



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 6,728 square foot commercial development, "Chevron Market," (convenience market/gas station) served by 6 fueling islands (12 pumps), an Access Management Plan for access to NW West Union Road, Variances to reduce: 1) the front yard setback (from NW 185th Avenue) from 20 feet to 3 feet, and 2) the street side yard setback (from NW West Union Road) from 20 feet to 5.1 feet for the main structure and from 20 feet to 13 feet for the canopy, and a Half-Street Exception for improvements to NW West Union Road. (A Property Line Adjustment consolidating Tax Lots 1N119BC00600 and 1N119BC00500 was approved through Casefile L1900411-PLA.)

MAY 21, 2020

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, 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: L2000057-SU/D(C)/AMP/V/M

APPLICANT & OWNER:

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

APPLICANT'S REPRESENTATIVE:

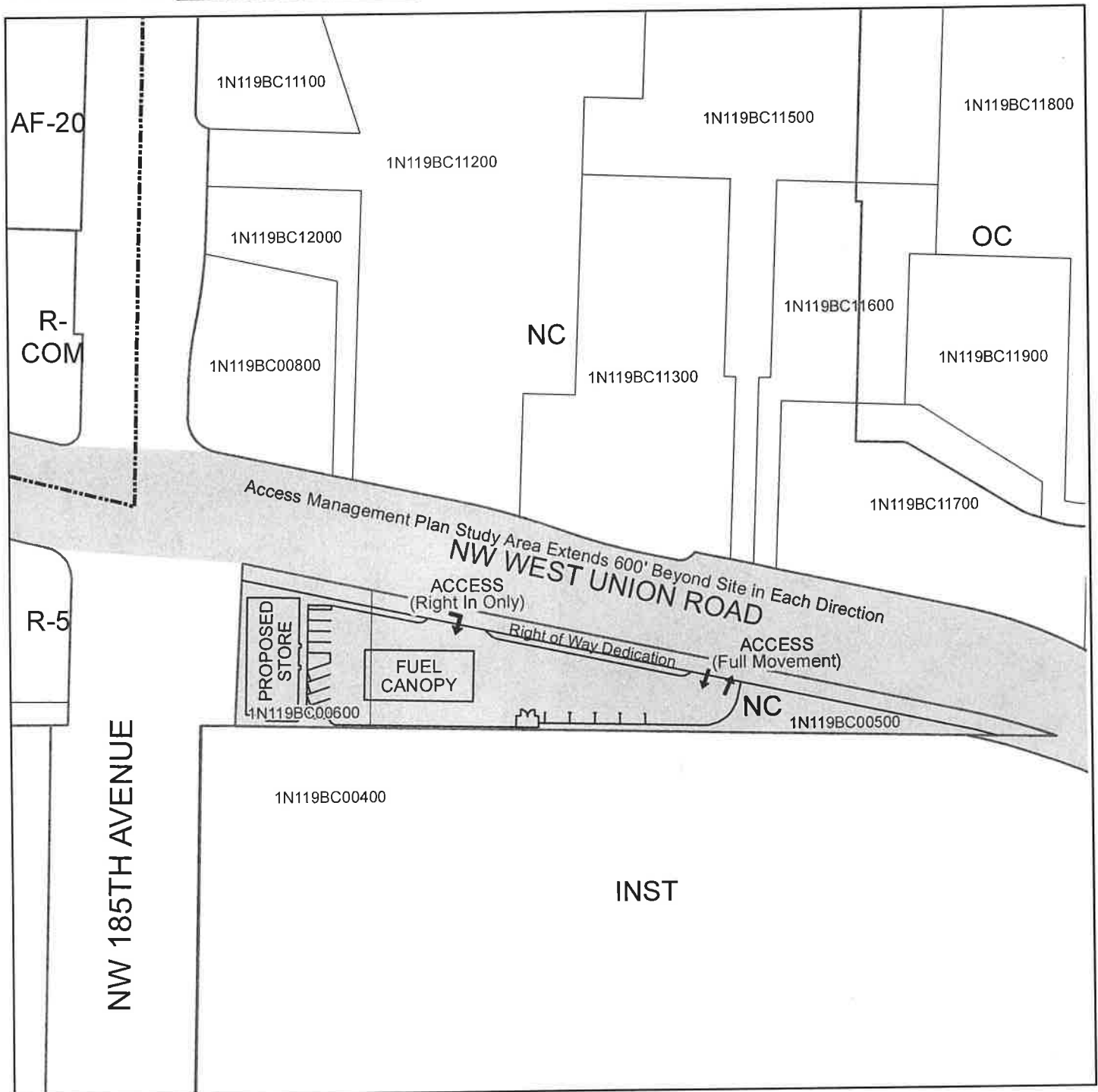
3J Consulting
Attn: Andrew Tull
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008

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

ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1N1 19 BC 00500, & 00600

CASEFILE / PROJECT #: L2000057-SU/D(C)/V/AMP/M



↑ NORTH

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

Neighborhood Commercial District (NC)
Institutional District (INST)
R-24 District (Residential 24 units/acre)
Office Commercial District (OC)
R-5 District (Residential 5 units/acre)
Urban Growth Boundary
R-COM (Rural Commercial)



AREA OF CONSIDERATION

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 is 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 by an Oregon registered engineer.
4. Provide driveway/parking lot structural details on the plans per site specific geotechnical engineering recommendations.
5. A demolition permit is required to remove existing structures from County tax records.
6. Provide a drainage analysis report stamped by an engineer that shows the additional impervious areas as a result of this proposed work will not impact the surrounding properties negatively.

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 each lot. 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. 17-002833, dated November 19, 2019.
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
15. 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]),

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 21 feet of right-of-way from legal centerline, including adequate corner radius and pedestrian/utility easements, as approved by the County Engineer as applicable.
 3. Vehicular access restrictions along the entire frontage of NW 185th Avenue.

4. Vehicular access restrictions along the entire frontage of NW West Union Road, except at the approved location(s). *Noting that the western-most access is limited to right-in only – the design of which shall be approved by Traffic Engineering.*

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

1. Completed "Design Option" form.
2. \$11,500.00 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.

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.

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:

1. Complete **NW West Union Road** half-street improvements to a county Arterial standard with the Enhanced Major Street Bikeway designation to include but not limited to the following: paving, sidewalk, planter strip, curb and gutter, 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:
 - a. Construct the right-in only access to restrict the access as right-in only. *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.*

- b. 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.
 - c. 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.
2. 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.
 3. All other existing accesses shall be closed.
 4. Repair/replacement of any damaged/broken sidewalk panels on NW 185th Avenue and on NW West Union, if applicable.

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.

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 Stacia Sheelar, 503-846-3679. The formation process takes approximately 4 to 6 weeks.

