is less than seven (7) feet in height. The applicant proposes to build a 4 foot sight obscuring fence along the south property line to provide screening from the properties to the south. Pursuant to Section 418-4.3 the combined total of the fence and retaining wall shall not exceed 6 feet for the fence and 4 feet for the retaining wall, if a combined structural system. However, the total combined height is less than the maximum combined height set forth in Section 418-4.3, which is 10 feet. The "reversal" of the height allowances meets if not exceeds the intent and purpose of the Code standard.

Section 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 six (6) 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.*

STAFF: Pursuant to above Section 419 any retaining wall over four feet in height requires a building permit. Additionally, the retaining wall shown on the submitted plans is not a tiered wall system. See also Section 418 above.

Section 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:*

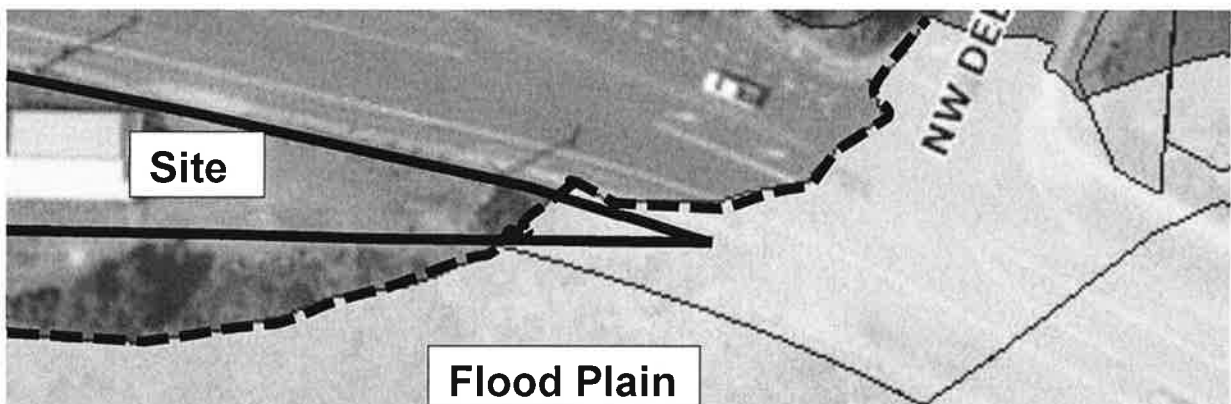
- (1) *"Flood Insurance Rate Map, Washington County, Oregon," effective date October 19, 2018 with amendments; and*
- (2) *"Flood Insurance Study for Washington County, Oregon and Incorporated Areas," dated October 19, 2018 with amendments.*

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.*

STAFF: The Flood Plain (1% chance of a flood event) is located largely off-site to the south on Tax Lot 1N119BC00400, which comprises Rock Creek Greenway owned & maintained by the Park District, with the nominal exception of a narrow portion in the eastern-most quadrant of the site. Noting that most of NW West Union Road along the frontage of tax lot 1N119BC00500 is not within the FEMA Special Flood Hazard Area (SFHA). See aerial below.



Therefore, none of the proposed development activities are anticipated to occur within the mapped Flood Plain. See the application materials (site plan set) and Attachment D. concerning additional right-of-way dedication. However, in the event that construction

activities (i.e., half-street improvements) encroach within the Flood Plain, then a Flood Plain alteration permit will be required.

Lastly, according to the county's Flood Plain Manager, the flood plain elevation at the eastern corner of the site is 175.9 feet (1988 NAVD / Zone AE). Delineation of the Flood Plain by a registered licensed engineer, including the original wet stamp, shall be included with the half-street improvement plans. In the event that the improvements encroach the Flood Plain, then the applicant shall obtain approval of a Flood Plain alteration prior to issuance of the Facility Permit. Additionally, if any portion of the proposed project is found to be within the FEMA Special Flood Hazard Area (100-Year Floodplain), then a FEMA-issued Elevation Certificate completed and certified by a professional land surveyor documenting the 100-year flood elevation and evidence of field marks of this elevation provided on site shall be submitted to Current Planning prior to any right-of-way disturbances or construction.

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.

STAFF:

CWS has approved the Vegetated Corridor enhancement and mitigation resulting in the creation of additional Vegetated Corridor and enhancement of existing Vegetated Corridor to good condition. The new Vegetated Corridor is located east of the eastern access. There are three areas of the existing degraded Vegetated Corridor that will be enhanced (See Figure 5 of the AMENDED CWS Service Provider Letter in Appendix D of the application). The Vegetated Corridors are located largely within the Flood Plain and along the south property line.

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 421-1.1; 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.*

STAFF: The applicant has addressed the applicable sections. The applicant delineated the Flood Plain. According to the application, the proposed construction will not impact the Flood Plain. There are no encroachments to or within the Flood Plain. Noting that the applicant has requested Half-Street Exceptions for improvements to NW West Union Road. See Section 501-6.3 of the Staff Report and Attachment D.

This information is in the Casefile.

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.*

STAFF: The applicant has addressed the applicable sections. This information is in the Casefile.

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 Sections 421-7 through 421-14.

STAFF: The applicant has addressed the applicable sections. As stated previously, no development or encroachments into the Flood Plain are proposed or anticipated at this time. This information is in the Casefile. Notwithstanding, requirement to complete half-street improvements to NW West Union Road would be subject to the applicable Flood Plain alteration requirements of Section 421 – if construction activities encroach within the delineated Flood Plain (Base Flood Elevation of 175.9 feet).

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.

STAFF: This section is not applicable. The regulatory floodway associated with Rock Creek is located entirely offsite to the south.

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

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Clean Water Services' "Design and Construction Standards for Regional water line and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type II procedure for the following:

STAFF: The Flood Plain is located entirely offsite with the noted exception of the small area in the eastern portion of the site, which appears to be located within the future dedicated public right-of way (of 18 feet). However, in the event that construction activities encroach within the Flood Plan, then a Flood Plain alteration permit will be required. See *Attachment D*.

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; and*
- B. Comply with all applicable flood hazard reduction provisions of Section 421.*

STAFF: The proposed development will not impact the base flood plain elevation given that no impacts or encroachments into the Flood Plain are proposed. However, in the event that construction activities do encroach within the Flood Plan, a Flood Plain alteration permit will be required.

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).*

STAFF: The proposed development will not impact the flood levels given that no impacts or encroachments into the Flood Plain are proposed. However, in the event that construction activities do encroach within the Flood Plan, a Flood Plain alteration permit will be required.

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.*

STAFF: The proposed development will not impact the flood plain because no impacts or encroachments into the Flood Plain are proposed. Further, as noted previously, upon right-of-way dedication, the Flood Plain appears to be located within the right-of-way. However, in the event that construction activities encroach within the Flood Plan, then a Flood Plain alteration permit will be required.

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.*

STAFF: A regulatory floodway has been designated (and is off-site to the south). The proposed development will not impact the flood plain because no impacts or encroachments into the Flood Plain are proposed. Further, as noted previously, upon right-of-way dedication, the Flood Plain appears to be located entirely within the right-of-way. However, in the event that construction activities encroach within the Flood Plan, then a Flood Plain alteration permit will be required.

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 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).*

STAFF: An increase in flood levels should not occur because no impacts or encroachments into the Flood Plain are proposed. Staff would further opine that even if half-street improvements were constructed within the Flood Plain, an increase in flood levels should not occur.

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.

STAFF: There are no Drainage Hazard Areas within the site boundaries or near the site.

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.*

STAFF: The floodway associated with Rock Creek (to the south) is located entirely off-site to the south. Thus, there are also no elements of the proposed development that would encroach into the floodway.

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.*

STAFF: The project is not anticipated to result in an increase in the velocity of flood flows since no encroachments into the Flood Plain are proposed or anticipated at this time. Additionally, according to the application, the proposed storm drainage management system will release treated stormwater at predevelopment rates (as required by CWS).

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:*

STAFF: According to the applicant and as indicated previously, no encroachments (e.g., grading) are proposed within the Flood Plain at this time.

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.*

STAFF: There are no dikes or similar structures proposed.

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.*

STAFF: See also Section 422.

421-7.12 *Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.*

STAFF: Clean Water Services is responsible for ensuring adequate storm drainage management. See Recommended Conditions of Approval I.B.

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 regional water line and surface water management.

STAFF: The proposed development is not a land division. Thus, this standard is not applicable. Notwithstanding, the proposed development will adhere to all applicable Code standards concerning grading and erosion control.

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.

STAFF: The proposed development is not a land division. Thus, this standard is not applicable.

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.

STAFF: The proposed development is not a land division. Thus, this standard is not applicable. Notwithstanding, the proposed development will provide appropriate drainage measures to reduce possible exposure to causing flood damage.

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).

STAFF: The proposed development will not impact the carrying capacity of the flood area because no impacts or encroachments into the Flood Plain are proposed or anticipated. In the event that half-street improvements are located with the Flood Plain, project designs will need to ensure that the flood area and capacity is maintained.

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

STAFF: The applicant stated that no storage of these items will occur within the Flood Plain. Underground fuel storage tanks will be subject to DEQ regulations and requirements and permitting.

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

STAFF: The applicant stated that no dumping will occur within the Flood Plain.

