

Comments to the Hearings Officer
Re: Z0353-19-D
January 12, 2019
Submitted by Tonya Reed

RECEIVED

JAN 16 2020

**Clackamas County
Planning & Zoning Division**

**EXHIBIT 47
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Background

I would like to establish a historical background for this letter. This timeline is relevant to the neighbors' experience with Washman and this proposed development.

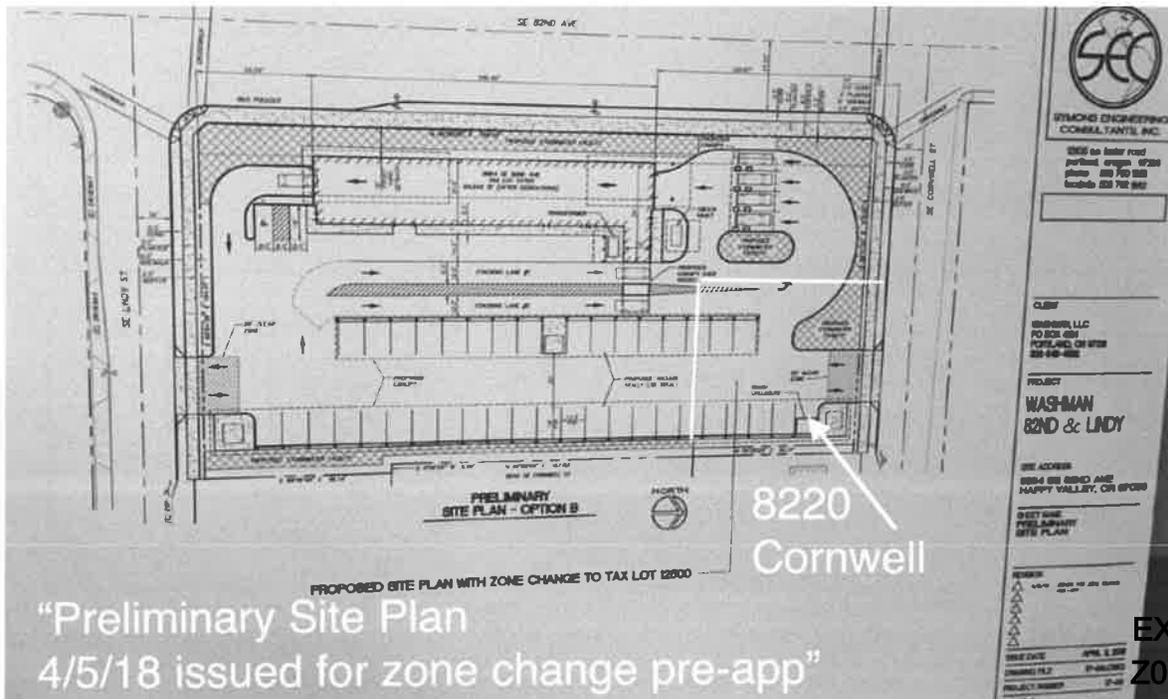
- **March, 2018**, Washman signed a lease-to-own contract with the principle owner of the property at 8864 and 8880 SE 82nd to be developed into a drive-through car wash.
- **April, 2018**, Washman purchased a residential home zoned R5 at 8220 SE Cornwell, and a residentially occupied home zoned CC at 8319 SE Lindy, and finalized site design plans.
- **December, 2018**, nine months from the onset of this proposal, one of our neighbors informed us that she'd received a letter in the mail from The County. The letter was a request to rezone the home at 8220 Cornwell from R5 to CC for use in their design plan, reference Z0375-18-CP, Z0376-18-ZAP.
- **February, 2019**, 11 months after Washman began this process and 16 days prior to the rezoning hearing, Washman emailed **one** neighbor. This neighbor does not live on an abutting property, nor within 300 feet. Washman had not reached out to any other neighbors.
- **March, 2019**, one year after Washman began this process, the Clackamas County Board of Commissioners denied rezoning of 8220 Cornwell on the grounds that it would decrease affordable housing in an existing neighborhood, and would encroach into an existing neighborhood. *This fact is relevant in conditions we are seeking.
- **March, 2019**, a land dispute was filed by an abutting neighbor, with regards to the east portion of the primary property line over a five-foot discrepancy.
- **September, 2019**, one of our neighbors received a Notice of Land Use Application in the mail from The County with an application meeting with a Planning Advisory Committee. Several neighbors submitted comments against the application for a variety of concerns. I know of two neighbors who submitted comments prior to the 20-day comment period, speaking against the application which were not attached as part of the record.
- **November 14, 2019**, meeting was held with the Communications Specialist regarding re-establishing the Southgate CPO, we requested bylaws from the Specialist a few days later but did not receive a response.
- **November 26, 2019**, one day before Thanksgiving, the Design Review Committee met. We were provided opportunity for the public to speak, however, some of us were away for the holiday. The application was approved by The County the same day.
- **December 4, 2019**, Washman demolished the home at 8220 Cornwell, which was denied rezoning..
- **December 5, 2019**, CPO Bylaws were drafted using an online template, reviewed and approved by County Counsel. CPO meeting was held and Bylaws approved.
- **December 9, 2019**, an appeal was filed by the Southgate CPO.
- **January 3, 2020**, a representative from Washman went to some of the homes in our neighborhood. He handed out a letter which described the development along with coupons for two car washes. This representative had not been present at the previous public meetings with The County, and he was not able to answer basic questions about the car wash according to neighbors. The concept of reaching out to new neighbors was appreciated, however, it came one year and ten months late in my opinion.
- **January 15, 2020**, a letter of response was drafted, approved, and sent from the Southgate CPO to Washman. The letter describes many of the neighbors' concerns, and necessary mitigations to resolve these concerns.
- **January 15, 2020**, a neighbor sent comments to The County, and was told, "The Southgate CPO provided written comments during the land use process, presented at the public meeting on this project, and is the organization appealing the land use decision." This may seem inconsequential, but the CPO is still in its infancy, as we have much to learn about its role and capacity in relation to The County. Without formal guidance, we will only do as we are instructed. The CPO had not sent comments, nor spoke prior to the appeal process.

8220 Cornwell

Please bare with me, as this history has relevance. The previous owner of 8220 Cornwell took great pride in the appearance of his home. Some of our neighbors are friends with the previous owner, who lived there for more than 45 years. Our neighbors, who know the owner have said that there was nothing wrong with the home until it was left to sit empty after being sold to Washman in April, 2018, and subsequently had multiple squatters and attracted graffiti. This demolition was heartbreaking for many, as it was the oldest home in our neighborhood built in 1925, and a landmark to the entrance of Garden Gate Village.

This demolition was also shocking in that the Board of County Commissioners **denied** its rezoning based on the reduction in affordable housing and encroachment into an existing neighborhood. Now that this home has been razed, we are left wondering how Washman will attempt to incorporate it into a future design plan despite its R5 zoning. Washman's original design plan in the application for rezoning 8220 Cornwell was for purpose of having customer driveways on both Cornwell and Lindy. Additionally, the applicant stated that the extra property was needed to ensure adequate queuing. When compared to their current design plan, it will be easy for them to use this now empty lot at 8220 Cornwell *when* their queue fails, and they need an additional driveway.

This history is why I have recommended a condition of this development to include a **permanent** restriction on altering the "emergency/maintenance" driveway on Cornwell. I know it is not possible to make conditions for items which are not within the application, however, the language of the condition can make a significant and lasting positive impact, at least for the folks on Cornwell. I would ask that the language specify that the current "emergency/maintenance" driveway be a permanent condition, as well as a condition that no additional driveways **ever** be added to Cornwell, for the purpose of the car wash business.





The Board of County Commissioners stated on the record that *if* this home at 8220 Cornwell were demolished that two homes would need to be built in its place, as the lot size and guidelines dictate. I have yet to see any permits for development of this land, and fear it will be left vacant until another attempt is made for rezoning.



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This long and arduous history with this proposed car wash, and the lack of any timely and meaningful neighborly approach from the applicant sets the frame of mind that we, the neighbors, unfortunately, find ourselves with at this time.

Pursuant To

My previous comments to the Planning Department included additional criteria which was pursuant to the original criteria listed by The County as applicable. *All* of my submitted material is based precisely on the criteria set forth by The County, and that which was established as “pursuant to” or “subject to” criteria such as the Comprehensive Plan, The Roadway Standards, etc.

827

It is still of great concern that the 827 Drive-Thru Window Service criteria has not been applied to this drive-through car wash application. One of the most fundamental lessons we are taught in life is to question everything which is *known* to be an incorrect. “This is the way we’ve always done things,” does not make it the correct way to do things. I would ask that you review the language in 510, as it clearly determines the applicant may only develop a drive-through car wash as an accessory to another primary business.

510

Permitted Use

Table 510-1 is provided in order to determine the permitted use given the proposed development. In order to use this table, we must know two things: 1) the proposed development, and 2) the zoning of the property to be developed. In this case, we know 1) the proposed development is a drive-through car wash, and 2) the zoning is CC, corridor commercial. These two factors yield the finding of primary/accessory/limited/conditional/similar use/prohibited.

Another way to look at this:

Use Description
+Zone
?

Or

Drive-Through Car Wash
+ Corridor Commercial
?

This application is for a drive-through car wash. It is not for a drive-through, alone, nor is it for a car wash, alone. It is for both a drive-through and a car wash, simultaneously. Contextually, “drive-through” is an adjective. “Drive-through” lends this particular car wash a distinction from other types of car washes. The proposed car wash is *not* a self-serve car wash; it is *not* a mobile car wash; it is *not* a hand-wash car wash, and it is *not* a detailing car wash - all of which fall under the use description of “Services Commercial - Car Wash,” as these **non**-drive-through car washes are not listed elsewhere in Table 510-1. The proposed development is drive-through car wash, which falls under “Services Commercial,” “Services Commercial - Car Wash,” and “Drive-Thru Window Services.”