E. 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. Including locating the Convenience Grocery with the following setbacks (of **no less than**): **1)** Ten (10) feet from the NW West Union property line (ROW) after 21 feet of additional ROW dedication, **2)** Five (5) feet from the west property line the NW 185th Avenue property line (ROW), **3)** Four and half feet (4.5) feet from the south property line, **4)** Remove the southern five and half feet (5.5) feet of the Convenience Grocery from the existing ten (10) foot sewer easement unless documentation is provided that demonstrates that the easement has been vacated/abandoned; and **5)** The canopy shall maintain a setback of no less than seven (7) feet from the NW West Union property line after 21 feet of additional ROW dedication.

Final site plans shall also be modified to reflect the following revisions: **1)** Relocate no less than 2 of the 4 parking spaces located in the eastern portion of the site in order to provide a linear extension of the right-turn/through lane [noting that as designed the eastern-most parking space will only allow about one car length between the parking space and the striped right-turn/through lane which is not expected to provide for adequate on-site vehicular maneuvering as well as traffic exiting the site [one option could be to locate one parking space on the west side of the proposed garbage & recycling facility and/or locate 2 spaces opposite the current location along NW West Union Road], and **2)** Building plans and elevations providing a **maximum** of 5,000 square feet of gross floor area (pursuant to CDC Section 311-3.3.)

- 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. Removal of the pole sign from within the right-of-way (signs are not permitted within county rights-of-way).
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. Documentation from Washington County Health & Human Services / Solid Waste & Recycling Program approving the final site design and specifications for the proposed enclosure, including number of containers and door openings. *And revised site plans and elevations of the enclosure as necessary.*
6. 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.)
- B. All facilities and improvements required by Clean Water Services shall be completed and approved by the District, including the Vegetated Corridor Enhancement Plan, including submittal of written verification from CWS submitted to Land Development staff demonstrating that the Vegetated Corridor Enhancement Plan has been implemented and accepted by CWS.
- C. Install all landscaping, including street trees, in accordance with the approved final plans approved by Land Development Staff. Street trees shall meet the 35 foot spacing standard of Section 407-7.
- D. Implementation of the Vegetated Corridor Enhancement Planting Plan prepared by PHS, Inc. including submittal of written verification from PHS, Inc. submitted to Land Development staff demonstrating that the plan has been implemented as approved.

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. 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 426 Erosion Control
 - Section 429 Bicycle Parking
 - Section 430 Special Uses
 - 430-35 Convenience Groceries
 - 430-123 Service Stations
 - Section 435 Variances and Hardship Relief
 - 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 6,728 square feet square foot commercial development, "Chevron Market", **(convenience store & gas station)** served by 6 fueling islands (2 pumps per fueling island for a total of 12 pumps), 24 parking spaces (12 at the pumps and 12 surface parking spaces) and associated site landscaping. *See Section 311 of the Staff Report for findings addressing the proposed Convenience Grocery.*

Other project elements include: An Access Management Plan (AMP) to allow two accesses to NW West Union Road, and Variances to reduce: 1) the front yard setback (from NW 185th Avenue) from 20 feet to 3 feet, and 2) the street side yard setback (from NW West Union Road) from 20 feet to 5 feet for the main structure and from 20 feet to 13 feet for the canopy.
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 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 intersection. Applicable access standards are described in Attachment, D, Transportation Report, and D1, Traffic Engineering AMP Report (Jinde Zhu).
4. The requested Variances are largely in response to the narrow north/south dimension of the site and the rather long but narrowing east-west dimension (noting that the site is generally configured as very short but wide triangular corner lot). Staff generally support the idea of reducing setbacks from West Union Road, just not to 5 feet for the main structure and from NW 185th Avenue, just not to 3 feet. Consequently, staff support a 10 foot setback from NW West Union Road and a 5 foot from NW 185th Avenue (staff opine that minimal adjustments are feasible to maintain these adjusted reduced setbacks). *See findings in Section 435 and in Attachment D. pertaining to needed right-of-way dedication.*

Lastly, the applicant requests approval an Exception to the Half-Street Improvements required for NW West Union Road pursuant to Section 501-8.2 G. (noting that the existing improvements completed on the site's NW West Union Road frontage were constructed as interim improvements.)
5. One e-mail was received in response to the public notice issued for this project at time of this report. All new comments will be provided to the Hearings Officer and placed into the Casefile.

Benjamin Damm (3600 NW 181st Place) expressed concerns with the gas station's impacts on the vicinity: 1) increased traffic [nuisance] and, 2) a source of pollution threatening adjacent natural resources (to the south).

Staff: Traffic Engineering has reviewed the proposed Access Management Plan 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).

Service Stations (fueling pumps) are subject to permitting requirements from the Oregon Department of Environmental Quality (DEQ). The Oregon Department of Environmental Quality issues an annual operating certificate 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." Lastly, 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.

6. Letters were received from Tualatin Valley Fire and Rescue, Clean Water Services, and the Washington County Building Division, (see Casefile). ODOT has no comments or concerns with the development as it relates to Highway 26, which is one mile to the south.

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

7. Application Submitted: November 27, 2019
Application Deemed Complete: March 3, 2020
Public Hearing Date: May 21, 2020
120 Day Clock: June 30, 2020

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.

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 two-use commercial development with a **convenience market** (311-3.3) and **service station** (311-3.15), which are listed as Type II uses in Section 311-3. The "Chevron Market" will consist of a Convenience Grocery (market) served by 6 fueling islands (2 pumps per fueling island for a total of 12 pumps).

202-3 Type III Procedures

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;*

STAFF:

Variances are identified in the CDC as being subject to the Type III Procedure. Therefore, the Hearings Officer will consider the Variance requests at a public hearing. The Hearings Officer's decision will also address all other elements of the proposed development. See Section 435 of the Staff Report.

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 are recommended to be imposed to ensure compliance with the standards of the Code and other County regulations and to mitigate certain 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.**

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

STAFF: The proposed development includes a 6,728 square foot building containing a convenience grocery store (market) and service station served by 6 fueling islands (12 pumps) and 12 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 4,805 square feet of Convenience Grocery; while the proposed second floor mezzanine containing 1,923 square feet.

The second floor, which would provide useable [gross] floor area counts towards the cap of 5,000 square feet of gross floor area. Therefore, the final plans and building elevations shall be revised to provide a Convenience Grocery with a **maximum** gross floor area of 5,000 square feet (Noting that Convenience Groceries located in the GC and CBD Districts are not subject to size limits). Removal of the second floor mezzanine would satisfy this requirement. Staff has included a recommended condition of approval in Attachment B of this report requiring revised building plans and site plans showing a structure with a maximum floor area of 5,000 square feet. See Section 430 of the Staff Report.

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. Noting that a separate property line adjustment was processed to consolidate the two tax lots into a single development site (one tax lot); Casefile L1900411-PLA approved the lot consolidation.