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.

STAFF: The applicant stated that all required permits will be obtained.

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 shall control.

STAFF: All applicable standards will be 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.

STAFF: The applicant has submitted a Vegetated Corridor Enhancement and Mitigation plan prepared in accordance with CWS regulations. Staff has not yet identified any additional conditions needed at this time to mitigate any impacts other than to implement the approved mitigation plan and to ensure that the proposed storm water quality facilities remain in good operating condition and treat storm water as required by CWS.

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 10-foot setback around all sides of the structure, with a ground elevation at least 1 foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.

STAFF: The proposed development does not include any land division.

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

STAFF: No Flood Plain alteration is proposed at this time.

421-14.9 The applicant shall submit to the Director technical data as set forth in Section 421-14.10 prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area.

STAFF: No Flood Plain alteration is proposed at this time.

421-14.10 Within 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).

STAFF: The proposed development will not impact the Flood Plain elevation given that impacts or encroachments into the Flood Plain are not proposed at this time.

Section 422 Significant Natural Resources

STAFF: The applicant has submitted site plan information required by this Section, including a Natural Resource Assessment prepared by Pacific Habitat Services, Inc. There are some areas along the southern property line that are designated with Metro's Title 13 (Riparian Areas) – noting that these areas are largely impacted from past activities that occurred prior to designating Title 13 resources on the site. The delineation and assessment and proposed

enhancement/mitigation of the degraded Vegetated Corridor consistent with Clean Water Services addresses Section 422-3.1. This information is in the Casefile (Appendix D).

According to the Natural Resource Assessment a total of approximately 8,895 square feet of permanent Vegetated Corridor encroachment will result from the construction of the proposed development. Additionally there are two small Vegetated Corridor areas that will experience temporary encroachments. The temporary encroachments are the result of sanitary sewer work and will be restored and replanted to good condition with native herbs and shrubs. Impacts to the permanent encroachment will be mitigated through the creation of 6,713 square feet of new Vegetated Corridor in the eastern portion of the site where there is currently no Vegetated Corridor. The new Vegetated Corridor will be planted with native trees and shrubs. Enhancement of these areas will also include the removal of any non-native species by hand.

Staff finds that the proposed project will not seriously interfere with the preservation of the designated (mapped) Significant Natural Resource Areas (Title 13 Riparian areas). This is due in large part to the fact that so much of the Vegetated Corridor is in a degraded condition, which has been acknowledged by CWS. This is also due in part to the applicant's proposal to enhance 3,853 square feet of degraded on-site Vegetated Corridor and create 6,713 square feet of Vegetated Corridor. In total the project will result in the enhancement and creation of 10,566 square feet of contiguous Vegetated Corridor to good condition, which includes the removal of non-native invasive plant species. 537 square feet of existing wetland will also be enhanced.

Compliance with and implementation of the CWS-approved Vegetated Corridor enhancement and Vegetated Corridor creation satisfies Section 422 by minimizing impacts to the greatest extent practical and by mitigating impacts to the on-site degraded Vegetated Corridor. For these reasons, staff finds that the project as proposed and as described in the application satisfies Section 422.

Section 423 Environmental Performance Standards

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.*

STAFF: All applicable federal, state, and local permits shall be obtained (e.g., CWS, Site Development Permit and Erosion Control Permit, County, Grading Permit, DEQ, Underground Storage Tank Permit (Oregon's Underground Storage Tank Program is part of the DEQ's Land Quality Division.)

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.

STAFF: All required measurements shall be made according to accepted engineering practices in compliance with the CDC requirements and of those entities/agencies issuing the permits.

423-4 Air Quality

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

STAFF: The State Department of Environmental Quality (DEQ) standards pertaining to air quality apply to all land uses. No unusual air quality problems are anticipated as a result of the proposed development.

423-5 Odor

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

STAFF: Staff finds that none of the uses proposed for the site are associated with the release of odorous gases past the property line. Fueling pumps are not expected to cause odor impacts beyond the property lines. In addition, the underground fuel storage tanks require approval and maintenance through DEQ's Underground Storage Tank Program. The State regulates the permitting and monitoring of underground storage tanks, such as fuel tanks.

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.

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.

STAFF: No unusual problems with noise or vibration are anticipated with the proposed development is completed. The development would be subject to the Washington County Noise Ordinance at all times. Noise complaints are processed by Washington County Health and Human Services / Solid Waste and Recycling Program during regular business hours.

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.*

STAFF: Staff does not find that heat and/or glare-causing activities will be undertaken on-site.

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.*

STAFF: Storage of materials (for sale product merchandise) will occur inside the building. None of the merchandise is expected to attract or aid the propagation of insects or rodents or create a

health hazard such that appropriate control measures common to retail grocery stores are not able to address.

423-9.4 Storage of Hazardous Materials

Developments which store hazardous materials must comply with State standards, OAR Chapter 340 Division 63, 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.

STAFF: Staff does not find that the business will involve the storage, transport, or disposal of hazardous materials, except for the underground fuel storage tanks. As addressed previously, the tanks require approval and monitoring by DEQ.

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.

STAFF: Compliance with this standard would be evaluated as part of County Grading Permit review. The applicant would be required to provide evidence from the State DEQ that the Underground Storage Tank Permit has been obtained. CWS will also need to approve the final stormwater facility design as part of its Site Development Permitting process before construction of the facility can commence.

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 501-5.1, Critical Services).

STAFF: The applicant proposes to install the necessary water line(s) served by the water district.

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.

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.

STAFF: Staff does not find that radioactive, toxic or noxious materials will be made or disposed of on-site.

Section 426 Erosion Control

STAFF: Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction. Therefore, the applicant shall be required to submit an erosion control plan consistent with the requirements of Section 426 prior to any physical change or construction on the site.

The applicant will be required to submit a final erosion control plan to Clean Water Services for their approval prior to any on-site or off-site work (including work within the right-of-way) or construction.

Section 429 Bicycle Parking

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.

STAFF: The applicant proposes 4 bicycle parking spaces. Pursuant to Section 429-6, Tables A (Long Term) and B (Short Term), a total of 4 bicycle parking spaces are required.

TABLE A

USE		MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.3 Business and Commercial		
D.	<i>Retail stores, except as otherwise specified herein</i>	<i>Two (2) spaces, or one (1) space for each fifty (50) employees on maximum working shift</i>

Convenience Grocery: 2 Long Term Bicycle Parking Spaces

TABLE B

MINIMUM REQUIRED SHORT-TERM BICYCLE PARKING SPACES

USE		MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.8 Business and Commercial:		
G.	<i>Retail stores, except as otherwise specified herein</i>	<i>Two (2) spaces, or one (1) space for each fifty (50) employees on maximum working shift</i>

Convenience Grocery: 2 Short Term Bicycle Parking Spaces

Total Required: 4 bicycle parking spaces

Staff finds that the proposed bicycle racks will adequately serve the short and long term needs with locations and design that meets the standards of Section 429-7 through 11.

Section 430 Special Uses

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:

STAFF: The applicant requests Special Use approval for "Chevron Market," (Convenience Market with Gas Pumps and a Drive-Thru) consisting of a 4,296 square foot building (3,510 square foot ground floor/building footprint) and 918 square foot mezzanine (second floor), including 4 fueling islands with 8 total pumps. The proposed total gross floor area complies with the maximum 5,000 square feet of gross floor area permitted in the NC District. Convenience

Groceries are limited to a maximum gross floor area of 5,000 square feet pursuant to Section 311-3.3.

As stated above, the second floor mezzanine encompasses 918 square feet of floor area that counts towards the maximum gross floor area limit of 5,000. The term "gross floor area" as used in Section 311-3.3 includes all floor area, including floor area contained in storage rooms, equipment rooms and rooms/areas supporting mechanical/electrical systems, including HVAC systems. It is worth noting that second floor mezzanines factors into TDT calculations further demonstrating the consideration of this area as useable floor area.

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.

STAFF: Access is limited to NW West Union Road. As a triangular-shaped corner lot bound by two street sides (to the west and north) and park land (comprised mostly with natural resources) there are no other options to provide vehicular access to the site. Moreover, access to NW 185th Avenue is not allowed due to access spacing restrictions, nor is it feasible due to the presence of the water quality facility. See Section 501-8.5 of the Staff Report below and Attachment D for further detail.

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.*

STAFF: Staff does not yet find any restrictions listed in this section as being necessary at this time.

430-41 - Drive-in or Drive-up Establishment

Any establishment or portion of an establishment designed and operated to serve a patron while seated in an automobile (not including drive-in theaters).

430-41.1 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.;
- (4) Adjacent development.

B. Consolidation of access with adjoining uses shall be encouraged;
and

C. Driveway entrances and exits shall be clearly marked.

STAFF: Access is limited to NW West Union Road as access to NW 185th Avenue is not possible, and access to the south is not practicable due to environmental constraints. See also Section 501-8.5 of the Staff Report below and Attachment D.

430-41.2 *Drive-in facilities located in the parking lot or part of a larger commercial center shall not have separate access points to the street and shall utilize the center's access points;*

STAFF: All three commercial uses will share the same access to NW West Union.