510.0.3 B. If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.

Another way to look at this:

Services Commercial = Broadest Use Description
Services Commercial - Car Wash = Broad Use Description
Drive-Thru Window Services = Least Broad Use Description

Because this application is for a drive-through car wash, and is not for a drive-through car wash *to be used as an accessory to a primary business*, it is not permitted in the commercial corridor zone.

Drive-Through Car Wash
+ Corridor Commercial
Accessory Use

I urge you to look at 510 with fresh eyes, and examine the language within. As it is written, we are to choose the most specific "Use Description" when determining the use within the the zone. Because "drive-through" is an adjective to "car wash," it is the more specific use description. As such, the submitted application for a "drive-through car wash" in the commercial corridor zone is *not permitted* because it is not designed to be an accessory use.

I am confident that the language in 510 regarding a drive-through car wash will be amended in the future if The County truly did not intend for "Drive-Thru Window Services" to apply to a drive-through car wash. Knowing that 510 is either a) written incorrectly or b) falls into the category of "that's the way we've always done it, even if it is wrong," means that it **must** be applied for this specific application. For an analogous case decided by The State of Oregon, Goose Hollow LUBA No. 92-087, 9/28/92, page 12 "Rather than engage in such interpretational gymnastics, the PCC should simply be applied as it is written."

Severity of Impacts and Proportionate Mitigation

It was stated by a member of the Advisory Board that there are worse commercial businesses than a drive-through car wash, yet, as many times as I've looked through Table 510-1 of permitted uses in CC, there is **no other** which contributes with the array of negative impacts a drive-through car wash will:

1. Noise pollution from the car wash drive chain motor
2. Noise pollution from the car wash dryer
3. Noise pollution from the vacuums
4. Noise pollution from the loud speaker sound system
5. Noise pollution from idling cars
6. Idling car air pollution
7. Chemical pollutants aerosolized
8. Chemical pollutants deposited onto the vegetation in our yards, homes, and cars
9. Chemical pollutants deposited onto our sidewalks and roads
10. Premature road deterioration from fluids dragged into the street
11. Fall risks on sidewalks and crosswalks from fluids dragged into the street
12. Driving risks for frozen streets and intersections from fluids dragged into the street
13. Increased car crash risks from increased traffic on a high crash corridor
14. Increased risks for pedestrians being hit
15. Increased time spent at our local intersections and next major intersections
16. Significantly increased traffic on our local roadways, Lindy, Cornwell, and Garden Lane
17. Extended hours of operation risking sleeping interference for abutting residences
18. Decreased home values for the abutting and nearby residential properties
19. Change of character for our neighborhood built in the 1940s
20. Decline in the livability for abutting homes and the entirety of our neighborhood
21. Potentially eliminate the use of our yards for growing our food

The other permitted uses in CC may bring a few of the above negative impacts, but none encompass the vastness of negative impacts of a drive-through car wash. The two most recent businesses at this location were used car dealerships. They had driveway locations on 82nd. The primary impact to our neighborhood from these dealerships was high-speed test driving of cars. No noise. No pollution. No chemicals on our streets. No impacts to accessing our homes. No idling cars. No harm to our yards or air quality.

Among the plethora of undesirable yet permissible uses in CC, such as a fire station, a hotel, a bar/strip club, manufacturing, dry cleaners, marijuana sales, a drive-through restaurant, none of these contribute so greatly as a drive-through car wash. I believe this is why a drive-through is only permitted as an accessory use in the commercial corridor.

Code Enforcement

During the meeting with the Planning Department on November 26, staff mentioned a few times that some of the neighbors' concerns would have to be dealt with after the drive-through car wash was up and running. For instance, it was suggested that the fluids deposited onto the roadways would have to be remedied after the fact by enforcement of County Codes. In this instance, and others such as noise, increased traffic and failed queuing, there are no remediations listed in our County Code Enforcement. This is the link to the County Codes: <https://www.clackamas.us/code>. Once this application is permitted, the residents will have nothing to protect us from noise, pollution, traffic, and no way to protect our livability.

Reply to Washman's Letter

A few neighbors met informally to draft a response. We listed the concerns we have, and those we've heard echoing throughout the neighborhood over the past year. We proposed a fairly comprehensive list of mitigations corresponding to each of the concerns, and they are as follows:

Traffic on Residential Streets

- Work with engineering departments from GPS maps such as Google Maps, Waze, Apple Maps, MapQuest to remove Cornwell and Garden Lane as alternate routes to your business
- Purchase and install automatic electric or solar high-traffic street gates at the residential boundary lines of Lindy and Cornwell, to be maintained by the company as long as company is operating at this site
- Purchase and install "Neighborhood Entrance - Local Traffic Only" street signs to be placed at the residential boundary lines of both Lindy and Cornwell
- Purchase and install "No right turn" sign at the emergency/maintenance exit on Cornwell
- Purchase and install "No left turn" sign for for traffic exiting the car wash on Lindy
- Cornwell will never be used as access to the car wash other than proposed "emergency/maintenance" use, no other driveways will be developed on Cornwell other than proposed "emergency/maintenance" driveway

Environmental/Noise

- Provide professional baseline soil testing, and annually for the duration of the car wash operation. Testing should be performed on at least three different residential properties, preferably homes within 300 feet of the car wash, to test for chemicals related to the car wash, car exhaust, and diesel. Provide appropriate actions to correct such hazards to the baseline levels, if any perceptible changes are noted
- Provide professional baseline moss testing, and annually for duration of the car wash operation. Testing should be performed on at least three different residential properties, preferably homes within 300 feet of the car wash, to test for chemicals related to the car

wash, car exhaust, and diesel. Provide appropriate actions to correct such hazards to the baseline levels, if any perceptible changes are noted

- Require cars in queue to have engines turned off until it is their time to enter the car wash if they will be idling longer than one minute (one minute of idling car exhaust is the equivalent of smoking 1.5 packs of cigarettes)
- Place a ten-foot high, solid CMU/cinder block buffer on entire east portion of property from Lindy to Cornwell, walling off the property at 8220, as this is zoned R5. Extend this ten-foot high, solid CMU/cinder block buffer from the east CMU/cinder block wall up to the point of the driveways on both Cornwell (north side of the lot) and Lindy (south side of the lot)
- Place an automatic “capacity reached, lot full” car wash sign on the southwest corner of the lot, at intersection of 82nd and Lindy, to prevent queue overflow onto Lindy and 82nd when the queue is at capacity
- Weather doors to mitigate noise from tunnel as proposed by the Company in the front of the Advisory Board

Streets/Intersections/Safety

- Add a second dryer system, a ground-level dryer system, or another means of capturing undercarriage fluids to prevent fluids from being deposited onto the streets and sidewalks outside of your property. If these efforts prove ineffective and fluids drip from cars beyond the car wash premises, alternative means will be employed until this is remedied
- If it is shown that there is premature deterioration on areas where fluid drag out from the car wash is present on 82nd, Cornwell, or Lindy streets, the company will repave the areas affected (we have arial photos of its current condition, and Lindy and Cornwell were recently repaved with the hookup to the sewer system)
- Immediately address mitigation if/when loitering, drug sales, or other illegal/licit activity takes place in and around this development
- Immediately close operation of the tunnel car wash equipment (not the vacuum services) when the temperature is at or below freezing if there is drag out of fluids from cars

Livability

- If lighting, noise, pollution, hours of operation, and/or traffic/road issues arise as a result of construction or the car wash business, would like a guarantee that timely discussion (24 hours) with affected neighbors and immediate mitigation be created to appease those affected by such nuisances
- Limit hours of business operation, if it is found to affect neighbors ability to sleep during normal sleeping hours
- Limit hours of construction and maintenance/delivery, if it hinders access to Lindy and/or Cornwell, or affects abutting neighbors ability to sleep during normal sleeping hours

Miscellaneous

- Previous conditions recommended by The County Planning Advisory Board to be upheld: anti graffiti paint, locked trash enclosure, etc