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 should be considered to be the front lot line, for it is the shortest of the two street frontage dimensions pursuant to Section 106-113.1. ¹The applicant's site plans show a 3-foot street front setback from NW 185th Avenue. Due to the exiting constraints, including frontage on two Arterials and the short and wide triangular shaped corner lot development site, the applicant requests approval of a Variance to reduce the front yard setback from 20 feet to 3 feet. It is worth noting that dedication of an additional 21 feet of right-of-way along NW West Union Road is needed but that the no additional right-of-way dedication is anticipated along NW 185th Avenue, except as may be needed to provide adequate corner radius with the widening of NW West Union Road. See Section 435 of the Staff Report.

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, due to the exiting constraints, including frontage on two Arterials and the triangular shaped development site, the applicant requests approval of a Variance to reduce the street side yard setback from 20 feet to 5 (5.1) feet for the two-story structure **and** from 20 feet to 13 feet for the proposed canopy. It is worth noting that additional right-of-way dedication is required along NW West Union Road to accommodate the build-out of the planned five (5) lane Arterial, also designated as an Enhanced Major Street Bikeway.

Lastly, the proposed structure encroaches 5.5 feet into an existing 10 foot wide sewer easement. The final plans shall be revised to remove all parts of the structure from the existing easement **or** provide documentation that said easement has been vacated/abandoned. The latter appears to be the likely scenario since the utility plans show that the existing sanitary line (within the easement) that serves the existing dwelling unit will be abandoned. However, the easement needs to be vacated all the same because the new structure cannot be built over the existing easement). See Section 435 of the Staff Report and 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 Section 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.*

¹ 106-113.1 **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.

- 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 detached covered awning/canopy (over the fueling islands) are both less than 35 feet in height. Verification 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: Goal 5 resources consisting of Title 13 (Riparian areas) are present along sections of the south property line (noting that these resources are associated with the off-site natural resources (Rock Creek and associated wetlands/riparian areas) located in the Rock Creek Greenway (THPRD park land). The majority of the Title 13 lands are located on the property to the south; while 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 applicant proposes to mitigate impacts to the on-site degraded Title 13 lands, in the eastern portion of the site (east of the eastern-most access) and has prepared a mitigation plan consistent with Clean Water Services (CWS) standards (see Appendix A: Planting Requirements of R&O 07-20), which regulate Vegetated Corridor buffers around wetlands and creek/stream channels, such as those bordering Rock Creek on the THPRD property to the south). See Section 422 of the Staff Report and the Natural Resource Assessment dated October 7, 2019 prepared by Pacific Habitat Services, Inc.

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 design of the structure is generally comparable to the commercial shopping center buildings to the north, across NW West Union Road – with the exception that the facades other than the front (main entrance side) are largely blank walls, void of architectural articulation, changes of materials, and windows. The shopping center buildings have more variation in façade treatments to help reduce the scale and massing of large blank walls, such as are proposed on the west and south side of the building, and to a lesser extent the north side. Additional architectural façade treatment, including expanding the green wall concept to other walls, should be incorporated into the final plans and elevations.

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

STAFF:

An existing restaurant was previously 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 an historic resource. And neither structure could practicably be remodeled to serve as the proposed Convenience Grocery and service station.

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. Whereas, the proposed Convenience Grocery is located as close to the west property line as possible, aided in part by the requested Variance. Thus, views across the site (from the north/NW West Union Road) are possible 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 – across

wide-expanse of Rock Creek Greenway. The proposed building location will help screen these dwellings from loading and delivery activities.

- 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; and 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 to the far western portion of the site is necessary in order to site the 6 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 "green". This is the same approach taken by the applicant with 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 applicant proposes an enclosure encompassing **144** square feet (interior dimensions of 18 feet wide by 8 feet deep) to serve the proposed commercial development consisting of a 4,805 square feet "Chevron Market". Pursuant to B. (2) above, a minimum of **58** square feet of storage area (10 square feet plus **48** [4.8 x 10 square feet per 1,000 GFA] = **48** square feet). The proposed facilities will also serve 4,805 square foot structure.

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 – with the noted exception that the size may limit the container sized used and enclosure openings need to be wide enough to prevent damage when removing and returning the containers. Therefore, prior to Final Approval, the applicant shall obtain documentation from Washington County Health & Human Services / Solid Waste & Recycling Program verifying the final site design and specifications for the proposed enclosure, including number of containers and door openings.

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 17,500 square feet (or 33 %) of the site will have landscaping. The proposed green roof (of the canopy) and 260 square foot green wall will add to the overall presence of landscape. 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:

Twelve parking spaces are proposed, exclusive of the 12 parking spaces located at the fueling islands, thus requiring 120 square feet of interior landscaping. The applicant's site plan shows that a landscaped island abutting the southern-most parking space near the

southeast corner of the building that satisfies Section 407-1.7 A. and B. The plans for the applicant's final approval are required to maintain conformance with this standard.

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 (approximately 3 feet) – in accord with Section 407-6.4 – landscape strip on a small section of the landscape strip along the south property line. The reduction is needed due to the narrowness of the development site and any impacts would be mitigated by the landscaping proposed as well as the fact that the entire property to the south consists of natural open space. Staff does not find that there are any screening and buffering issues between the proposed use and the park land to the south.

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 development is required to provide street trees meeting the standards of this section. Street trees shall be planted so that they do not interfere with intersection clear vision requirements.

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 its 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 – that 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.

- 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 to the south. One reason is that the Rock Creek Greenway trail is located about 400 feet to the south and 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, the lands to the south consist of Goal 5 resources and developed park lands, including trails and open lawn areas. The existing Goal 5 resources provide a substantial buffer between the proposed development so much so that staff finds that screening and buffering elements required by Section 411 are not necessary. The abutting open space is heavily vegetated.

Section 413 Parking and Loading

STAFF: The applicant's site plan includes 12 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 (4,805 square feet): 12 spaces (2.5 spaces x 4.8 square footage ratio)

Service Station (6 islands & two pumps each): 12 spaces (provided at the pumps)

Total Required: 24 off-street parking spaces.

This results in a requirement for 24 off-street parking spaces for 4,805 square feet of convenience grocery and service station with 6 fueling islands (and 12 fueling pumps / 2 per fueling island). The site plan provides 12 surface parking spaces and 12 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 not proposed specific signage with this development – for permitting purposes. However, the site plans show the location of a pole sign, but within the right-of-way (signs are not permitted within county rights-of-way). Future signage shall be processed under a separate permit.

Section 415 Lighting

STAFF: The proposed development is commercial, and lighting is not required per Sections 413 or 415. However, staff has reviewed the proposed lighting plan and photometrics and finds that the proposed lighting meets the requirements of Section 415-4. To this end, staff finds that the proposed lighting should not adversely affect residential uses located to the west (across NW 185th Avenue) or much farther to the south or east.

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 evaluated through the final approval process.

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 Convenience Grocery is located within 5.5 of the easement). Further, in accordance with 416-1.4, disturbance of soil shall be kept to a minimum when installing utilities.

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 Sections 311 and 435 of the Staff Report concerning setbacks.