430-41.3 *Lighting, sign illumination and height, and hours of operation may be restricted through the development review process to insure compatibility within the Office Commercial District; and*

STAFF: The development site is not designated Office Commercial District. Notwithstanding, the application included a Site Photometrics Plan (Sheet E1.0) demonstrating that lighting has been designed to minimize impacts on surrounding residential uses. Additionally, according to the application, the proposed pole mounted sign will not be illuminated.

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:

STAFF: The applicant requests Special Use approval for a service station ("Chevron Market," Convenient Market and Gas Pumps with Drive-Thru) served by 4 fueling islands (8 pumps) to be constructed on the development site supported by 22 off-street parking spaces and site landscaping. The service station business element will be integrated with the Convenience Grocery. Customers can pay at the pump or inside the store. Customers can purchase goods while getting gas or diesel, separately from a fuel purchase, or at the drive-thru.

430-123.1 *Entrances and Exits*

D. 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.*

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

STAFF: Access is limited to NW West Union Road as access to NW 185th Avenue is not possible, and access to the south is not practicable due to environmental constraints. The main access is located near the east property line and constitutes the 4th leg of a signalized intersection. The second access is located almost half-way between 185th Avenue and the signalized intersection discussed above. The second access is also designed as a right-in only access and is located at the best location to accommodate large fuel trucks (to enter the site).

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.*

STAFF: Staff does not yet find any restrictions listed in this section as being necessary at this time.

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 20).*

STAFF: A Condition of Approval to this affect has been added to Attachment D.

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

STAFF: A Condition of Approval to this affect has been added to Attachment D.

4. **Article V, Public Facilities and Services:**

Section 501 Public Facility and Service Requirements

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-12) shall apply to the Urban Unincorporated Area as follows:

501-2.2 *To all new construction of structures or expansion of an existing structure, except for construction of a single (one [1] only) detached dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:*

- A. *Contains two thousand (2000) square feet or less;*
- B. *Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;*
- C. *Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and*
- D. *Does not pose any unique public health or safety issues.*

STAFF: Article V is applicable to the proposed development per Section 501-2.2 in that it generates more than 14 ADT and will include a 4,428 square foot commercial development, "Chevron Market," (gas pumps/convenience market/drive-thru) served by 4 fueling islands (8 pumps). The proposed use will generate a net increase of 1,375.56 ADT to 1,559.52 ADT. See Attachment D.

501-3 Application of the Public Facility and Service Standards for Multiple Actions

STAFF: There are no future or phased development actions for this site that would make it appropriate to delay application of Article V. As such, all requirements of Article V for this site are being evaluated with this subdivision and property line adjustment application.

501-4 Deferral of Public Facility and Service Standards

STAFF: The applicant has not proposed to defer the public facility and service standards that are applicable to this proposal.

501-5 Exemptions from Public Facility and Service Standards of Section 501-2

STAFF: The proposed development is not exempt from Section 501-2. Therefore, the provisions of this section are applicable. Further, the applicant has not requested an exemption in accord with Section 501-2.

501-6 Exceptions for Critical and Essential Services

STAFF: The applicant has requested an exception to Critical or Essential Services for this development for half-street improvements.

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;

STAFF: Staff find that approval of the exception request would not interfere with the ability to provide half street improvements in the future, *provided that adequate right-of-way is dedicated and that the building and canopy are located far enough to the south to accommodate the required half-street improvements.*

Staff also find that the applicant has the ability to provide half street improvements at this time. Further, staff find that half-street improvements are roughly proportional to the trips generated by the development. According to the Transportation Plan, the required right-of-way – as measured from the legal centerline - is 21 feet. The applicant proposes 18 feet of ROW dedication plus a 10 foot PUE (this reduced right-of-way dedication is acceptable to the County Engineer). *See Attachment D. regarding required right-of-way.*

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

STAFF: Staff finds that approval of the half-street improvement exception could pose potential unsafe conditions to the traveling public. The proposed development will generate 2,763.96 new weekday vehicle trips per ITE Category 853 (see Attachment D). Noting that the nearest service stations are a mile away south on NW 185th Avenue and a mile and a half to the west. It is anticipated that the proposed use at this location will be heavily frequented by motorists in the Bethany/north Bethany areas needing to fuel their vehicles. This increase in new trips would be best served and made safer by the completion of half-street improvements along NW West Union Road.

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***

STAFF: There are similar frontage improvements on the same side of the street between the intersection of NW West Union Road and NW Kahneeta Drive. Improvements including sidewalks, curbs and storm drainage exist within 500 feet of the development site. The improvements were completed for the Rock Creek No. 10 residential subdivision in the late 1970's. The improvements extend from the intersection with NW Kahneeta Drive improvements to the Rock Creek Trail mid-block crossing. Outside of these improvements there are no other similar improvements.

(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).*

STAFF: There are three properties to the east located within 500 feet of the development site; two are owned by the Park District and are maintained as park and other open space and the other a developed residential lot. The larger of the two properties is encumbered with natural resources and the Flood Plain associated with Rock Creek and designated Institutional. Consequently, the Institutional lands possess no residential capacity. Therefore, the criteria pertaining to residential density is not applicable to the larger Institutional parcel. The smaller parcel is an open space (0.7 acre in size) too small for redevelopment with residential uses but is designated R-5 Residential. The residential lot currently supports a single family dwelling unit. There appears to be a relatively large, unencumbered area of the Institutional parcel located outside of the site's unbuildable areas (i.e., Flood Plain, Goal 5 Resources and powerline easements) that could support residential development if THPRD sought a plan amendment to change the land use designation from Institutional to residential or that would support park improvements if further developed by the park district.

Staff find that the half-street improvement exception **may** satisfy **Section 501-6.1 B.** but **does not** satisfy **Section 501-6.1 C.** Further, staff find that the half-street improvement exception does not satisfy **Section 501-6.3 A.**

Additional Information:

- The county does not have a capital road project in the design stage, nor does the county have a funded road project for the section of NW West Union Road east of NW 185th Avenue. There is a proposed project to look at the design for the future road segment of NW West Union Road west of NW 185th Avenue, but the design project stops short of the intersection with NW 185th Avenue. Noting that no design work is planned for West Union Road east of NW 185th Avenue. Therefore, there are no half-street improvements currently planned to be constructed as part of a county-funded road project in the foreseeable future for West Union east of 185th Avenue (**Section 501-6.3 B.**).

B. *The subject improvements will be constructed as part of a planned and funded public road improvement project scheduled to begin construction within twelve (12) months of the proposed development's approval date.*

- Staff finds the required half-street improvements (of about 723 feet) would be roughly proportional to the impacts resulting from the proposed Convenience Grocery and Service station (with 8 pumps). For comparison, a net increase in 1,559.52 additional

trips would be the equivalent of a 165-lot detached single family residential subdivision. So a net increase of 1,559.52 additional trips would be comparable to a large residential subdivision but in a much smaller area. The new net increase in trips also represent about a 13% increase in trips on West Union (based on the 2019 traffic count). Whereas the proposed development would generate 2,763.96 gross new trips (Scenario B). Further a new net increase of 2,763.96 trips would represent about a 23% increase in trips on West Union (based on the 2019 traffic count). See Attachment D.

501-7 Levels of Public Facilities and Services

STAFF: The applicant has provided documentation and service provider letters consistent with the definitions and procedures listed in this section.

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.*

STAFF: The applicant has provided service provider letters from Clean Water Services, Tualatin Valley Water District, and Tualatin Valley Fire & Rescue, all of which were dated within 90 days of the date the application was submitted.

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:*

STAFF: Findings for the requirements under this Section are in Attachment D, Transportation Report, and D1.

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.*

STAFF: The applicant has provided documentation from Clean Water Services. As noted in Attachment B, Conditions of Approval, the development will be reviewed by Clean Water Services for compliance with Resolution & Order 19-05 - Erosion Control, Water Quality, and Water Quantity.

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.*

STAFF: As noted in Attachment D, Transportation Report, the property is in the Urban Road Maintenance District.

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.

STAFF: The site is not in a Transit Oriented District or adjacent to a Special Area street. The standards of this section are not applicable.

501-8.2 Essential Services

A. Service Provider Documentation

STAFF: The applicant has provided service provider letters from districts and agencies that provide services defined as Essential in Article V. All of the services provider letters indicate that the identified services can be provided for the development.

B. Adequate Level of Arterial and Collector Roads

STAFF: Findings for the requirements under this Section are in Attachment D, Transportation Report, and D1.

C. Street Lighting

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.

STAFF: County staff will review street lighting for the proposed development for compliance with the County Road Design and Construction Standards. This review, compliance with the County requirements, and funding for construction, maintenance, and operation of any required street lighting are noted in Attachment B, Conditions of Approval.

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.

STAFF: The subject site is not in a Transit Oriented district and no right-of-way for a transit corridor is needed.

E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County Transportation 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.

STAFF: The site does not have gravel roads along its frontage. See Findings in Attachment D, Transportation Report, and D1 for required street improvements.

F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County Transportation Plan and Road Design and Construction Standards.

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 Plan and Road Design and Construction Standards.*

STAFF: NW 185th Avenue and NW West Union Road are Arterial Streets adjacent to the site. Requirements regarding half-street improvements are described in Attachment D, Transportation Report, and D1.