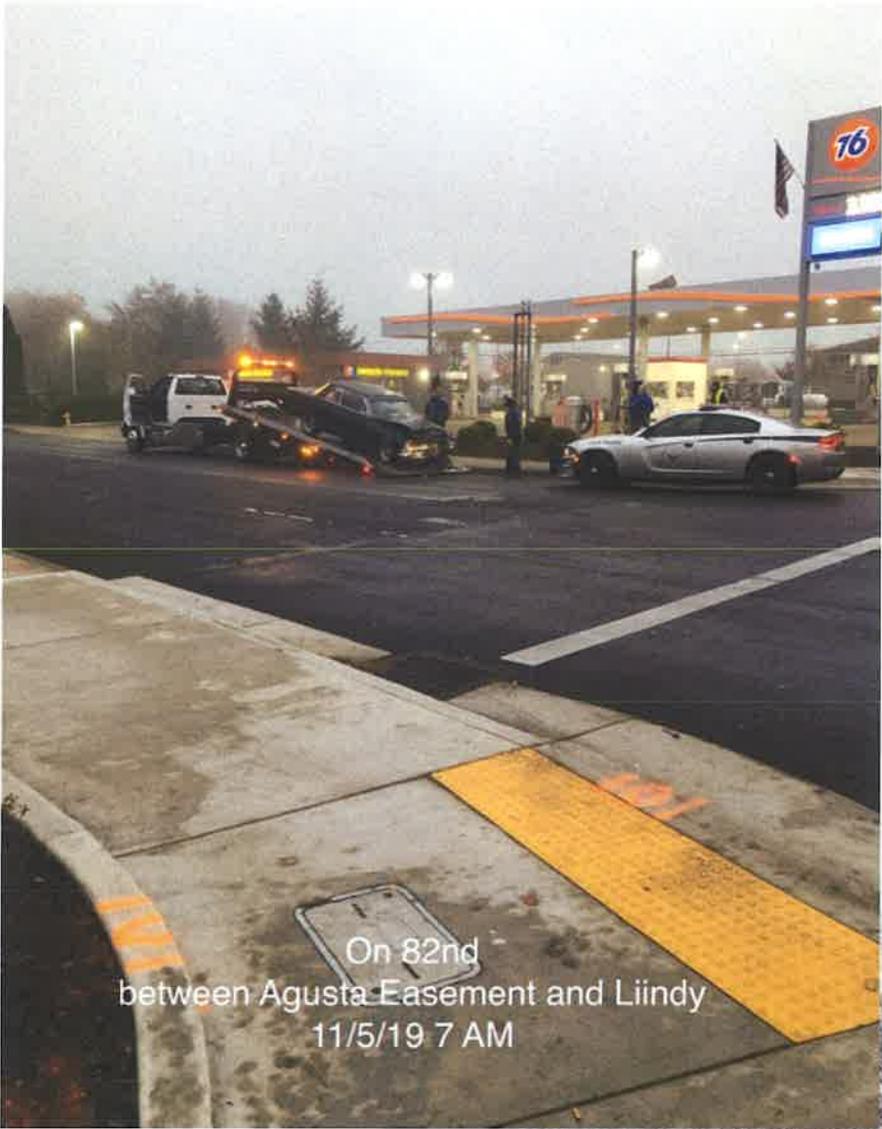
Traffic

As was stated in the TIS provided by the applicant, 82nd in this area is a high-crash corridor and is at or exceeding capacity. The number and severity of crashes is on the rise, and will continue to rise with the developments of Chase Bank at 82nd/Lindy, The Heirloom Apartments at 82nd/Luther, and The Rosewood Apartments at 82nd/Otty. The first photo show below is at 82nd and Johnson Creek.

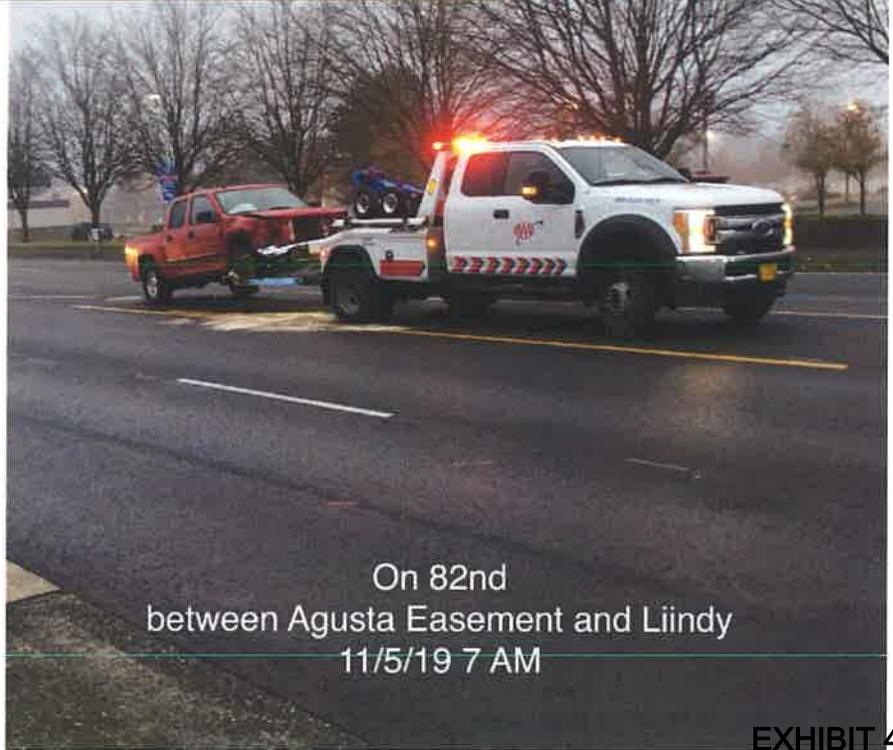


LOCAL

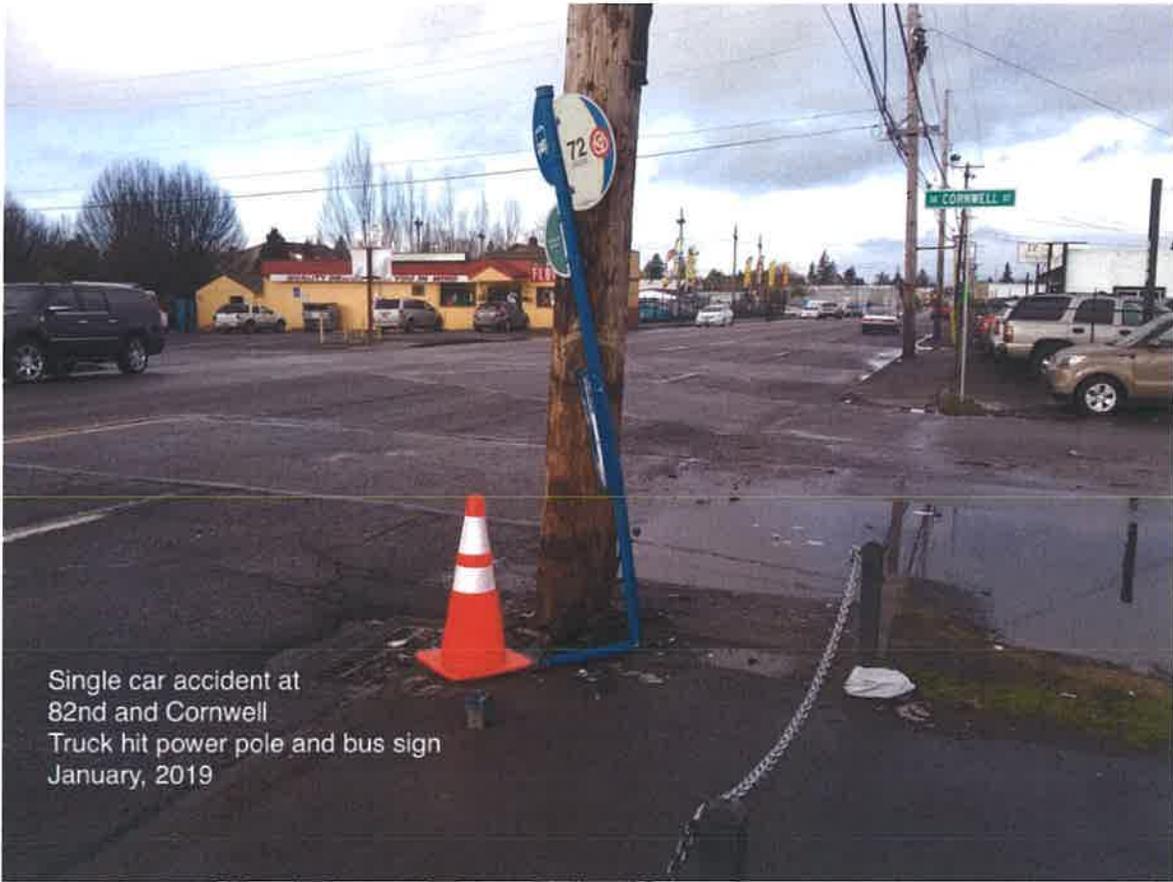
Two people hospitalized after multi-car crash in SE Portland



On 82nd
between Augusta Easement and Liindy
11/5/19 7 AM



On 82nd
between Augusta Easement and Liindy
11/5/19 7 AM



Single car accident at
82nd and Cornwell
Truck hit power pole and bus sign
January, 2019



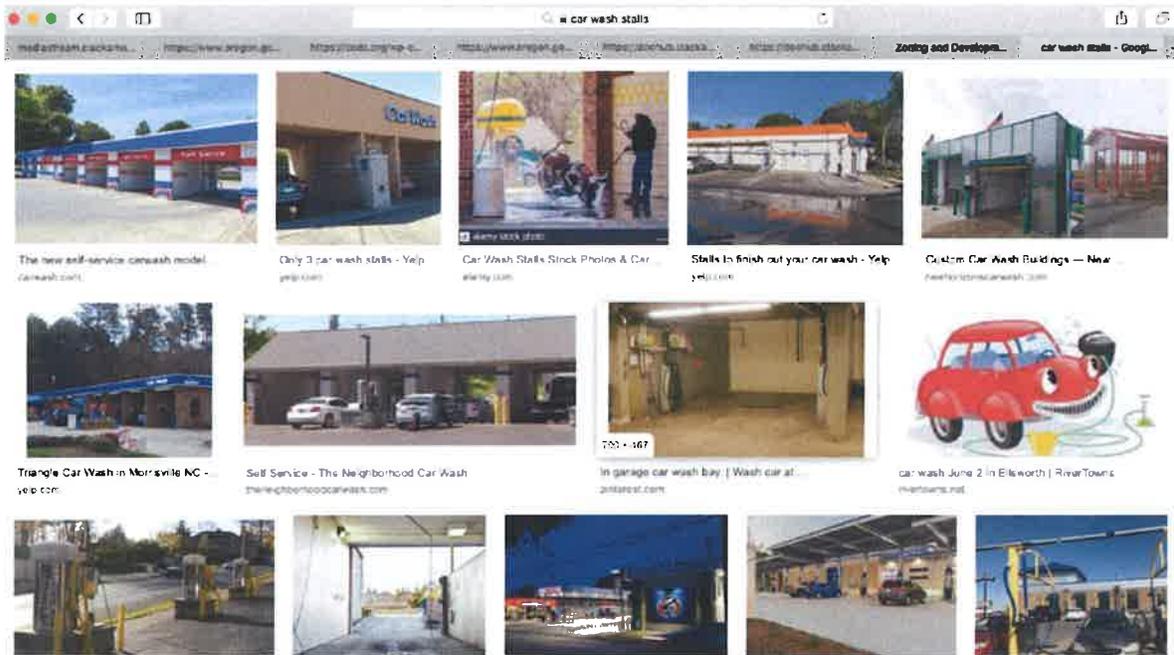
Single car accident at
82nd and Cornwell
Truck hit power pole and bus sign
January, 2019

Also, with respect to the TIS, the data used from the ITE Manual referred to “stalls.” When I do a quick Google search for “car wash stalls,” the results yield the images in the photo below. These images depict self-serve car washes, not a drive-through. These images also depict “vacuum stalls,” again, not a drive-through car wash. A self-serve car wash stall and a vacuum stall are in no way comparable to the proposed drive-through car wash.