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 Sections 311 and 435 of the Staff Report). The applicant's site plan shows the requested front and street side setback variances described in Section 311 of the Staff Report.

A retaining wall is also proposed along the south property line, ranging from 2.5 to 5 feet. The retaining wall is less than seven (7) feet in height. Notwithstanding, there are no interior side yard setbacks in the NC District.

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. Also, 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:*

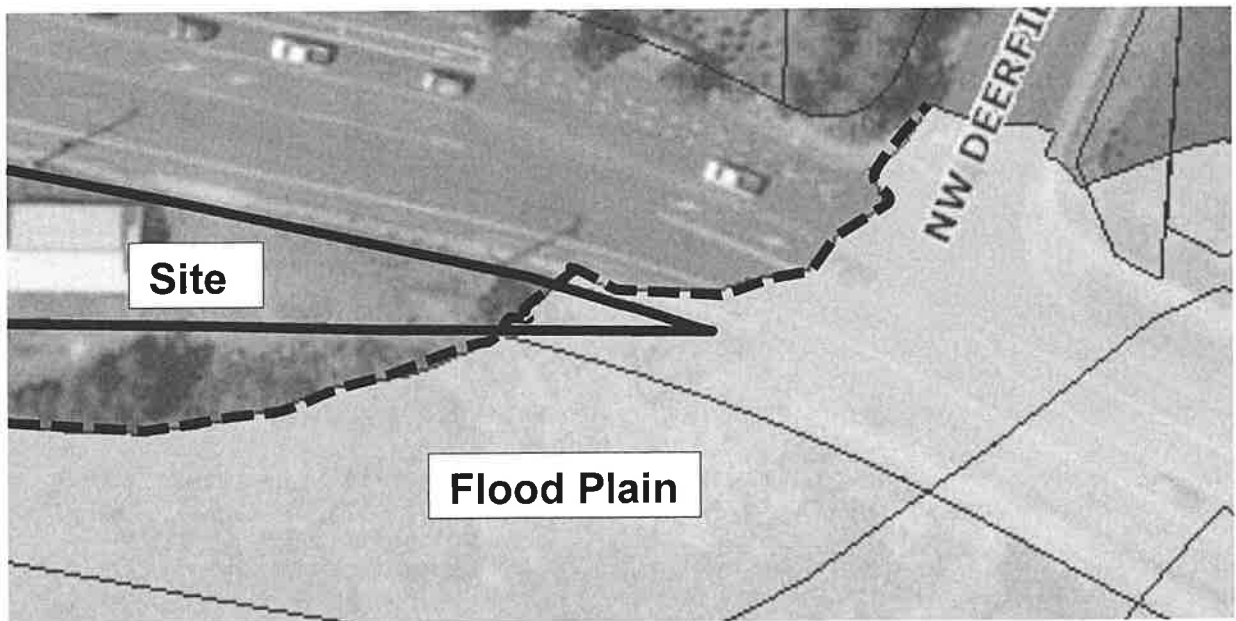
- (1) "Flood Insurance Rate Map, Washington County, Oregon," effective date October 19, 2018 with amendments; and
- (2) "Flood Insurance Study for Washington County, Oregon and Incorporated Areas," dated October 19, 2018 with amendments.

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 Sheet C101 of 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, unless otherwise exempt.

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, unless otherwise exempt. 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 resulting in the creation of 6,713 square feet of Vegetated Corridor and about 1,592 square feet of enhanced Vegetated Corridor. The new and enhanced Vegetated Corridors are located in the eastern quadrant of the site (located east of the eastern access driveway). 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. However, the delineation did not include the engineer's original wet stamp and signature. A stamped and sign delineation will be required to be submitted with the Final Approval application.

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 entirely within the future dedicated public right-of way (of 21 feet). See Attachment D.

However, in the event that construction activities encroach within the Flood Plan, then a Flood Plain alteration permit will be required, unless otherwise exempt.

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 because no impacts or encroachments into the Flood Plain are proposed. However, in the event that construction activities encroach within the Flood Plan, then 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 because no impacts or encroachments into the Flood Plain are proposed. However, in the event that construction activities encroach within the Flood Plan, then 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 road-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 road-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 a 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 to 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. Any half-street improvements within the Flood Plain would need to be designed with a balanced cut and fill.

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 elements of the development proposal do not include additional impervious surfaces, such as structures or paved parking areas.

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 within 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.

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: Staff has not yet identified any additional conditions that are needed at this time to mitigate any impacts.

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 because no impacts or encroachments into the Flood Plain are proposed at this time.

Section 422 Significant Natural Resources

STAFF: The applicant has submitted site plan information required by this Section, including a significant natural resource assessment. 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. This information is in the Casefile.

According to the Significant Natural Resources Area Report prepared by Pacific Habitat Services, Inc., 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 (1,592 square feet) and create (6,713 square feet) 8,305 square feet of Vegetated Corridor.

Compliance with and implementation of the CWS-approved Vegetated Corridor enhancements satisfy Section 422 by mitigating impacts to the on-site degraded Vegetated Corridors. For these reasons, staff finds that the project as proposed and as described in the application satisfies Section 422.

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.

On July 1, 1990, the Unified Sewerage Agency (USA) assumed responsibility for erosion control within their district boundaries. The applicant will be required to submit a final erosion control plan to Clean Water Services (formerly USA) 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. Whereas pursuant to Section 429-6, Tables A (Long Term) and B (Short Term), a total of 4 bicycle parking spaces are required.

TABLE A

<i>USE</i>		MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.3 Business and Commercial		
<i>D.</i>	<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

<i>USE</i>		MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.8 Business and Commercial:		
<i>G.</i>	<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 a "Chevron Market," (gas station / convenience market) served by 6 fueling islands (12 pumps). However, the proposed commercial use encompasses more than 6,000 square feet of gross floor area and Convenience Groceries in the NC District are limited to 5,000 square feet of gross floor area pursuant to Section 311-3.3. Whereas, in the CBD and GC Districts Convenience Groceries are not subject to any size limitations.

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. Further, access to NW 185th Avenue is not allowed, nor feasible. See Section 501-8.5 of the Staff Report below and Attachment D.

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.

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

STAFF: The development site is designated Neighborhood Commercial (NC). Therefore, this standard is not applicable.

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

STAFF: The development site is designated Neighborhood Commercial (NC). Therefore, this standard is not applicable.

430-123 Service Station and/or Car Wash

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

STAFF: The applicant requests Special Use approval for a service station ("Chevron Market," convenience market) served by 6 fueling islands (12 pumps) to be constructed on the

development site supported by 24 off-street parking spaces and site landscaping. The service station business element will be integrated with the Convenience Grocery.

430-123.1 Entrances and Exits

- A. Access shall be determined based upon a site inspection which considers:
 - (1) Site size;
 - (2) Road classification;
 - (3) Sight distance and allowed m.p.h.; and
 - (4) Adjacent development.
- B. Consolidation of access with adjoining uses shall be encouraged, particularly when the proposed driveway is within 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, 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.