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.*

STAFF: The subject site is not in a Transit Oriented District.

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.*

STAFF: Findings for the requirements under this Section are in Attachment D, Transportation Report, and D1.

J. *When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.*

STAFF: The subject site does not have frontage on a roadway with either of these designations on the Regional Street Design Overlay Map in the Transportation Plan.

K. *Law Enforcement Services*

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.

STAFF: The subject site is in the Washington County Enhanced Sheriff's Patrol District.

501-8.3 *Desirable Services*

A. *Pedestrian walkways, off-street trails and pathways and bicycle facilities*

STAFF: The subject site does not require any pedestrian walkways, trails, or facilities per Section 408, Tualatin Hills Parks & Recreation District, or the Transportation System Plan – with the noted exception of a pedestrian connection (from the building to NW West Union Road sidewalks) pursuant to Section 408-10.

B. *Park and recreation facilities*

STAFF: The subject site is currently within the Tualatin Hills Parks & Recreation District.

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

STAFF: The Transportation Plan requires a total of 51 feet from legal centerline for NW West Union Road, which is a County Arterial designated as an Enhanced Major Street Bikeway. 30 feet of

right-of-way exists along the NW West Union Road frontage. As noted previously and in Attachment D, the County Engineer accepts a reduced setback from 21 feet to 18 feet. See also Attachment D. regarding required right-of-way dedication along NW West Union Road.

501-8.5 Access to County and 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.

STAFF: The proposed development fronts NW 185th Avenue, a county Arterial. No access is proposed or practicable due to the presence of the water quality facility as well we the fact that any access would be too close to the intersection and in conflict with the north-bound dedicated right-turn lane.

The proposed development also fronts NW West Union Road. The applicant requests approval of an Access Management Plan for two accesses: the western-most access as a right-in only access and the eastern-most access as the fourth leg of an existing signalized intersection. An AMP is required due to the arterial access spacing requirements of 600 feet. Findings for the requirements under this Section is in Attachment D, Transportation Report, and D1.

501-8.6 Methods to Assure Facilities and Services

STAFF: Findings for the requirements under these Sections are in Attachment D, Transportation Report.

Section 502 Sidewalk Standards

502-1 Intent, Purpose, Application, Authority, Requirement

502-1.4 *Sidewalks shall be required to be constructed prior to occupancy for the following development in the unincorporated areas of Washington County within an urban growth boundary:*

A. *All development that is subject to the Public Facility and Service Standards as required by Section 501-2, except for:*

(1) *Private streets for four (4) or fewer dwelling units pursuant to Section 409-3.3 A. (1), (2), and (4 - 7); and*

(2) *Residential development that meets the exemption criteria in Section 502-14; or*

STAFF: The proposal is subject to Section 501, per the applicability standard in Section 501-2. Sidewalks constructed at ultimate location and grade are required. See Attachment D, Transportation Report, for the specific sidewalk requirements for this proposal.

D. Ordinance No. 768-A, 783-A, 799-A – Washington County Transportation System Plan:

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report and are incorporated as findings herein.

E. Ordinance No. 793-A; Washington County Transportation Development Tax Ordinance:

STAFF: The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to major collectors and arterial streets needed for development. This fee is based on the number of daily trips a site generates and is due at issuance of a building permit unless deferred to building occupancy.

F. Ordinance No. 738 - Road Design and Construction Standards:

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report and are incorporated as findings herein.

G. Resolution and Order No. 86-95 – Determining Traffic Safety Improvements

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report, Attachments D. and D1, and are hereby incorporated as findings. No off-site improvements are necessary to satisfy R&O 86-95 except as what may be necessary to provide safe site access (e.g., adequate sight distance, adequate sight access illumination at NW West Union Road) as determined by Traffic Engineering to ensure that the approved AMP will provide safe access. *See Attachments D and D1.*

H. R & O No. 19-05 regarding Erosion Control, Water Quality and Water Quantity:

STAFF: Resolution and Order 19-05, as amended by Resolution and Order 19-05, contains adopted standards and regulations for Clean Water Services (The District) review and approval of erosion control measures.

IV. SUMMARY AND CONCLUSION:

The required findings have been made for all of the applicable Code sections. When implemented in accordance with the Recommended Conditions of Approval and the approved final plans, the project will be in compliance with the Community Development Code and the Community Plan.

Therefore, staff recommends that the Hearings Officer **approve** the request for Special Use and Development Review approval for a 4,428 square foot commercial development (a maximum of 5,000 square feet of gross floor area is allowed pursuant to CDC Section 311-3.3), "Chevron Market," (gas pumps/convenience market/drive-thru) served by 4 fueling islands (8 pumps), and an Access Management Plan for access to NW West Union Road. Approval should be subject to the Recommended Conditions of Approval set forth in Attachment "B" of this report.

Staff also does not recommend that the Hearings Officer approve the applicant's request for a Half-Street Exception given that there are other similar half-street improvements within 500 feet of the development site (east on NW West Union Road) and that the recommended half-street improvements are roughly proportional to the impacts of the development (noting that the proposed development will generate a net increase in 1,559.52 additional trips, equivalent to a 165 lot detached single family residential subdivision⁵. (Attachment D, Scenario B). The new additional trips also represent roughly a 13% increase in trips on West Union (based on the 2019 traffic count). The proposed development would generate 2,763.96 gross new trips (Attachment D, Scenario B). The required half-street improvements are therefore roughly proportional to the impacts resulting from the proposed development. Further a new net increase of 2,763.96 trips would represent about a 23% increase in trips on West Union (based on the 2019 traffic count). Notwithstanding, Current Planning staff support county engineering staff's recommendation that the applicant have the option to make interim street improvements with payment of Fee-in-Lieu for future half-street improvements. See also Recommended Condition of Approval II.E. and Attachments D and D1.

⁵ Assuming a lot width at the street of 30 feet (R-9 Residential lot), 165 R-9 lots would require about 4,950 linear feet of road improvements and utilities.

Attachment D

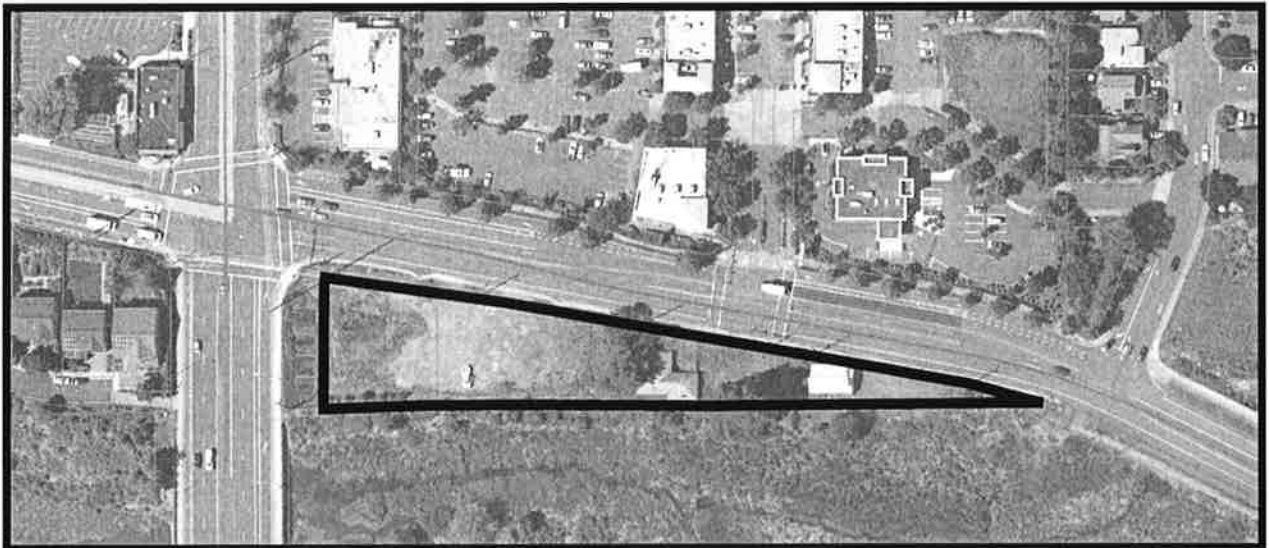
TRANSPORTATION REPORT

Staff reviewed this request for adequacy of transportation facilities and services and submits the following findings. Recommended Conditions of Approval in Attachment B of the staff report are provided to implement the applicable provisions of the Washington County Community Development Code (CDC), Transportation Plan, Road Design and Construction Standards (WCRDCS), and Resolution and Order (R&O) 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance—Process Documentation."