Webster defines “stall” as: “a small compartment.”

https://www.merriam-webster.com/dictionary/stall?utm_campaign=sd&utm_medium=serp&utm_source=jsonld

A 210 foot building with proportionately sized car wash equipment is definitely not “a small compartment.” Whether the ITE manual has more appropriate criteria for use in a full-scale drive-through car wash or not, the use of a single “car wash stall” to gather information for the traffic impact study in this application is inappropriate. These stalls are not drive through car washes.



Forwarding of Comments to the Hearings Officer

I sent three sets of comments to the Sr Planner prior to the November 26 meeting which spoke to criteria within the application. My comments included photographs and images for reference. Unfortunately, the images were attached to the record in black-and-white, which rendered them ineffective. We have been assured by the Planning Department that previously submitted comments will be forwarded to you, and in their originally submitted (color) format. I am hopeful that you have also been forwarded comments (originally submitted to the Design Review Committee) from Tyler Bristol on behalf of Green Lents, Ben Reed, Nadine Hanhan, Nan Knight, Robin Knight, Timmy Caton, Megan Babbot, Kathy Barnett, Kim Eatmon, Stephanie and Austin Wilson, Cal Munsrud on behalf of Ray's Auto Wash, Doug Zeiler, John Minto, Chrissy Moist, Crystal Gardner, and Lynn Overlin.

I have been assured that the comments from neighbors to the Advisory Board have been forwarded to you. If they were not, I ask that you please request them.

In Conclusion

It is hard to imagine where we might be at this point in time had the applicant made an effort to get a feel for the neighborhood and its residents. Instead, they purchased two homes, leased-to-own a third property, drafted design plans, and filed the abundance of paperwork necessary for rezoning of one of the properties. Had our lone neighbor not informed a few of us that she had received a Notice of Land Use application for rezoning of 8220 Cornwell, our neighborhood may very well not have had any opportunity to be involved with this process.

I trust this decision will be based on all of the criteria which applies to a drive-through car wash, and that which it is subject or pursuant to. Our neighborhood has been agonizing over this for a substantial amount of time. I feel that many of my neighbors have submitted comments not only out of passion, but speaking to the ordinances which apply.

Thank you for your time,
Tonya Reed

Riederer, Anthony

From: SBPDX <bunnies1986@gmail.com>
Sent: Saturday, January 18, 2020 9:46 AM
To: Riederer, Anthony
Subject: z0353-19-d

I live in the area on 92nd Ave, The proposal to add another business with the potential to create a large amount of traffic is highly concerning. Not only do I bank at Columbia Bank (the exit, which is already dangerous because of people not realizing Lindy is a dead end street) is not set up for high traffic, the traffic light at Lindy crossing 82nd Ave is already not sufficient for the current traffic situation, for example, from Lindy headed West into the Fred Meyer lot, the light is green at the same time the left turn lane from the Fred Meyer parking lot is green, there is no indication to those traveling Lindy West across 82nd that there may be cross traffic as it doesn't specify they are to yield, it's dangerous and doesn't need more traffic. I have personally noticed a lot of cut through traffic from Black Rock Coffee when It went in a while back, again, this area is not set up for this sort of traffic. Please reconsider whether or not adding a new high volume carwash in the mix is logical, from someone who lives in the area, it's not.

Spam Email
Phishing Email

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JAN 18 2020

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Riederer, Anthony

From: Nadine Hanhan <hanhannadi@gmail.com>
Sent: Monday, January 20, 2020 8:29 PM
To: Riederer, Anthony
Subject: Z0353-19
Attachments: Z0353-19 NRH Comments to Hearing Officer.pdf

Hello Anthony,

Can you please forward this letter along to the Hearings Officer in the Appeal case? This is from me individually, and not the CPO.

Thanks,
Nadine

Spam Email
Phishing Email

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JAN 20 2020

**Clackamas County
Planning & Zoning Division**

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January 20, 2020
Case Z0353-19
Nadine Hanhan

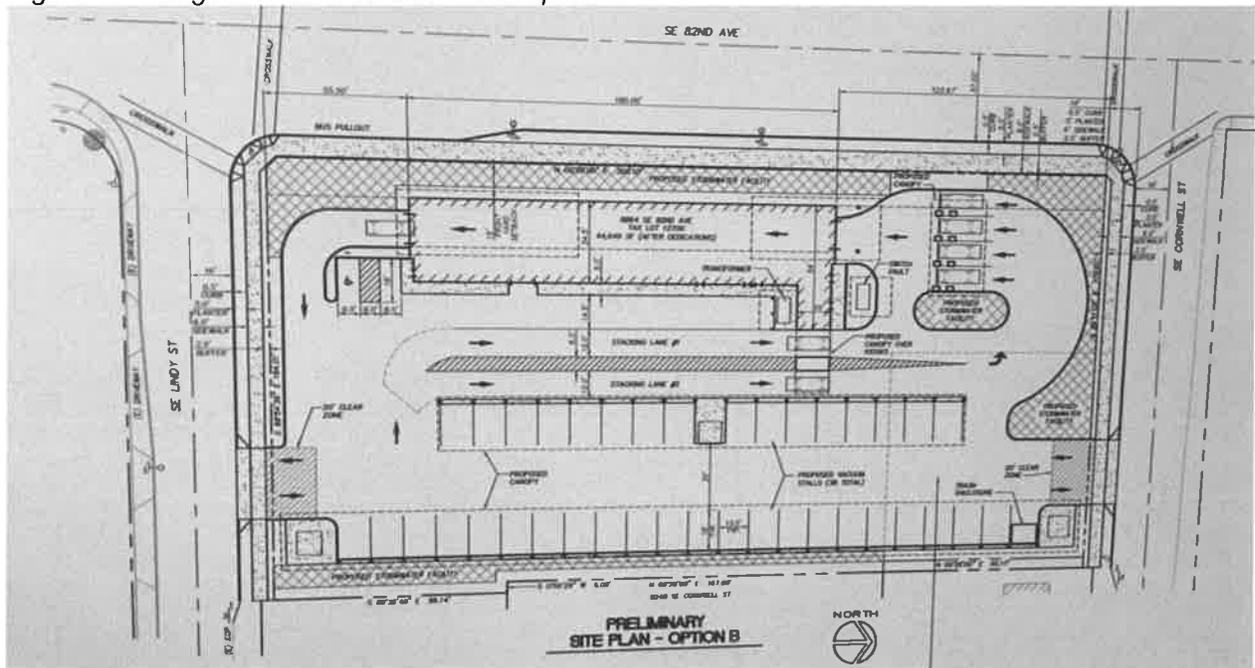
To the Hearings Officer of Clackamas County:

My name is Nadine Hanhan, and I am a resident of unincorporated Clackamas County. I am writing this letter in order to provide general comments about case Z0353-19, which is the carwash application case submitted by Washman, LLC ("Washman" or "The Company"). Some of the information submitted in this letter has already been submitted to the county, but due to some feedback I received from neighbors, it has come to my attention that some previous comments submitted in this case may not have made it to you, so I am restructuring earlier comments and also providing new information in this letter.

Original Re-Zoning Process and History

I would first like to provide a bit of history in this case. As you may be aware, the Company originally submitted an application to rezone a 10,000 square foot parcel (8220 Cornwell Ave.) from Residential 5 ("R5") to Corridor Commercial ("CC") in order to build a car wash. The Company purchased a home on that parcel with the intent of demolishing so that it could build its car wash on a total estimated 64,885 square feet of land (this would include the 10,000 square ft. parcel). A picture of the originally hoped-for design is pictured below:

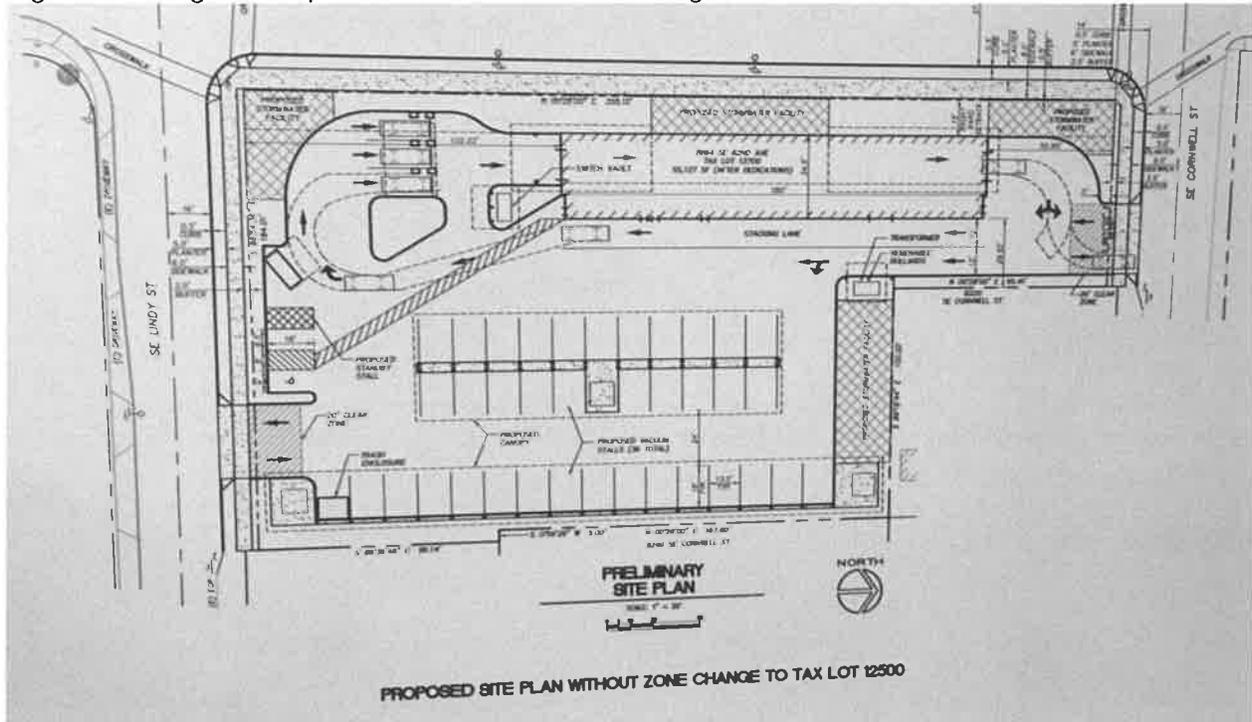
Figure 1 – Original Intended Site Development