430-123.2 *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.

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

STAFF: The development site is designated Neighborhood Commercial (NC). Therefore, this standard is not applicable.

Section 435 Variances and Hardship Relief

435-1 Purpose

The purpose of this Section is to provide a remedy from the strict interpretation of this Code where it can be shown that literal interpretation would cause unnecessary hardship.

435-2 Scope

435-2.1 Permitted Variances and Hardship Relief

Under the provisions of this Section, an applicant may propose a variance or hardship relief from a dimensional standard (as defined by Section 106-61) of this Code, and from the minimum required amount of parking of Section 413, except when:

A. The proposed variance or hardship relief would allow a use which is not permitted in the applicable land use district;

STAFF: The proposed Convenience Grocery – with a maximum gross floor area of 5,000 square feet - and Service Station are permitted uses in the NC District.

B. Another procedure is available in this Code for modifying or waiving the particular standard; or

STAFF: There are no other Code procedures available to modify the required front and street side yard setbacks.

C. This Code specifically prohibits a variance or hardship relief from a standard (e.g., Section 430-1.1 B.(8) prohibits a variance or hardship relief change to the distance between an accessory structure and a primary structure).

STAFF: The Code does not prohibit Variances to the required minimum yard areas (setbacks) as requested/proposed by the applicant.

435-2.2 Prohibited Variances and Hardship Relief

Notwithstanding Section 435-2.1, the following standards of this Code may not be varied by the provisions of this Section:

A. The minimum and maximum density requirements of a residential land use district;

B. Definitions;

C. A standard that implements a federal, state, regional, or local requirement, except where the language of such requirements allows;

D. A floor area ratio (FAR); or

E. The sight distance standards of Section 501-8.5 F.

STAFF: The applicant has requested Variances to reduce: 1) the front yard setback (from NW 185th Avenue) from 20 feet to 3 feet, and 2) the street side yard setback (from NW West Union Road) from 20 feet to 5 (5.1) feet for the Convenience Grocery and from 20 feet to 13 feet for the canopy. The requested Variances are not prohibited under Section 435-2.2. Variances to reduce required yard areas (setbacks) are not prohibited by this section.

435-3 Procedure

Unless otherwise specified in this Code, variances shall be processed through a Type III procedure.

STAFF: The Variance request are being processed through the Type III Procedure.

435-4 Variance Criteria

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

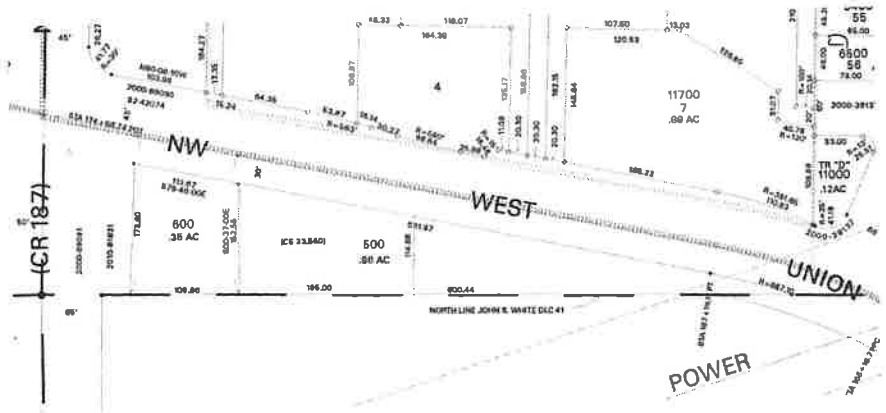
435-4.1 *Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following condition:*

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

STAFF:

The development site is an irregular, triangular shaped corner lot fronting two County Arterials and bordered to the south by natural open space (Rock Creek Greenway) and the existing flood plain and associated wetlands. The property maintains a north-south dimension of about 140 feet (along the west property line) and an east-west dimension (along the south property line) of about 710 feet. Additionally, the applicant is required to dedicate an additional 21 feet of right-of-way (ROW) along the West Union Road frontage reducing the maximum width of the property to 119 feet and an average lot depth of 56.5 feet.

The physical characteristics of the site are somewhat unique to the two consolidated tax lots. As a triangular-shaped parcel, the north-south dimensions range from a long of about 119 feet after ROW dedication feet to '0' feet at the eastern property corner. The property is basically a very wide but relatively short triangular-shaped parcel. The maximum north-south dimension of 119 feet after ROW dedication is the largest lot depth (dimension) such that the north-south dimension gets shorter from the west property line to the east property corner, which effectively is zero.



The configuration of the site is such that the lot depth tapers down (gets smaller/shorter) from west to east to the point that imposing a 20 foot street side yard along the NW West Union Road street frontage poses a hardship, which is one reason why the applicant proposes to site the building as close to the west property line as possible.

The applicant opines that the proposed size of the structure is necessary to prove financially sustainable. Staff finds that the requested Variances meet criteria A. According to the applicant, a typical convenience [grocery] store contains approximately 2,800 square feet of sales and 1,900 square feet of non-sales area, for a total of 4,700 square feet. The proposed first floor area of sales and non-sales area of 4,805 square feet is generally consistent with the size of the typical convenience store. And as stated previously, the maximum gross floor area for Convenience Groceries is 5,000 square feet (noting that the 1,923 square foot second floor mezzanine needs to be removed or reduced in area). Whereas if the site was designated either CBD or GC, the proposed Convenience Grocery would not be limited in gross floor area.

The proposed 6,728 square feet would be almost 2,000 square feet larger than typical convenience [grocery] stores but more importantly 1,728 square feet larger than the **maximum** size of a Convenience Grocery pursuant to Section 311-3.3. Notwithstanding, the

proposed building footprint contains 4,805 square feet, which is generally consistent with the typical convenience [grocery] store according to the applicant.

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

STAFF:

The development site is significantly constraint and quite irregularly shaped with frontage on two county Arterials (on the west and north) and park land encumbered with significant natural resources, flood plain and wetlands (on the south). The development site maintains a north-south dimension of about 119 feet after ROW dedication along the west property line and "zero" at the eastern corner/point of the development site for it is essentially triangular in shape.

None of the constraints are the result of actions by the current or previous owner. In part, over time additional right-of-way dedications have occurred further reducing the developable area of the site – with the most recent dedication occurring in response to the County's NW 185th Avenue Project and the need to construct a stormwater quality facility at the southeast corner of the intersection of NW 185th Avenue and NW West Union Road. The current development application will require additional right-of-way on NW West Union Road, further reducing the north-south depth of the subject property. *See Attachment D.*

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

STAFF:

The applicant stated that the size of the building is the minimum necessary to result in a financially viable business. The proposed building footprint of 4,805 square feet is comparable to the typical gross floor area of Convenience Groceries according to the applicant. To wit, the design and size of the Convenience Grocery (footprint) is what serves as the basis for the Variance requests. Secondly, the building needs to be located as far as possible to the west end of the site in order to site the fueling stations and underground tanks and provide vehicular maneuvering areas for customers and refueling tank trucks. In this case, as close as possible to the west property line. Further, the applicant could probably design a smaller footprint and include sales area on the first and second floors. However, staff does not find that splitting sales areas between two floors would not be convenient and thus may not be economically feasible for the applicant.