FINDINGS:

I. PROJECT PROPOSAL AND TRIP GENERATION:

- A. The proposed development is for a two story 4,428 square foot commercial building with a **convenience store¹ & gas station with a drive-thru** (a 3,510 square foot ground floor and a 918 square foot second floor mezzanine served by 4 fueling islands (2 pumps per fueling island for a total of 8 pumps) and 14 parking spaces.
- B. The development site encompasses 1.21 acres. The applicant obtained approval in February of 2020 of a Property Line Adjustment (Casefile L1900411-PLA) to consolidate the two tax lots (1N119BC00600 and 1N119BC00500) into one lot. New deed and survey will need to be recorded prior to Final Approval for this application.
- C. The development site has frontage on NW West Union Road, a county Arterial, and NW 185th Avenue, also a county Arterial. *The site is shown below.*



- D. The applicant proposes two points of access: 1) a westerly driveway designed as a restricted right-in only access, and 2) an easterly driveway aligned with the existing signalized intersection of the West Union Village entrance (the signalization is currently only for 3 legs of the intersection and the applicant will be required complete the fourth leg of the intersection).
- E. The west access is proposed at approximately 210 feet east of NW 185th Avenue, while the east signalized intersection/access is to be located approximately 440 feet

¹ Convenience Groceries are limited to a **maximum** of 5,000 sq. ft. of gross floor area pursuant to CDC Section 311-3.3.

east of NW 185th Avenue and aligned with the West Union Village Shopping Center entrance. The development application includes an Access Management Plan for each of the proposed accesses.

- F. With the exception of the drive-thru component, staff find that the proposed use matches that of a **Convenience Market with Gasoline Pumps (ITE Category Code 853)**.

Staff evaluated the proposed trip generation based on the proposed square footage of the Convenience Grocery (4,428 square feet) and number of pumps (8 pumps) using land use category ITE Code 853 in the 10th Edition of the ITE Manual. Noting that the proposed drive-thru is not an independent commercial use. Therefore, staff included the relatively small floor area (500 square feet) allocated to the drive-thru use in the square footage of the proposed convenience store for purposes of trip generation calculations.

- G. **ITE Land Use Category 853** describes a combination gas/service station with convenience market where there is business related to the sale of convenience items **and** the fueling of motor vehicles – but with the gas pumps constituting the primary business. ITE Code 853 goes on to identify two specific (or key) characteristics of Convenience Markets with Gas Pumps:

1) **The gross floor area of the convenience market is at least 2,000 gross square feet**

2) **The number of vehicle fueling positions is less than 10**

- H. The ground or main floor of the proposed building encompasses **3,510 square feet** which includes the cashier station that will process transactions for both the gas station and the convenience grocery (the drive-thru use will occupy about 500 square feet of the ground floor). The second floor mezzanine encompasses 918 square feet for a total building square foot area of **4,428 square feet**.

- I. Staff find that the proposed uses or characteristics meet the two specific characteristics of a Convenience Market with Gas Pumps (ITE Code 853).

- J. Staff provides two scenarios regarding trip generation for the site. These two scenarios are provided because there are at least two viable methods for estimation of the trip generation of the proposed use.

- K. Information from the applicant indicates that the prior use had some operational characteristics similar to those described in ITE 930, but also some similar to ITE 932.² The applicant's estimate is that the prior restaurant use generated 1,195 weekday ADT.

² In an August 8, 2020 memorandum from Wayne Kittelson, findings regarding the former restaurant use noted that, after in-depth conversations with the previous owners, the applicant believes that the former restaurant operated as a "Fast Casual" Restaurant for most of the day (Land Use Code 930) and as a "High-Turnover Sit-Down" Restaurant (Land Use Code 932) in the evening hours. If operating only as a High-turnover (sit down) restaurant, based on a building square footage of 3,868 square feet and on Land Use Code 932, only 438 trips would have been generated – not 1,195 trips according to the applicant's representative. However, according to the memorandum about 7-8 of the 11 business hours were that of a "Fast Casual" Restaurant ITE 930, with the balance evening hours were that of "High-Turnover Sit-Down" Restaurant (ITE 932). Staff conclude that the majority of the day time business hours were that of a "High-Turnover Sit-Down" Restaurant and not that of a "Fast Casual" Restaurant for most of the day. So for purposes of this analysis, ITE 932 is better suited to calculate trips for this analysis.

Scenario A: Low Net Trip Increase

Use	Trip Generation Rate (ITE Code)	Units/Square Feet	Trips
Existing Uses			
Fast Casual Restaurant; High-Turnover sit down Restaurant	ITE 930		1,195 ADT
Single Family Dwelling	9.44 weekday ADT/Dwelling Unit (ITE 210)	1 unit	9.44 ADT
Proposed Uses			
Convenience Market / Gas Station	322.50 ADT / Vehicle Fueling Station (ITE 853)	8 vehicle fueling stations	2,580 ADT
Net Traffic Generation			1,375.56 ADT

Scenario B: High Net Trip Increase

Use	Trip Generation Rate (ITE Code)	Units/Square Feet	Trips
Existing Uses			
Fast Casual Restaurant; High-Turnover sit down Restaurant	ITE 930		1,195 ADT
Single Family Dwelling	9.44 weekday ADT/Dwelling Unit (ITE 210)	1 unit	9.44 ADT
Proposed Uses1			
Convenience Market / Gas Station	624.20 ADT / T.S.F.G.F.A. (ITE 853)	4,428 square feet (4,428/1000 = 4.428)	2,763.96 ADT
Net Traffic Generation			1,559.52 ADT

- L. **Scenario A** assumes the method for the proposed use that yields the lower estimate. **Scenario B** assumes the method for the proposed use that yields the higher estimate.

A trip generation for ITE 853 based on the size of the associated convenience store is not necessarily less valid than one based on vehicle fueling positions since both independent variables are based on the same number of trip generation studies (13).

For purposes of this report, however, staff uses the data from Scenario A in order to provide the applicant with the benefit of the doubt where there may be uncertainty as to the prior nature of the sit down restaurant.

- M. The applicant asserts that trip generation assessment should be reduced to account for the relatively high percentage of pass-by trips associated with the proposed use. Pass-by trips are not new trips on the overall County roadway system but are instead stops made as part of a trip for another purpose. A stop to get gasoline as part of commuting to or from work is an example of a pass-by trip. Staff does not believe it is appropriate to account for pass-by trips for purpose of this analysis and has historically not done so for purposes of Article V analysis.

Regardless of whether a trip is a pass-by trip or primary trip, the vehicle is still traveling to that site along the site's roadway frontage and on abutting roadways. The County requires developments to ensure that a safe and efficient roadway network is provided on the site frontage through the regulations in Article V. Specifically, the roadway frontage is to be brought to current Washington County Road Design and Construction Standards(CDC Section 501-8.2.G). Providing this improvement creates a street that provides for vehicular, bicycle, and pedestrian travel in a safe manner along the affected roadway section as intended by the Washington County TSP. Because this analysis is concerned with frontage improvements for the site, staff believes it is appropriate that the analysis accounts for the trips that will be made to the site as calculated by the average daily trips listed above *without a reduction of pass-by trips*.

Staff concurs with the applicant that pass-by trips should be considered when estimating the total number of trips on the public roadway network from a development. To this point, pass by trips are factored into the methodology for the rates in County's Transportation Development Tax (TDT). In general terms, the County assesses roadway capacity improvements from private development through the TDT. Applicants are not required to study capacity impacts as part of their land use application or construct improvements solely related to capacity for their conditions of approval. For addressing roadway capacity impact for private development, the County's methodology is consistent with the position taken by the applicant.

- N. Staff provides the following analysis for demonstration that the required half-street improvements are roughly proportional to the impacts of the vehicular traffic that would arrive at the site due to the proposed development.

The relevant arterial roadway segment that includes the site frontage is NW West Union Road between NW 185th Avenue and NW Laidlaw Road (both intersecting streets are designated as arterial roadways). This roadway segment is approximately 4,125 lineal feet (8,250 lineal feet of half-street improvement frontages). The subject site has approximately 723 lineal feet of frontage on this roadway.

The County has 2 traffic count locations along this segment of NW West Union Road (See Figure 1). One is just east of the intersection with NW 174th Avenue (Station #160) and one is approximately 2,700 feet west of the intersection with NW 185th Avenue (Station #123). Figure 1 also provides traffic counts for two stations on NW 185th Avenue (#121, south of West Union, and #124, north of West Union).

L2100244
Traffic Count Stations

Station #	Road Name	Distance (Miles)	Direction From	Cross Road	2017 Combined	2018 Combined	2019 Combined	% Trucks
121	185th Ave	0.5	N	Rock Creek Rd	23810	25069	24467	5.8
123	West Union Rd	0.5	W	185th Ave	11969	14526	12789	3.8
124	185th Ave	0.1	S	Springville Rd	18566	4769	21950	4.7
160	West Union Rd	0.2	W	Laidlaw Rd	12775	13794	12267	3.5

The table above provides a comparison of trip counts from 2017, 2018 and 2019. Station #160, presented in the table below, counted 508 fewer trips in 2017 and 1,527 fewer trips in 2018.

Station #160 trip count is presented to give the applicant the benefit of the doubt in terms of the percentage of vehicle trips attributable to the proposed use.