As can be observed, the site plan is rectangular. At the bottom right corner of *Figure 1*, there is a very light, dotted line illustrating the square parcel the Company originally desired to

rezone. The Company argued in its rezoning application that rezoning the property was necessary for purposes of traffic flow. Washman told the County Planning Commission and Board of County Commissioners that traffic would be far more difficult to manage without the rezoning because the rectangular shape of the entire subject site was much easier for site design, and more importantly, traffic flow. Washman thus presented the following image, *Figure 2*, to illustrate its point, in an attempt to gain sympathy from the County:

Figure 2 – Original Proposed Plan Without Rezoning



The Company pointed to the top right of this display and lamented that traffic would be highly congested if the County refused to rezone. Washman did not really make mention of the Lindy St. (left side of *Figure 2*) points of entry and exit in public meetings.

The Planning Commission, and subsequently, the Board of County Commissioners, ultimately denied rezoning because the Company failed to meet certain zoning criteria. In particular, because the Company would be demolishing a home without replacing it with additional units, the County determined that Washman failed to meet the ordinances in the Clackamas County Comprehensive Plan. Thus, rezoning was denied.

A number of my neighbors and I opposed the rezoning, admittedly because we were concerned about the impacts of a car wash on the already congested intersections of Lindy/82nd and Cornwell/82nd. We spoke to the Board at the public meeting. All of us were concerned about livability issues due to noise and pollution, decreased property values, and importantly, the impacts of being “boxed in” to our neighborhood as a result of the traffic impacts generated by a car wash. I had also presented concerns about the traffic impact study (TIS) to the Planning Commission, but my concerns were ultimately not addressed in the Staff report. In particular, I pointed out that the Company’s rezoning application only took

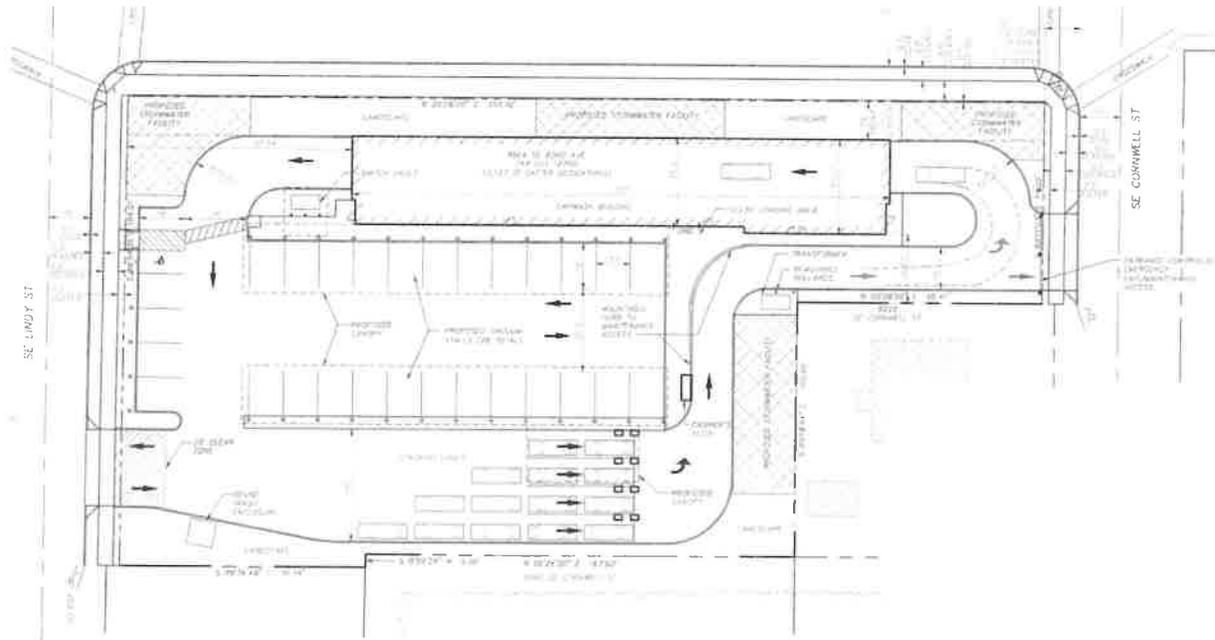
into consideration the parcel at 8220 Cornwell when it performed its TIS, not the entirety of the subject site. Thus, even though it had originally intended to include a primary point of exit and entry at Cornwell, the Company did not commission a traffic study for impacts on Cornwell.

Unfortunately, livability impacts were not considered pertinent to the re-zoning process. The County told the neighbors that the zoning proceeding was not an appropriate venue for livability complaints, but rather the Site Design review process was a more appropriate venue. We were told we would be able to discuss our grievances in the Site Design Review process.

Site Design Review Process – Current Appealed Case

Eventually, Washman submitted its site design application. Its most recent publicly available plan is below:

Figure 3 – Most Recent Site Design



At first glance, the above site design looks very similar to *Figure 2*. However, *Figure 3* contains a material difference in that it lists the Cornwell entrance point (middle right) as an emergency/limited exit. The applicant does not explain what this means. The flow of traffic is also reversed, with primary ingress and egress on Lindy Ave. This is a completely different design than what was originally presented to the Planning Commission and Board.

The Company has recently demolished the home in the bottom right parcel, 8220 Cornwell Ave. Legally, Washman cannot make site design plans to build on land that is not properly zoned for commercial buildout. Thus, it is presenting a site design to the County only for what it legally can build.

In reviewing the TIS the Company submitted along with its application, it is clear that the Company is using generalized ITE (Institute of Transportation Engineers) estimates, which are not specific to the area in question. The Company also allowed itself a ten percent pass-by reduction, meaning that despite ITE standards citing that 1 car wash tunnel generates, on average, 78 peak trips, Washman has reduced that number by 20 percent, stating that its car wash will only generate 58 peak trips on Lindy and curiously, only 28 peak trips on 82nd Ave. It is unclear why the Company applied this "traffic discount," especially considering these extra trips will be generated on a major artery like 82nd. A simple Google search reveals that other car wash applicants in other parts of the country do not necessarily need to incorporate these "traffic discounts."¹ Please also note that the additional 58-78 peak trips will occur on SE Lindy, which is a **dead end street** that also houses an additional car wash. Yes, you read that right. An existing car wash (Ray's Auto Wash) already exists across the street from the subject site (Ray's is located on the left of the figures above). Ray's Auto Wash has indicated in public comments to County Staff that Washman's traffic estimates are unrealistic and do not take into consideration the peaky, seasonal nature of the car wash business. The Company would not just be impacting the livability of neighbors, but of surrounding businesses as well. Ray's Auto Wash is small and is a self-serve (not automatic) car wash. Washman, Ray's, residents of Lindy Ave., and patrons of Black Rock Coffee and Columbia Bank will be competing for the same street space. This congestion will also pour out onto 82nd Ave.

One thing the neighbors were recently made aware of is that Clackamas County has been in contact with the Oregon Department of Transportation (ODOT) in order to address some of these traffic issues. However, the neighborhood was not made aware of any of these plans until County Staff filed its Staff Report on November 26, 2019. This brings into question the transparency of the process. For over a year, the neighbors and surrounding businesses have expressed concerns about the traffic impacts, yet we were not invited into the planning process that was determined by two public agencies—namely Clackamas County and ODOT. At its face, it appears that the decision to approve the site design, and subsequently the car wash, was already made before the public got a chance to comment. At its face, it appears that the County worked with the ODOT and Washman to accommodate traffic impacts, but it did not include the neighborhood in any of these conversations. It was quite alarming to read the Staff report the day before the Site Design Review committee meeting and realize that the County had been in consistent discussions with ODOT about design review plans and traffic design impacts without public knowledge or engagement, when traffic is one of the primary, if not *the* primary concern of the neighborhood.

The subject site is only several blocks north of Johnson Creek and right across the street from a Fred Meyer. To this day, the Company has refused to provide a traffic impact study (TIS) for Cornwell Ave., which the neighborhood fears will eventually be a permanent point of exit and entry for Washman's customers. According to the Company's original design plans, this would have been the ideal place for an entry and exit point. The failure to rezone meant a complete redesign of the carwash, which will cause significant traffic impacts on Lindy Ave. The ITE standards used by the Company appear to be general estimates based on national averages and do not realistically capture the traffic congestion that is likely to occur on a major artery like 82nd avenue.