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

A. *Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties;*

STAFF:

The proposed development site is corner property, with frontage on two arterial streets. The requested Variances will result in the proposed building being located closer to the abutting street frontages. The proposed site plan is the culmination of several attempts to design a development for the site, with this current site plan the only one including a convenience market and service station. Noting that the fueling islands and associated vehicular circulation for customers and refueling trucks is the most land-intensive elements of the proposed project and that the 4,805 square foot building (footprint) occupies a relatively small percentage of the site.

Staff is of the opinion based on other design concepts that setbacks could likely be met with other land use proposals but that in the case of the current proposal would likely result in a much smaller building footprint which the applicant stated is not financially viable. But as noted above, the location of the building is largely predicated on the location of the fueling islands and fuel tanks as well as the large area needed for vehicular circulation – which itself is constrained by access limitations to NW West Union Road, a county Arterial.

In general, staff does not find that reduced setback variances will adversely affect the function or appearance of the development and use of the subject property and surrounding properties. However, staff has concerns with how much of a reduction is proposed. More to this point, County Engineer has expressed concerns with 5 foot setbacks to NW West Union Road and 3 foot setbacks to NW 185th Avenue. Knowing there will be a future capital project, including the relocation of utilities, etc. the County Engineer does not support reducing the setbacks as requested by the applicant. He goes on to assert that a more conservative position is prudent and, in the public's, best interest. Consequently, staff would support a 10 foot setback for the building to NW West Union Road, a 7 foot setback for the canopy to NW West Union Road, and a 5 foot setback to NW 185th Avenue.

No comments were received expressing concern or opposition to the requests in response to the public hearing notice.

B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and

STAFF: The proposed development site is a triangular corner property, with street frontage on two sides both of which are Arterials with limited access spacing. The property to the south is natural open space (Rock Creek Greenway).

Staff does not find that the proposed setback variances would impose any limitations on other properties and uses in the area including uses that would be allowed on adjacent properties. For instance, the property to the south is entirely natural open space/park land/trails. No comments were received expressing concern or opposition to the requests.

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

STAFF: The only uses proposed are those allowed in the NC District.

No comments were received expressing concern or opposition to the requests in response to the public hearing notice.

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

STAFF: At time of this report, staff has not identified any additional Conditions of Approval deemed necessary to mitigate any potential adverse impacts that may result from approval of the Variance requests.

No comments were received expressing concern or opposition to the requests in response to the public hearing notice.

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 4,805 square foot commercial development, "Chevron Market," (gas station/convenience market) served by 6 fueling islands (12 pumps). The proposed use will generate a net increase in **6,465 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 any exception to Critical or Essential Services for this development for half-street improvements.

Section 501 Public Facility and Service Requirements

501-6 Exceptions for Critical and Essential Services

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

- A. *The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;*

STAFF: In accordance with Section 501-8.1 of the Code, the following facilities and services are considered critical:

- Water (501-8.1 A);
- Sewer (501-8.1 A);
- Fire protection;
- An adequate level of access (i.e., 22 foot wide/5-year paved wearing surface) to the proposed development (501-8.1 B. (2));
- Adequate drainage and adequate provisions for storm water, surface water and water quality management; and
- No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District (501-8.1 D.);

These critical facilities and services are or will be provided to serve the proposed development. Further information relating to transportation standards can be found in the Transportation Report, Attachment D.

In accordance with Section 501-8.2 of the Code, the following facilities and services are considered essential:

- Schools
- Police or Sheriff protection
- Transit agency service
- Adequate Level of Arterial and Collector Roads
- Street Lighting
- Gravel roads are unacceptable for development within the Urban Growth Boundary
- Future alignments of Collectors or Arterials
- **Half street improvements**

The applicant requests a half-street exception for NW West Union Road abutting the site to the north. All other facilities and services are or can be provided, as applicable.

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 does not consider that anything in this application serves to interfere with the ability to provide these services (half street improvements) in the future, *provided that adequate right-of-way is dedicated through this application and that the building and canopy are located far enough to the south from the right-of-way to accommodate future road improvements.* Staff also does not find that there is anything that would interfere with the applicant's ability to provide half street improvements at this time. According to the Transportation Plan, the required right-of-way – as measured from the legal centerline - is 21 feet. The applicant proposes 15 feet.

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 development without requiring the half-street improvement could pose potential unsafe conditions to the traveling public based on the fact that the proposed development will generate a significant number of new vehicle trips – this includes a significant increase in both AM and PM Peak trips. Noting that the nearest service station is more than a mile away (south on NW 185th Avenue). So it is anticipated that the proposed use at this location will be highly frequented. One reason being that the quickly developing North Bethany area is located northeast of this site.

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 similar frontage improvements on the same side of the street between at 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.

(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 two properties located to the east of the development site; both are owned by the Park District and are maintained as park and other open space. The larger of the two properties is encumbered with natural resources and the Flood Plain associated with Rock Creek, while the smaller parcel is an open space (0.7 acre in size) too small for redevelopment with residential uses. The larger parcel might have the potential after netting out the unbuildable areas (Flood Plain, Goal Resources, including powerline easements) to support some residential development. However, staff does not anticipate that THPRD would ever be in the position to sell a portion of this property for residential development. Though it could theoretically happen.

And as noted previously, staff finds that the half-street improvement exception **may** satisfy Section 501-6.1 C. but **not** Section 501-6.1 B. or 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 this section of NW Union Road. Therefore, the required half-street improvements are not currently planned to be constructed as part of a county-funded road project in the foreseeable future (**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 710 feet) would be proportional to the impacts resulting from the proposed Convenience Grocery and Service station (with 12 pumps). The impact would be only about 0.11 trip (1/11 of a trip) per foot of street improvement. For comparison, an estimated new 6,465 ADT would be the equivalent of a 685 lot detached single family residential subdivision. See *Attachment D.*
- The applicant has the ability, as is current practice, to request County Engineer approval for payment of Fee in Lieu when going through design review, which would be considered given, in part, unknown variables concerning this transportation corridor. However, any requests for Fee in Lieu cannot include improvements required by Traffic Engineering as they relate to the completion of the 4th leg of the intersection (eastern access).