**Development Site
Proportion of Roadway Frontage and Vehicle Traffic**

	Lineal Feet of 1/2 street frontage	Average Daily Trips		
		Existing	Proposed	% Increase
Development Site	723	1,204.44	2,580 ³	114%
NW West Union (between NW 185th Avenue and NW Laidlaw Road)	8,250	13,471.44 ⁴	14,847	10.21%
% (development site / roadway segment)	8.76%	8.93%	17.38%	--

The half-street improvements on the site’s frontage of NW West Union Road can be found to be roughly proportional based on the information in the above table. The recommended conditions of approval are for the applicant to assure half-street improvements on their site frontage, which constitutes 8.76% of the lineal ½ street frontage of the affected roadway segment. The total traffic for the development site would constitute 17.38% of the traffic on that segment, based on figures from Scenario A and the 2019 traffic count from Station #160. The net traffic generation of the development would result in an increase of 10.21% of vehicle traffic for the roadway segment. Whereas based on figures from Scenario B, the net traffic

³ A trip generation in Scenario B based on a generation of 2,763.96 weekday trips would result in a trip increase of 129.5%

⁴ This figure is based on a 2019 traffic count of 12,267 total daily trips at station #160 plus the applicant’s trip generation estimate for the restaurant (1,195) plus the single family dwelling (9.44). These are added to the 2019 count because they were not actually operational as of 2019 and their associated trips would not have been included in the 2019 data.

generation of the development would result in a significantly greater increase in vehicle traffic for the same roadway segment than Scenario A.

Based on this, the recommended condition of approval for the applicant to assure half-street improvements on their site frontage can be found to be roughly proportional to the impacts of the proposed development. Staff empathizes that this analysis is based on metrics that give the applicant the benefit of doubt concerning trip generation estimates and traffic counts. Takings caselaw holds only that exactions be found to be roughly proportional to identified impacts.

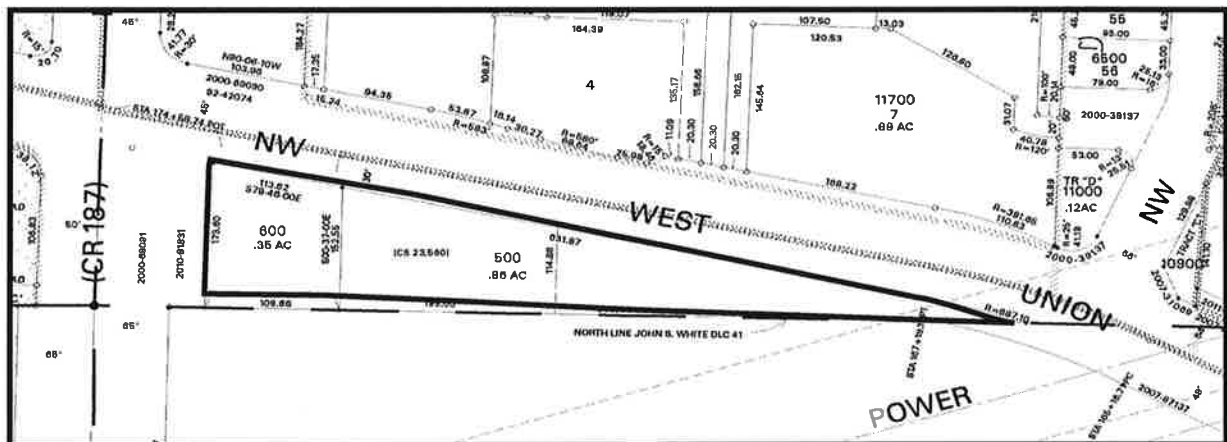
- O. As an additional point of reference, based on the net increased number of trips (of 1,375.56), the half-street improvements would be the equivalent of a 146 lot detached single family residential subdivision⁵.
- P. The applicant requests a Half-Street Exception for NW West Union Road. Staff does not support the request. Staff further find that the half-street improvements are roughly proportional to the impacts from the proposed development and significant increase in daily vehicle trips *See also Article V findings in the Recommendation and Staff Report (Attachment C) and Section IV ACCESS in this report below.*
- Q. Engineering Plan Review staff in their written comments provided the list of improvements required to achieve the ultimate street improvement required for this development. Engineering Plan Review staff also provided an alternative (or interim) list of improvements for the applicant to consider completing. The interim improvements include the payment of fee-in-lieu for future completion of the improvements. Notwithstanding, both sets of improvements will be designed to ensure public safety of motorists and pedestrians. The Recommended Conditions of Approval include both options.

II. RIGHT-OF-WAY:

- A. **NW 185th Avenue** is 5-lane County Arterial (A-2) as it abuts the west side of the project site. Approximately ninety-eight (98) feet of right-of-way from legal centerline exists. NW 185th Avenue is designated an Enhanced Major Street Bikeway, which requires 51 feet from legal centerline. Existing right-of-way is adequate, except that which may be required to provide adequate corner radius with the widening of NW West Union Road. Noting that right-of-way was obtained in 2010 (Document No. 2010-091831) and in 2000 (Document No. 2000069545) to increase the width from 65 feet to 95 feet. Land obtained via Document No. 2000069545 was acquired to site a water quality facility constructed by the County as part of the NW 185th Avenue Project.
- B. **NW West Union** is 5-lane County Arterial (A-2) as it abuts the north side of the project site. NW West Union Road is also designated an Enhanced Major Street Bikeway⁶, which requires 51 feet from legal centerline. Existing right-of-way is thirty (30) feet from centerline. Existing right-of-way is not adequate. The site plans correctly show the 30 foot existing right-of-way.

⁵ Assuming a street lot of 30 feet (R-9 Residential lot), 146 R-9 lots would require about 4,380 linear feet of street improvements.

⁶ Absent the Enhanced Major Street Bikeway designation, required right-of-way designation on West Union would be 18 feet from legal centerline.



During the land use review of the previous land use application for this development, staff had numerous discussions with the applicant and County Engineering staff as well as numerous internal staff discussions around this very issue when the previous development application was under consideration.⁷ There were also numerous pre-application meetings held involving this site. County staff have concluded up until recently that no less than **21 feet** of additional right-of-way on NW West Union Road needs to be dedicated. Twenty one (21) feet of right-of-way was believed to be needed to ensure that adequate right-of-way exists to facilitate the future improvements to the intersection of NW West Union and NW 185th Avenue. Noting that the county does not currently have a funded road project for this section of NW West Union Road.

At the conclusion of these discussions, the County Engineer decided that a dedication of 18 feet (and not 21 feet) would adequately provide the right-of-way necessary to construct the required improvements. This is due in part to the applicant proposing a ten (10) foot Public Utility Easement (PUE) along the West Union Road frontage. Dedication of 18 feet of additional right-of-way is still required. The applicant will be conditioned to dedicate at least 18 feet from centerline and record a minimum ten (10) foot PUE along West Union Road or as otherwise required to install/place all utilities (e.g., relocated overhead powerlines). The applicant proposes to dedicate 18 feet of additional right-of-way from legal centerline as well as provide a ten foot PUE along West Union Road.

III. TRANSPORTATION SYSTEM DESIGNATIONS AND REQUIREMENTS:

- A. NW West Union Road (CR #1175) is currently designated as a 4-5 lane Arterial per the Washington County Transportation System Plan (TSP). It is also designated as an Enhanced Major Street Bikeway, requiring a maximum of 102 feet of total right-of-way (51 feet of right-of-way from legal centerline) and a maximum of 78 feet of paving for the entire street section (39 feet from legal centerline).
- B. Thirty (30) feet of right-of-way exists from centerline along the site's NW West Union Road frontage. Additional right-of-way shall be dedicated providing a total of 48 feet of right-of-way from centerline of NW West Union Road. The total planned width of right-of-way for NW West Union Road along the site's frontage is 102 feet. The applicant proposes to dedicate 18 feet of right-of-way on NW West Union Road. Lastly, this amount of road dedication, as stated previously, has been determined by

⁷ Casefile L2100244 was withdrawn by the applicant prior to commencement of the continued June 16, 2022, public hearing and subsequent issuance of a Notice of Decision by the Hearings Officer.

the County Engineer as the minimum required to accommodate the required public improvements. It is worth noting that prior to the designation of West Union Road as an Enhanced Major Street Bikeway, the right-of-way that would have been required was 18 feet. Hence, the adjustment approved by the County Engineer (from 21 feet to 18 feet) is believed to be nominal and one that will not adversely affect the future construction of the West Union half-street improvement.

- C. Section 501-8.2 G. requires the construction of street improvements (as defined in CDC 501-8.8 A.) to county standard along the site's frontage of NW West Union Road. Washington County's Road Designation for the site's frontage is A-2. The County completed *interim* street improvements on NW West Union, including but not limited to sidewalks, curb and gutter, storm drainage (but no planter strip, street trees or street illumination). Noting that the county currently does not have a funded Capital Improvement Project to improve the abutting NW West Union frontage. The county does have a funded project involving West Union Road between Cornelius Pass Road and 185th Avenue. However, the project is only for the design of future improvements between Cornelius Pass Road and 185th Avenue (the project is not designing future improvements east of 185th Avenue.) The applicant will need to design the street improvements at this time in order to complete the required half street improvements.
- D. The Urban Road Maintenance District (URMD) is a special assessment district that collects revenues used to maintain public roads within the Urban Growth Boundary. This site is already in the URMD.
- E. NW 185th Avenue (CR No. 187) is a county 5-lane Arterial typically requiring a maximum of 98 feet of right-of-way (49 feet from centerline) and 74 feet of paving (37 feet from legal centerline). 95 feet of right-of-way exists along NW 185th Avenue from legal centerline (Noting that the eastern 30 feet encompasses a county-constructed water quality facility installed as part of the 185th Avenue/Springville Road Capital Improvement Project). No additional right-of-way is anticipated to be required along NW 185th Avenue, except as may be necessary to provide adequate corner radius. Improvements are not required for NW 185th Avenue except for the replacement of any damaged or missing sidewalk panels.