¹See https://www.stcharlesil.gov/sites/default/files/event/packet-items/4a.%20Wash-U%20Mtg%20%232_Revised.pdf and <https://www.missionks.org/files/documents/BHCTrafficMemo1708011218032218PM.pdf>.

Residents of the neighborhood already have to compete with north bound traffic to be able to make a left turn onto 82nd. With the car wash traffic, residents of both Cornwell and Lindy will be “boxed in.” Lindy is a very short dead end street only a few houses deep(!), and the residents of Cornwell already experience difficulty exiting our neighborhood via 82nd Ave.

Failure to Meet Clackamas County Zoning and Development Ordinances (ZDO)

I would like to bring to your attention the fact that the Company appears to have exploited a loophole in the Clackamas County Zoning and Development Ordinances. Section 510 of the Clackamas County is adopted to implement the policies of the Comprehensive Plan for a series of zones, including Corridor Commercial, on which the subject site is proposed to be located. Specifically, ZDO 510.03B states,

If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.

Further, ZDO 510.03C states,

If a use is included in more than one use description in Table 510-1, the more specific listing applies. For example, if a car wash is a conditional use, but commercial services in general are a primary use, the car wash shall be reviewed as a conditional use.

It is clear from the ZDOs that the broader use description should not apply in the event that a more specific listing exists. Table 510-1 presents all of the permitted uses throughout all zones in Clackamas County. For Corridor Commercial zones (the zone designation over Washman’s proposed drive-thru car wash), the ZDOs define the following permitted uses:

- Commercial Services: Primary Use**
- Commercial Services, Car Wash: Primary Use**
- Drive-Thru Window Service: Accessory Use**

It is important to note that “car wash” is not explicitly defined in the ZDO. The ZDOs do not assume that a car wash is a drive-thru. Indeed, a “car wash” does not need to be a drive-thru. Ray’s Car Wash, just across the street from Washman’s proposed project, is not a drive-thru car wash; rather, it is a self-serve business where cars remain stationary. There is one other car wash currently on 82nd Avenue in Clackamas County, and that is Pinky’s Car Wash. Pinky’s is a drive-thru, but it is an accessory business to Jiffy Lube, and it is located in a Regional Corridor Commercial zone. Washman’s proposed drive-thru car wash would thus be the first of its kind in the Clackamas County portion of 82nd avenue.

The applicant has chosen (and County Staff has agreed) to classify the car wash under “Retail Service – Car Wash.” Seeing as there is no such designation, I assume “Commercial Services, Car Wash” is the intended designation. This applies the less stringent ZDO listing in the application and qualifies as a as a permitted primary use in the Corridor Commercial

district. Thus, the Company and the County have chosen to ignore the “drive-thru” nature of the project in question and have not applied the more stringent listing of a “drive-thru” service.

As already stated, Section 510 of the Clackamas County Zoning and Development Ordinances does not explicitly define “car wash.” Thus, the ZDO does not specifically permit the use of a drive-thru car wash, exploiting a loophole in the ZDOs.

One must then ask, what is the reason for restricting a drive-thru service in a Corridor Commercial zone to an Accessory Use? The reason largely relates to traffic congestion, which has been a hot topic in this proceeding. Traffic impacts should not be relegated to some generalized traffic engineering study. Rather, specifics about the intersection in question should be taken into consideration, and should also be brought to the public’s attention in a timely fashion, not 24 hours prior to a key meeting. County Staff’s conditions of approval were published online less than 24 hours prior to the Site Design Review Committee meeting. The public was thoroughly unaware of any discussions between the County and ODOT, and thus did not have an opportunity to comment on or participate in discussions related to planned traffic adjustments along affected residential streets (i.e., Lindy Ave).

This decision in this appeal could be a determining case about whether other drive-thru carwashes will be permitted along Clackamas County’s Corridor Commercial zone, and may potentially have implications for future drive-thru services in an already congested area. ODOT discourages ingress and egress from 82nd Avenue for a reason. It is because of traffic congestion. Drive-thru services are permitted only as an accessory use for a reason. It is because of traffic congestion.

Refusing to classify Washman’s proposed drive-thru car wash as a “drive-thru” window service is a gross technical oversight in this entire process and does not align with the spirit of the Clackamas County Comprehensive Plan that seeks to limit congestion on 82nd avenue. Customers would be paying for their services through a window. They would “drive-thru” the tunnel as their cars are serviced. This is no different from a fast food restaurant or a drive-thru Starbucks. The profitability of a car wash lies in its ability to generate as much traffic as possible, and a drive-thru service will exacerbate congestion far more than a stationary car wash service. Because the project will be a “drive-thru window service” it should not be considered a primary use.

Additional Traffic Concerns

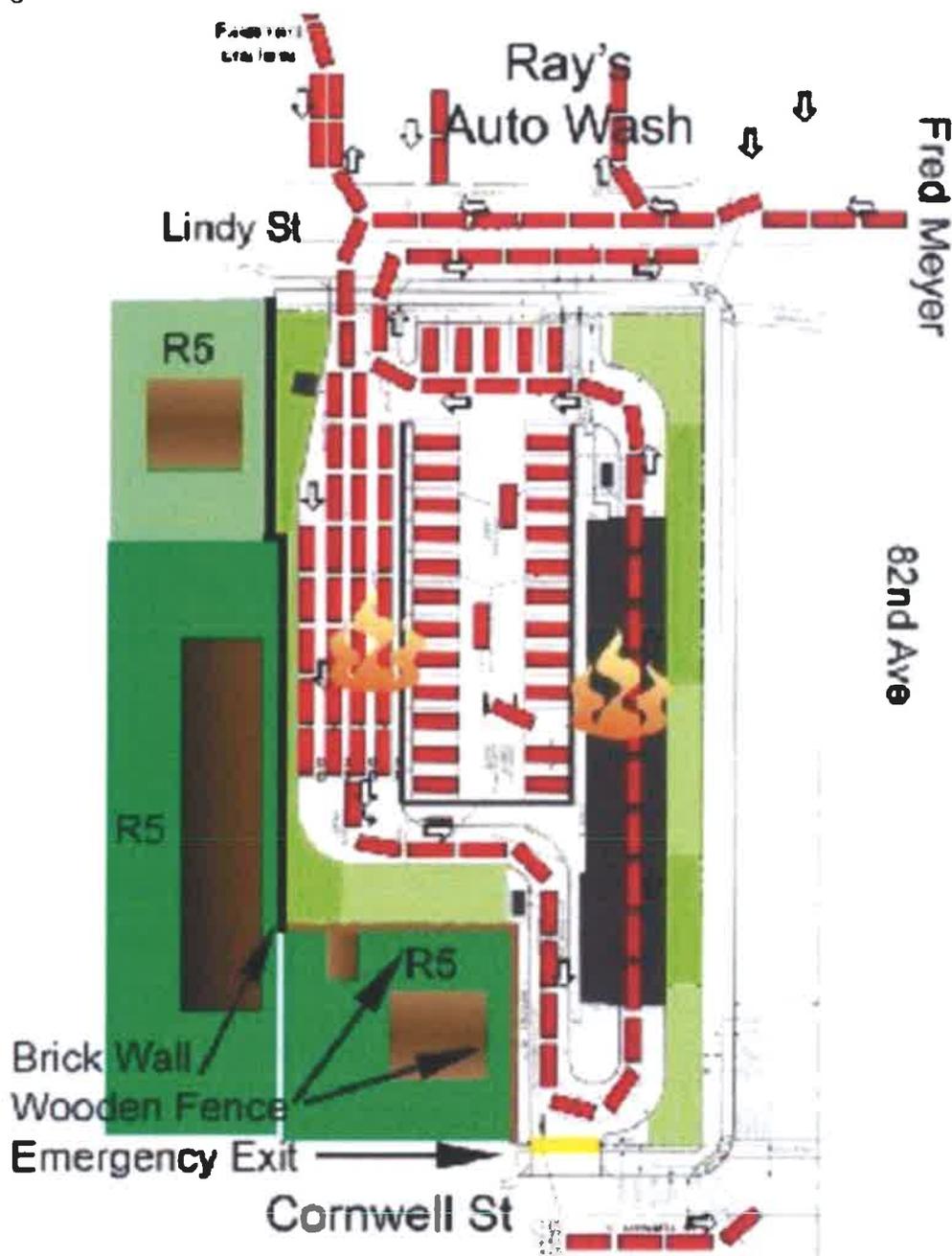
The Company has chosen the worst possible location for a drive-thru car wash. The most recent [TriMet passenger census](#) reports that there are 428 on-and-off passengers each weekday at Lindy and 82nd. There are an additional 88 on-and-off passengers at 82nd and Cornwell. To put this into perspective, the number of Lindy passengers are greater than those at 82nd/Stark and 82nd/Woodstock. In Clackamas County, the Lindy ridership is the third greatest only to King Rd (access to Milwaukie Transit Center) at 618 and Boyer Rd at 512 (Winco Mall).

Lindy/82nd also has 187 daily ons and offs from a lift service, and another 23 ons and offs at Cornwell from life service. The ranking for lift service in Clackamas County on 82nd puts Boyer at number one, Lindy at number two, and King in third. This is considerably greater than 82nd/Stark and 82nd/Woodstock. Lift service is also known as paratransit, which serves

the vulnerable population of those with a disability or disabling health condition where ridership on the standard TriMet bus is not an option. These factors are significant in that it illustrates how dependent our population is on Lindy for access to Fred Meyer and how the disabled population is dependent on paratransit services to reach the Clackamas Service Center.

Related to this concern, neighbors in the surrounding area have spoken about the likely impacts to queuing around the subject site. Below is a graphic from a fellow neighbor that estimates a worst-case scenario:

Figure 4 – Worst Case Traffic Scenario



The highest concern is traffic queuing at Lindy and 82nd. It will not take too many cars waiting at the light heading west on Lindy (towards Fred Meyer) before they cause congestion. Getting in and out of Ray's Carwash, getting in and out of Washman's car wash, driving into Lindy, and accessing Black Rock Coffee or Columbia Bank, and importantly, congestion near one of the most highly-accessed TriMet stops on 82nd will all likely be impacted by the car wash.