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 and 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. 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 as 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 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 17-05, 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 4,805 square foot commercial development (a maximum of 5,000 square feet is allowed pursuant to CDC Section 311-3.3), "Chevron Market," (gas station/convenience market) served by 6 fueling islands (12 pumps) and an Access Management Plan for access to NW West Union Road, & Variances to reduce: 1) the front yard setback (from NW 185th Avenue) from 20 feet to 5 feet, and 2) the street side yard setback (from NW West Union Road) from 20 feet to 10 feet for the main structure and from 20 feet to 7 feet for the canopy subject to the Recommended Conditions of Approval set forth in Attachment "B" of this report.

Staff does not recommend that the Hearings Officer approve of the Half-Street Exception because 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 proportional to the impacts of the development (noting that the proposed development will generate a net increase in 6,465 additional trips and further that a net increase of 6,465 ADTs would be the equivalent of a 685 lot detached single family residential subdivision².)

² Assuming a lot width at the street of 30 feet (R-9 Residential lot), 685 R-9 lots would require about 10,260 linear feet of street improvements [assuming lots on each side of the street].

Attachment D TRANSPORTATION REPORT

Staff reviewed this request for adequacy of transportation facilities and services and submits the following findings. Conditions of Approval, in Attachment B, 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 6,728 square foot commercial building with a **convenience store¹ & gas station** (4,805 square feet ground floor and 1,923 square foot second floor mezzanine) served by 6 fueling islands (2 pumps per fueling island for a total of 12 pumps) and 12 parking spaces.
- B. The development site encompasses 1.21 acres and is a consolidation of 2 tax lots. The applicant recently obtained approval of a Property Line Adjustment (Casefile L1900411-PLA) to consolidate the two tax lots (1N119BC00600 and 1N119BC00500).
- 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).

¹ Convenience Groceries are limited to a **maximum** of 5,000 sq. ft. of gross floor area pursuant to CDC Section 311-3.3. Revisions are needed to bring the proposed Convenience Grocery into compliance with Section 311-3.3.

- E. The west access is approximately 210 feet east of NW 185th Avenue, while the east signalized intersection/access is located approximately 440 feet east of NW 185th Avenue and aligned with the West Union Village Shopping Center entrance. The development application includes an Access Management Plan for the proposed accesses to NW West Union Road.
- F. The development application also includes Variance requests to reduce: 1) the **front** yard setback (from NW 185th Avenue) from 20 feet to 3 feet, 2) the **street side** yard setback (from NW West Union Road) from 20 feet to 5 feet (5.1) feet for the main structure and from 20 feet to 13 feet for the canopy. *The applicant proposes a 4.5 foot **interior side** yard setback (per Section 311-6.2 B. (3) there is no interior side yard and thus the interior side yard could be reduced to virtually zero (0) feet). See Section 435 of the Staff Report.*

NOTE: The applicant described the NW 185th Avenue yard as being the side, when it is the front. The applicant described the NW West Union yard as being the front, when it is the street side. The applicant described the south yard (along the south property line as being the rear, when it is an interior side.

As shown on the preliminary site plans, the proposed setbacks from NW West Union Road would be after the proposed dedication of only fifteen (15) feet – and not 21 feet as required. See Section II below.

- G. Based on ITE Code 945 (gas stations and convenience markets), the proposed 6,728 square feet (including a 1,923 square feet second floor mezzanine²) of commercial development consisting of a gas station and convenience grocery (Chevron Market) would generate 9,648 weekday ADT.

Gas Station and Convenience Market with fueling stations (ITE 945)	1,440 ADT/1,000 SFGFA	6,728 SFGFA	1,440 x 6.7	9,648
Traffic Generation				9,648

However, as stated previously, Convenience Grocery establishments are limited in the NC District to a maximum of 5,000 square feet of gross floor area. Removal of the 1,923 square foot second floor mezzanine would result in a District-compliant Convenience Grocery (4,805 square feet). A 4,805 square foot Convenience Grocery would generate **6,912 weekday ADT** (this would be the equivalent of 732 detached single family dwelling units [6,912 trips / 9.44 trips per detached dwelling unit = 732 units]).

Gas Station and Convenience Market with fueling stations (ITE 945)	1,440 ADT/1,000 SFGFA	4,805 SFGFA	1,440 x 4.8	6,912
Traffic Generation				6,912

² The ITE manual includes the gross floor area of second floors, including mezzanines, in trip calculations.

- H. The applicant removed the Mad Greek restaurant prior to submittal of the development application (demo permit issued 06/22/18). The restaurant contained approximately 3,868 square feet and based on ITE Code 932, would have generated **438** weekday ADT.

High-turnover (sit-down) restaurant (932)	112.18 ADT/1,000 SFGFA	3,868 SFGFA	112.18 x 3.9	433
Traffic Generation				438

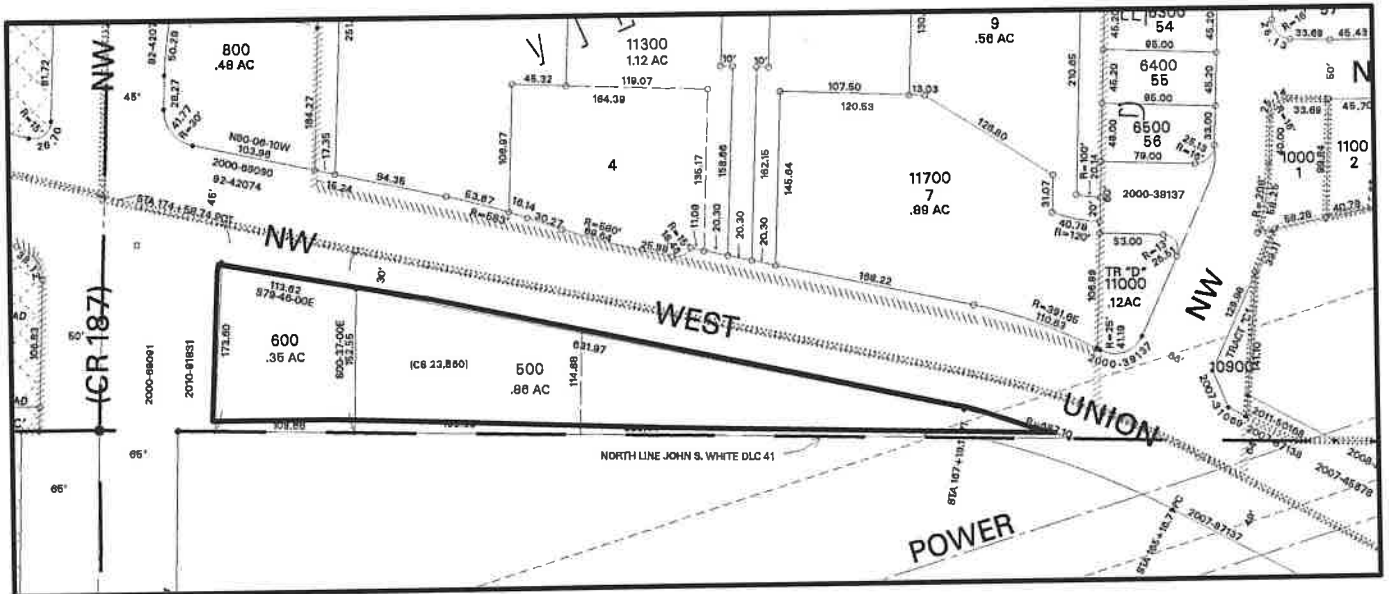
- I. The existing detached single family dwelling unit to be removed would have generated **9.44** ADT
- J. The proposed development will have a net increase in **6,465** additional trips. Based on the estimated number of trips as well as the net increased number of trips, staff find that half-street improvements would be proportional to the impacts of the additional trips on the road system. A net increase of 6,465 ADTs would be the equivalent of a 685 lot detached single family residential subdivision³. And as a point of comparison, the Thompson Woods Development, approved in 2016 facilitated the platting of 235 detached R-9 single family residential lots served by 1000's of feet of new roads and infrastructure improvements. Or to use another comparison of a larger scale and one closer to the development site, to date, the county has issued permits for **566** houses in North Bethany and 326 single family rowhouses / townhouses. It is worth noting that approved residential developments in North Bethany competed miles of new roads where there were no roads, including NW Shackelford Road, and utility installations. Constructing new roads is typically more expensive than widening existing roads.
- Staff believes that requiring the applicant to construct about 710 feet of half-street improvements, even with utility relocations, is proportional to the impacts from the proposed development and the almost 6,500 new vehicle trips that will be generated.
- K. The applicant also requests a Half-Street Exception for NW West Union Road. See also *Article V findings in the Recommendation and Staff Report (Attachment C) and Section IV ACCESS in this report below.*