IV. ACCESS:

- A. CDC Section 501 8.5 governs access to County and public roads. NW West Union Road is designated as a county Arterial in the TSP.
- B. Access to the site is proposed from the following proposed access point(s):
 - 1. A right-in only access to the site from NW West Union Road is located approximately 210 feet east of NW 185th Avenue (noting that the right-in only access may need to be redesigned so as to prevent if not more strongly discourage west bound vehicles from turning left in at this access. Traffic Engineering will need to approve the right-in only access prior to Final Approval).
 - 2. A full-access to the site from NW West Union Road, located approximately 440 feet east of NW 185th Avenue. This access will be aligned with the existing commercial access serving the commercial development on the north side of NW West Union and will constitute the 4th leg of this intersection. Thus, improvements will include signaling the 4th intersection leg.
- C. No access is currently proposed to NW 185th Avenue, given the presence of the existing water quality facility, making access impracticable.

D. Per CDC Section 501-8.5 B.(4), the minimum access spacing standards for NW West Union Road are:

1. Access to Arterial roads shall be from Collector roads. Exceptions for Local roads or private accesses may be allowed through a Type II process when Collector access is found to be unavailable and impracticable by the Director.
2. Access to Arterials shall also comply with the following standards:

a. Arterials

Access will not be permitted within six hundred (600) feet of an intersecting street or existing or approved access, measured on both sides of the road.

E. The development fronts only on County Arterials. There are no opportunities to access a Collector. Whereas approval of an Access Management Plan is required due to the fact that the proposed accesses do not meet the 600 foot access spacing requirements of Section 501-8.5 B.(4).

F. Access Spacing/Access Management Plan findings:

The applicant requested approval of an Access Management Plan to permit access to NW West Union Road just as was requested for the previous application for a Chevron convenience store and gas station on this site. The accesses currently requested are the same as proposed in the previous application. Traffic Engineering staff reviewed the current development application and concluded that original Access Management Plan remained valid for the current proposed right-in only access and the new south leg at the existing West Union Road/Albertsons entrance signal. The Access Management Plan can be approved subject to the following traffic conditions:

1. Provide adequate illumination at the proposed right-in access on NW West Union Road. Direct technical questions concerning this condition or the current Roadway Illumination Standards to Traffic Engineering, at (503) 846-7950.
2. Construct the right-in only access to restrict the access as right-in only. *Traffic Engineering will need to review and approve the right-in only access design prior to Final Approval.*
3. Construct the south leg of the existing West Union Road/Albertsons signal with two outbound lanes (one left turn lane and one shared through/right turn lane) and one inbound lane. In coordination with Washington County engineering, design and construct the new added traffic signal for the proposed access and modify the existing traffic signal as needed.
4. Install protected-plus-permitted left turn phasing capacity for the EB-to-NB left turn movement at the intersection of West Union Road and West Union Village/Albertsons driveway/access prior to the issuance of certificate of building occupancy.

G. Per CDC Section 501-8.5 G., record a vehicular access restriction along the entire frontage of NW West Union Road, except at any access point(s) approved through the land use application review process and along the entire frontage of NW 185th Avenue.

V. SIGHT DISTANCE:

- H. CDC Section 501 8.5. F. and WCRDCS Section 210.7 require adequate intersection sight distance at a site's access to a County or public road and at all intersections of County or public roads, in accordance with the standards of CDC 501 8.5. F.
- I. **NW West Union Road:** The required sight distance at NW West Union Road is 400 feet based upon the posted speed of 40 m.p.h. Provision of adequate sight distance is imperative to the safety of the proposed accesses as required by Article V. of the Code. The east access is a fully signalized access to NW West Union Road. The applicant's traffic analysis indicated that that sight distance can be provided, noting that all landscaping, signage and utilities near this access will need to be sited to maintain sight distance. For this reason, the applicant shall provide Final Sight Distance Certification prior to occupancy affirming that adequate sight distance is provided. Additionally, Traffic Engineering staff concluded that if adequate sight distance cannot be provided/maintained, then a "NO TURN ON RED" sign for the right turn movement will be required to ensure traffic safety (i.e., no turn on red for motorists turning right onto West Union going eastbound from Chevron).
- J. Periodic trimming of vegetation may be required to maintain adequate sight distance at all intersections.

VI. NEIGHBORHOOD CIRCULATION:

- K. See findings for Section 408 in Attachment C.

VII. TRAFFIC SAFETY REVIEW:

- L. Resolution and Order (R&O) 86 95 sets forth criteria for determining necessary traffic safety improvements due to development proposals that impact County and public roads.
- M. County Traffic Engineering staff reviewed traffic analysis for this development proposal as required by R&O 86 95 as well as analyzed the Access Management Plan as previously described. Traffic Engineering's response is that the proposed accesses are approved provided certain improvements are made. *See Section IV ACCESS above and Attachment D1.*
- N. Per CDC 501-8.2 C., the applicant shall assure the maintenance and power costs of all required illumination on public roads through the annexation and petition for service to an existing County service district for lighting (SDL) or other means of assurance approved by the Operations Division.

VIII. PERMITS REQUIRED:

- O. A Facility Permit will be required from the county for any work within the NW 185th Avenue and NW West Union Road rights-of-way.

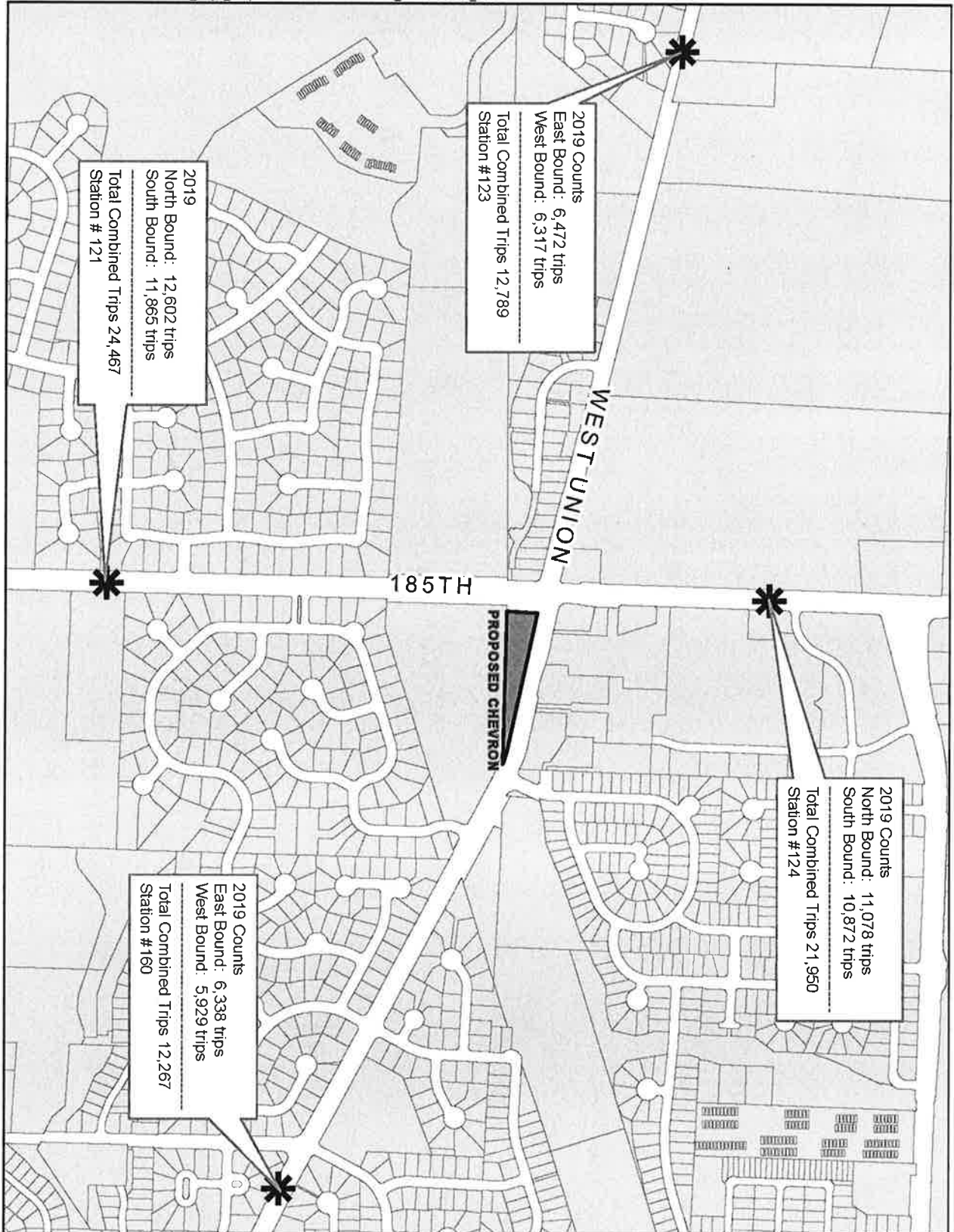
FIGURE 1 (next page)