It should also be known that access into Cornwell is somewhat restricted. As a bit of context, the part of SE Fuller Rd. that is North of Johnson Creek contains access to SE Garden Lane, which eventually turns into Cornwell. However, years ago, ODOT constructed a median in SE Johnson Creek Boulevard that restricts turning movements at SE Fuller Road. In short, there currently exists no path heading eastbound on Johnson Creek to turn left onto SE Fuller Rd (and subsequently Cornwell). Left turns from SE Johnson Creek Boulevard heading north or south onto SE Fuller Road are prohibited. The median was intended to improve safety and traffic flow on SE Johnson Creek Boulevard/SE Fuller Road and the I-205/SE Johnson Creek Boulevard interchange, but as a result, it restricts access onto SE Fuller Road. This leaves Cornwell as a vital point of access to enter our neighborhood as it is not always accessible from Johnson Creek.

The fact that County Staff and ODOT have required significant adjustments to the subject site is a sign that great modifications to the car wash must be made to be able to accommodate the heavy traffic anticipated. For example, one of the conditions of approval is that Washman donate a 21ft of right-of-way to ODOT as necessary to accommodate a planned cross section. It is unclear whether the applicant will be able to provide such a deed to ODOT as the applicant currently does not own the property that abuts 82nd. Washman is leasing this land from Mr. Frank Rogers, and he must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

Closing Remarks

I know a lot of the neighbors have been complaining about the traffic and livability impacts. I encourage you to visit the site to understand more about what the County may ultimately approve, especially if it involves a decision that will impact the livability of surrounding residents. The car wash is only slated to add an additional 4 employees. Clackamas County does not have a business tax. There is little to be gained from this development other than negative neighborhood impacts, negative traffic impacts, and profits to an already-thriving company.

ZDO section 1007.09 requires that development be served by a transportation system that has adequate capacity to handle any increased vehicle trips generated by new development. The Company has failed to show that the transportation system (Lindy, 82nd, and Cornwell) will have adequate capacity, especially since it has refused to provide a TIS on Cornwell avenue.

My fellow neighbors have also submitted comments speaking to how the Company has failed to show how it has met various County Ordinances, including Chapter 10 of the Comprehensive plan and a number of Clackamas County Roadway Standards.

If it is possible, I have several requests for recommendations that the County might make:

First. Delay approval of the application until the applicant has performed a TIS on Cornwell Ave. This is necessary in the event that the Company expands site design to include the property development on 8220 Cornwell (i.e., original plans submitted to the County in *Figure 1*). It is intellectually dishonest of the Company to have submitted an application ignoring impacts to Cornwell, particularly with the demolition of 8220 Cornwell.

Second. Approval of the land use permit is based on the submitted revised written narrative and plan(s) filed with the County on or before November 19, 2019. If the County does approve the application, I recommend that the County require that no work shall occur under the permit other than which is specified within the documents on or before November 19, 2019.

Third. The County should require maximum noise abatement on the subject site. This means concrete walls (not wood) at full height (at least 10 feet) abutting the east side of the subject site, the north side of the subject site, and the south side of the subject site. The neighborhood already endures many noise impacts from the surrounding area. We live in an enclosed area surrounded by the MAX line, 82nd, and the I-205 freeway. Maximum noise abatement would improve livability and is the least the Company could do.

Fourth. Please visit the site. Sometimes visiting a site gives a completely different perspective. If you haven't already done so, I would encourage you to visit the subject site to understand what this will do to the neighborhood. Once you see what the neighborhood and surrounding businesses are talking about when they explain that we will be physically boxed in due to traffic blockages, you may have a different perspective.

It is no secret that many of the neighbors, including myself, are vehemently opposed to the car wash. The process overall has given many of us the impression that the County has already determined that Washman's application would be approved, and that a new, incoming business has had more to say in what happens to our own neighborhood than we do. I know it can be easy to write off the neighbors as NIMBY critics who are opposed to development, but the impacts of the car wash go beyond Cornwell and Lindy. There is already enough traffic just outside our front door, and even another car wash already in our neighborhood.

Thanks for your time,

Nadine Hanhan

Memorandum

TO: Hearing Officer

FROM: Transportation Engineering, Kenneth Kent

DATE: January 22, 2020

RE: Z0353-19-D, Washman Carwash, 82nd Avenue –Appeal Hearing
12E28CB03000

The following is a proposed revision to Engineering condition D.12.e requested by the applicant. Based on ODOT's permitting process, the review of construction plans may be ready, but they will often require that the county Development Permit has been issued before the ODOT permit can be issued. This can limit the applicant's ability to obtain a building permit when all other county permits are in place. In practice, county engineering staff will request verification from ODOT that the applicant's ODOT plans and permit are far enough along in the process to allow release of the Building Permit.

D.12.e Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:

- a) Written approval from the Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
- b) Written approval from ODOT ~~in the form of a permit~~ for all work within the SE 82nd Avenue right-of-way.
- c) Written approval from Clackamas River Water District for adequate water supply source to serve the development. The approval shall be in the form of utility plans stamped and signed by the Water District representative.
- d) Written approval from Water Environment Services for surface water management facilities, surface water detention facilities, and erosion control measures.
- e) A set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

January 23, 2020

Fred Wilson
Hearings Officer
Clackamas County
150 Beaver Creek Road
Oregon City, Or 97045

RE: *Washman LLC*
File Number Z0353-19-D

Dear Mr. Wilson:

This firm represents the applicant in the above captioned matter, Washman, LLC. Please include this letter and its attachments in the record. This letter transmits the following documents for inclusion in the hearing record:

1. January 23, 2020 Hearing PowerPoint
2. Alternative site plan (already in record, provided for HO convenience)
3. Supplemental Traffic Analysis – Clemow & Associates
4. Supplemental Analysis – Symons Engineering
5. Supplemental Noise Memorandum – Moore Noise
6. Supplemental Authorization from property owner
7. Oregonian article – use car washes for water conservation
8. Applicant's correspondence with CPO

Thank you for your time and consideration.

Very truly yours,



Wendie L. Kellington

WLK:wlk
Encl: Eight listed enclosures
CC: Client team



KELLINGTON LAW GROUP, PC

WASHMAN CAR WASH

- Thanks to staff for assistance and thoughtful approval decision
- Thanks to County Design Review Committee for their consideration and recommendation of approval
- Thanks to the Hearings Officer for your time considering the appeal
- Thanks to our neighbors for participating and attendance today
 - Look forward to working together in the future
- Team Introductions
- Preliminary matters



Supplemental Items for Record

- 1. This PowerPoint
- 2. Alternative site plan (already in record, provided for HO convenience)
- 3. Supplemental Traffic Analysis – Clemow & Associates
- 4. Supplemental Analysis – Symons Engineering
- 5. Supplemental Noise Memorandum – Moore Noise
- 6. Supplemental Authorization from Property owner
- 7. Oregonian article – use car washes for water conservation
- 8. Applicant's correspondence with CPO

Two Different Site Plans to be Approved

See Decision p 4

- Litigation regarding location of the property line - owner of the apartment building directly east of the property is asserting the property line as marked, and which is consistent with the County records, should be moved 5 feet to the west.
- Neighboring apartment owner claims to have (5) feet of the east property line on the subject property
- Wall is proposed where property line is shown on assessor records
- Regardless of how litigation resolved, there are two different site plans showing the proposal including the alternative site plan only differences is where wall would be, and minor changes to how the site is laid out, if subject property owner does not prevail
- Ask the HO to approve both as alternative site plans