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. Copies are in the Casefile.

³ Assuming a street lot of 30 feet (R-9 Residential lot), 685 R-9 lots would require about 10,290 linear feet of street improvements [assuming lots on each side of the street].

- 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 Bikeway, 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.



Staff have had numerous discussions with the applicant and County Engineering staff as well as numerous internal staff discussions around this very issue. There were also numerous pre-application meetings held involving this site. County staff have concluded that no less than **21 feet** of additional right-of-way on NW West Union Road needs to be dedicated. **21 feet** of right-of-way is 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.

The County Engineer stated that knowing that in the future the county will have a capital project involving West Union Road and as such does not find it prudent or in the public's best interest to reduce the setbacks, in particular on West Union, to the extent proposed by the applicant. A 10 foot reduction should provide the flexibility needed by the applicant and the certainty needed by the public (county) that adequate right-of-way will be available to improve West Union Road. To this end, staff does not have enough information to safely accept less than 21 feet of additional right-of-way – and certainly not 15 feet but is also of the opinion that some setback relief is acceptable. The County Engineer is also accepting of a 5 foot setback along 185th Avenue, not the 3 feet proposed by the applicant. Five feet is needed to accommodate changes to the existing corner radius and to facilitate improvements to the street frontages.

There are too many variables, not the least of which is the proposed reduced setback to NW West Union Road, to not require the 21 feet of right-of-way as required by the Transportation Plan. If inadequate right-of-way is dedicated through this application,

then the possibility exists that in the future when the road project is designed, that more right-of-way might be necessary, such that the only way to acquire it is to purchase the entire site. The county would rather not find itself in this position; thus, the Transportation Plan requirement of 21 feet of right-of-way should be dedicated on NW West Union Road.

For point of reference on the preliminary site plans, a property line resulting from a 21 foot dedication would extend approximately 1 foot south (towards the south property line) from the proposed new curbing. Further a 21 foot right-of-way dedication would result in the canopy maintaining about a seven (7) foot setback (from NW West Union Road) rather than the requested reduction to thirteen (13) feet. And a 21 foot right-of-way dedication would result in the main structure encroaching into the setback (from NW West Union Road) at the northeast corner of the structure. Therefore, some design revisions will be necessary to accommodate a 21 foot dedication.

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. 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 51 feet of right-of-way from centerline of NW West Union Road adjacent to the site. 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 15 feet of right-of-way on NW West Union Road. Lastly, the amount of dedication, as stated previously, has been determined by the County Engineer as the minimum required to accommodate the required public improvements to be 21 feet.
- C. Section 501-8.2 G. requires the construction a street improvement (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).
- 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 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.

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 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.
 - 2. A full-access to the site from NW West Union Road located approximately 440 feet east of NW 185th Avenue. This access is aligned with the existing commercial access serving the commercial development on the north side of NW West Union. This access 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, a county Arterial (noting that the area between the site and NW 185th Avenue consists of a 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. Access Spacing/Access Management Plan findings:

The applicant requested approval of an Access Management Plan to permit access to NW West Union Road. Traffic Engineering staff have reviewed the proposed AMP and determined that the proposed right-in only 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 only access to restrict the access as right-in only. *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 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. 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 West Union Village Drive/West Union Road intersection prior to the issuance of certificate of the building occupancy.
- F. 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:

- A. 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.
- B. **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 and certification of adequate sight distance is imperative to the safety of the proposed accesses as required by Article V. of the Code. Therefore, the applicant was required to provide Preliminary Certification of Sight Distance to confirm that adequate sight distance can be achieved at the accesses to NW West Union Road. The applicant's traffic analysis states that it is anticipated that sight distance can be achieved in both directions. Final certification of sight distance will be handled through review of Facility Permit. No occupancy permits will be given until final sight distance certification has been provided and accepted by the County.
- C. Periodic trimming of vegetation may be required to maintain adequate sight distance at all intersections.

VI. NEIGHBORHOOD CIRCULATION:

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

VII. TRAFFIC SAFETY REVIEW:

- A. 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.
- B. County Traffic Engineering staff reviewed a traffic analysis for this development proposal as required by R&O 86 95 as well as to analyze 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.*
- C. 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:

- A. 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.

CONDITIONS OF APPROVAL: See Attachment B



WASHINGTON COUNTY, OREGON

Department of Land Use and Transportation, Engineering/Surveying Division
1400 SW Walnut St., MS 17A, Hillsboro, Oregon 97123
(503) 846-7900 · FAX: (503) 846-7910

DATE: May 4, 2020

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 12 fueling positions. 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 is intended to fulfill the requirements of Washington County CDC Section 501-8.5C "Exception to Access Criteria".

The Access Management Plan analysis is contained in the report, "Traffic Operations Assessment, West Union Gas Station", Kittelson & Associates, Inc., October 18, 2019. The findings and recommendations given below are based, in part, on information provided in the Access Management Plan.

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

**WEST UNION GAS STATION
WASHINGTON COUNTY**

May 4, 2020

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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 report calculated that the proposed site will generate 150 and 168 trips during the weekday AM and PM peak hour respectively.

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

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

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

**WEST UNION GAS STATION
WASHINGTON COUNTY**

May 4, 2020

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(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 West Union Village Drive/West Union Road intersection by October 2020.

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 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.
4. 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.

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>

**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 lavalleyi*—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.