- **Map showing the site and West Union and 185th where each leg is annotated with the most recent traffic counts from Operations (east and west bound and north and south bound. Locations of the traffic counts are also shown on the map.**

CONDITIONS OF APPROVAL: See Attachment B

FIGURE 1

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LAND USE & TRANSPORTATION MEMORANDUM

Engineering, Traffic and Survey

DATE: September 21, 2022
 TO: Paul Schaefer, Senior Planner
 FROM: Jinde Zhu, P.E., Traffic Engineer *JZ*
 CC: Traffic Analysis File #1573, C/File
 RE: **REVIEW OF PROPOSED ACCESS MANAGEMENT PLAN
 WEST UNION GAS STATION
 WASHINGTON COUNTY**

This report examines the submitted Access Management Plan conducted for the proposed redevelopment of the property located on the south-east corner of NW West Union Road and NW 185th Avenue in Washington County. The site will be redeveloped into a gas station with a convenience store consisting of 8 fueling positions and a 500 square-foot fast food restaurant with a drive-through window. Access is proposed via a right-in only access along NW West Union Road and a newly constructed south leg of the existing West Union/Albertsons entrance traffic signal. NW West Union Road is classified as an arterial by Washington County with a required minimum access spacing of 600 feet. The spacing between the proposed right-in only access and nearest street and driveways to both the east and west is less than 600 feet. Therefore, the access spacing on NW West Union Road falls below the county access spacing requirement. This submitted Access Management Plan (AMP) is intended to fulfill the requirements of Washington County CDC Section 501-8.5C "Exception to Access Criteria".

The Access Management Plan (AMP) analysis is contained in the report, "Traffic Operations Assessment, West Union Gas Station", Kittelson & Associates, Inc., October 18, 2019. An additional traffic memo dated February 16, 2022 by the same traffic engineer was also submitted to reflect the change from the originally proposed gas station with a convenience store and 12 fueling stations to a gas station with a convenience store and 8 fueling stations and a fast food restaurant with a drive-through window. The findings and recommendations given below are based, in part, on information provided in the Access Management Plan and the latest traffic memo.

FINDINGS:

Section 501-8.5C (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.*

The submitted Access Management Plan proposes one right-in access on NW West Union Road and a new south leg at the existing West Union/Albertsons entrance signal to serve the site.

Page 2

**REVIEW OF PROPOSED ACCESS MANAGEMENT PLAN, WEST UNION GAS STATION,
WASHINGTON COUNTY**

September 21, 2022

The submitted Access Management Plan addressed the traffic impact of the proposed development.

Section 501-8.5C (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.*

The access spacing standard for NW West Union Road, an arterial, is 600 feet. The access spacing between the proposed right-in access on NW West Union Road and existing street/accesses does not meet the access spacing standard. The submitted plan concludes that the proposed development will not have significant impacts on the surrounding street networks.

Section 501-8.5C (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 501-8.5B, measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1700 feet in length.

The proposed Access Management Plan has been certified by a registered engineer in the state of Oregon. The study area in the plan extends from the proposed development to a point approximately 600 feet east and 600 feet west of the proposed development property lines on NW West Union Road.

(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.

The February 16, 2022 memo estimated that the latest proposed site will generate 148 and 163 trips during the weekday AM and PM peak hour respectively.

The submitted AMP determined that all the intersections within the project impact area will operate adequately.

The AMP determined that within the project impact area there are no traffic safety deficiencies.

**REVIEW OF PROPOSED ACCESS MANAGEMENT PLAN, WEST UNION GAS STATION,
WASHINGTON COUNTY**

September 21, 2022

The AMP determined that the intersection sight distance at both the proposed accesses on NW West Union Road meet the county requirements.

(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.

The Access Management Plan did not evaluate other feasible locations to locate the proposed access on other lower classified streets due to the site restrictions.

(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.

The submitted Access Management Plan recommended protected-plus-permitted left turn phasing capacity should be installed for the EB-to-NB left turn movement at the intersection of West Union Village Drive/West Union Road.

RECOMMENDATIONS:

The proposed right-in access and the new south leg at the existing West Union Road/Albertsons entrance signal can be approved subject to the following traffic conditions:

1. Provide adequate illumination at the proposed right-in access on NW West Union Road. Direct technical questions concerning this condition or the current Roadway Illumination Standards to Traffic Engineering, at (503) 846-7950.
2. Construct the right-in access to restrict the access as right-in only.
3. Construct the south leg of the intersection of West Union Road/Albertsons entrance with two outbound lanes (one left turn lane and one shared through/right turn lane) and one inbound lane. Coordinate with Washington County, design and construct the new added traffic signal for the proposed access and modify the existing traffic signal as needed.
4. Install protected-plus-permitted left turn phasing capacity for the EB-to-NB left turn movement at the intersection of West Union Road/Albertsons entrance prior to the issuance of certificate of building occupancy.

JZ:tf



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Development Services Division
 Current Planning Section
 155 N. 1st Avenue, #350-13
 Hillsboro, OR 97124
 Ph. (503) 846-8761 Fax (503) 846-2908
<http://www.co.washington.or.us>

EXHIBIT E



Street Trees

APPROVED STREET TREES

Ash

- Fraxinus americana—White Ash
- Fraxinus excelsior—Globe European Ash
- Fraxinus ornus—Flowering Ash
- Fraxinus oxycarpa—Golden Desert Ash, Flame Ash, Raywood
- Fraxinus pennsylvanica—Marshal Ash, Summit Ash

Beech

- Fagus sylvatica—European Tricolor

Blackgum

- Nyssa sylvatica—Blackgum

Crabapple

- Malus—Flowering Crabapple

Cherry, Flowering

- Prunus sargentii—Sargent Cherry
- Prunus serrulata—Oriental Cherry

Dogwood

- Cornus florida—Eastern Dogwood, Flowering Dogwood
- Cornus kousa—Kousa Dogwood, Japanese Dogwood
- Cornus nuttallii—Native Pacific Dogwood

Elm

- Ulmus parvifolia—Chinese Elm, Lacebark Elm

Ginkgo

- Ginkgo biloba—Autumn Gold, Fairmont, Princeton Sentry, Shangri-la

MALE TREES ONLY

Goldenrain Tree

- Koelreuteria paniculata—Goldenrain Tree

Goldenchain Tree

- Laburnum watereri—Goldenchain Tree

Hackberry

- Celtis occidentalis—Common Hackberry

Hawthorn

- Crataegus lavellei—Lavelle Hawthorn
- Crataegus phaenopyrum—Washington Hawthorn

Honey Locust

- Gleditsia triacanthos—Skyline

Hophornbeam

- Ostrya virginiana—American Hophornbeam

Hornbeam

- Carpinus betulus—European Hornbeam

Japanese Snowbell

- Styrax japonicus—Japanese Snowbell

Katsura

- Cercidiphyllum japonicum—Katsura Tree

Lilac

- Syringa reticulata—Japanese Tree Lilac

Linden

- Tilia americana—American Linden
- Tilia cordata—DeGroot Littleleaf, Glenleven Littleleaf, Greenspire Linden

Maple

- Acer campestre—Hedge Maple
- Acer ginnala—Amur Maple
- Acer griseum—Paperbark Maple
- Acer nigrum—Greencolumn Black
- Acer platanoides—Norway Maple, Crimson King Norway,
- Acer rubrum—Bowhall Maple, Red Sunset Maple
- Acer saccharum—Sugar Maple

Oak

- Quercus acutissima—Sawtooth Oak
- Quercus coccinea—Scarlet Oak
- Quercus imbricaria—Shingle Oak
- Quercus palustris—Pin Oak
- Quercus robur—English Oak
- Quercus rubra—Northern Red Oak
- Quercus shumardii—Shumard Oak

Pagoda Tree

- Sophora japonica—Japanese Regent

Pear, Flowering

- Pyrus calleryana—Aristocrat, Autumn Blaze Flowering

Redbud

- Cercis canadensis—Eastern Redbud

Tulip Tree

- Liriodendron tulipifera—Tulip tree

Zelkova

- Zelkova serrata—Village Green, Wireless Zelkova, Green Vase

TREES NOT APPROVED OR PERMITTED AS STREET TREES:

Agricultural fruit bearing trees (apple, pear, plum, cherry, etc.)

Coniferous evergreen (Fir, Pine, Cedar, etc.)

Acer, saccharinum - Silver Maple

Acer, negundo - Boxelder

Ailanthus, glandulosa - Tree-of-Heaven

Betula; birches (common species and varieties)

Ulmus; elms (common species and varieties)

Morus; mulberry (common fruiting species and varieties)

Salix; willow (common species and varieties)

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.



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Street Trees



407-9 Street Trees

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 within the R-5, R-6, and Agricultural Districts, 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;
- 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 at an average of one tree per thirty-five (35) feet of lineal road frontage;
- 407-7.4 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way;
- 407-7.5 Street trees shall be a minimum of one and one-half (1-1/2) inches in diameter.

Please Note: CDC 418-3 states "Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three feet and ten feet in height as measured from street grade.....The sight triangle shall be measured from the street corner (apex), a distance or twenty feet along each street side....."

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.