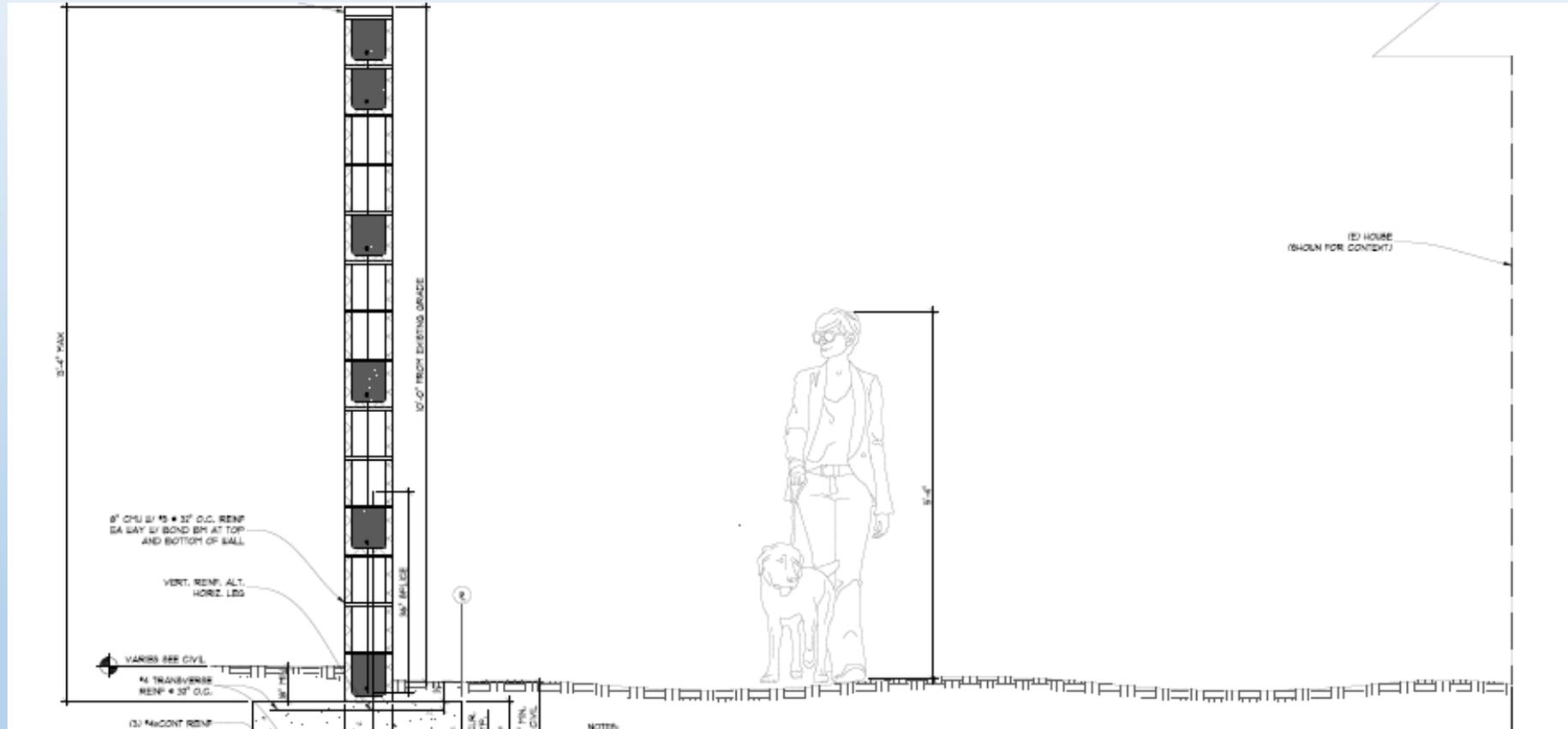
Requested Decision Clarifications

- Request p 13 Sec 2(A)(4)(b) RE: what “implemented” to avoid approval expiration means be clarified to say: “A permit issued by the County Engineering Division or ODOT as applicable, for frontage improvements required by this approval”
- Request clarification of p 14 CC Engineering Condition 3 re: dedicating 21 ft of SE 82nd frontage to ODOT and not County (see Dec. p 4-5, #4 “applicant required to dedicate approx. 21’ ft of ROW along SE 82nd Ave. frontage” and p 5 (last sentence – “ODOT only accepts ROW in fee so the 21 ft must be donated to ODOT.”
- Clarify Condition p 14 (4) RE: dedications on Lindy and Cornwell be to CC or ODOT as appropriate.
- Revise p 16 Cond 12(e) – revise to state: “Proof that ODOT frontage improvement permit has been applied for. Said permit shall be obtained prior to Certificate of Occupancy being issued by Clackamas County, or otherwise bonded to ensure completion.”

Requested Decision Clarifications Continued

- P 13, Sec 2, Gen Cond (A)(1) August 2, 2019 drawings superseded by September 9 and October 24 drawings, and latter two are now representative.
 - November 14, 2019 alternative site plan also submitted to county
- Cond. B.2 CMU wall anti-graffiti “paint” – will be clear sealer. Sealer can only be on applicant’s side of wall as no right to trespass on east side of wall.
- Modify p 14, Planning Cond. 2 for 10’ wall – consider reducing to 8’ or 6’ wall – either meet all DEQ noise standards

10' Wall Inadequate Benefit for Cost and Effect on Apartment Dwellers



Summary

- Design Review Committee and Staff got it right
- Proposal meets all standards and ‘leaves it better than you found it’
- Improves drainage
- Improves appearance, adds sidewalks, landscaping (standard is 10% - proposal is 23%)
- Adds significant ROW, facilitating bike lanes
- Proposal meets all all applicable transportation standards including ZDO 1007.07 concurrency standards
- With noise mitigation, the proposal decreases noise levels from existing levels at many properties behind the wall and causes a minor increase at limited locations, particularly south of Lindy Street.
- With an 8-foot wall, there are no increases except south of Lindy Street where there are minor increases.



Washman Car Wash

- Corridor Commercial (CC) zone a car wash is a permitted use subject only to Design Review

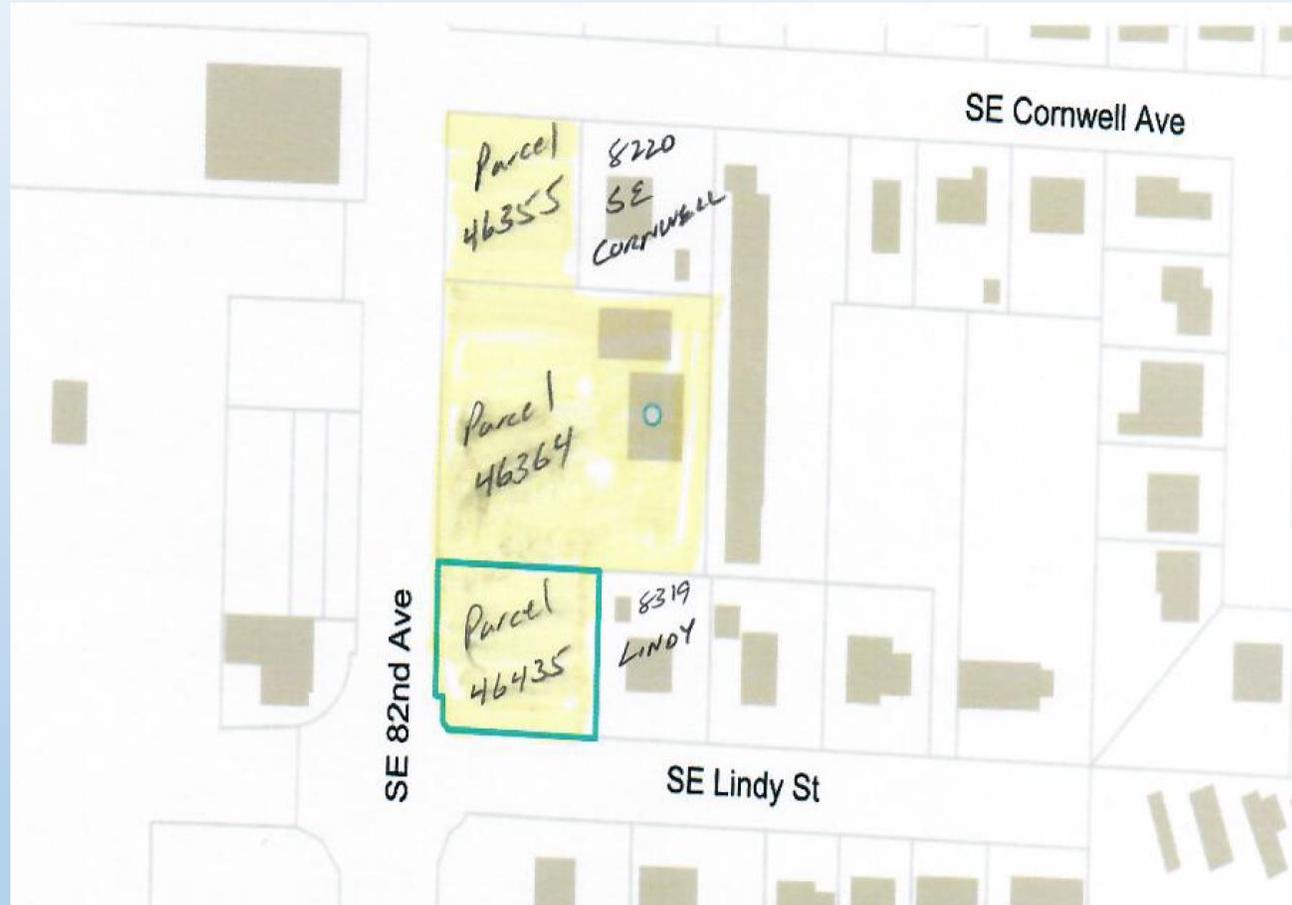
Use	NC	C-2	RCC	RTL	CC	C-3	PMU 1	SCM U	OA2, 3	OC	RC O
Services, Commercial— Car Washes	S	S	X	C	P	P	P	X	X	X	X

- Limited Land Use Decision – unincorporated plan provisions do not apply

Clarification RE: Parcels and Ownerships

- *Washman owns the following properties:*
- 8220 SE Cornwell Street. **This parcel is not part of the development**
- 8319 SE Lindy St. **This parcel will be part of the development.**
- *Washman is leasing the following parcels (there are 3 parcels comprised of 2 addresses.*
- 8880 SE 82nd
- 8864 SE 82nd

Map Showing Ownerships



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Owner Consent for All Parcels Applicant Does not Own

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Development Service Building
150 Beavercreek Road
Oregon City, Oregon 97045

RE: Land Use Applications
8864 SE 82nd Avenue
Portland, Oregon 97216

To Whom it May Concern:

"I, Frank Rogers, Managing Member of Rogers Land Co. LLC , owner of parcels #R00046435, #R00046355 and #R00046364 hereby duly authorize David Tarlow of Washman, LLC to make land use and building permit applications as my representative on my behalf.

Signature Frank L. Rogers Date 01-09-2020 "

If you have any questions, please call Frank Rogers at 541-441-1220.

Sincerely:

Frank L. Rogers
Frank L. Rogers
Managing Member



Busy Commercial Corridor



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Commercial Corridor with Proposal



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Previously: Used Car Sales Business on Subject Property



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Area is a Busy, Noisy Commercial Corridor

- Noise influencers –
- Traffic on 82nd (AKA Hwy 213) - A state highway
- Traffic on Lindy
- Traffic on Cornwell
- Traffic on I-205 (A federal freeway)
- Traffic on Johnson Cr Blvd – A major arterial
- Light rail
- PDX jets
- Leaf blowers and other home/business maintenance equipment
- Commercial activity including delivery trucks, street sweepers, power tools, back up beepers
- YET - Modeled noise included ONLY 82nd and Lindy. Therefore, report is **very conservative** as noise expert will explain



Proposal: State of the Art Facility

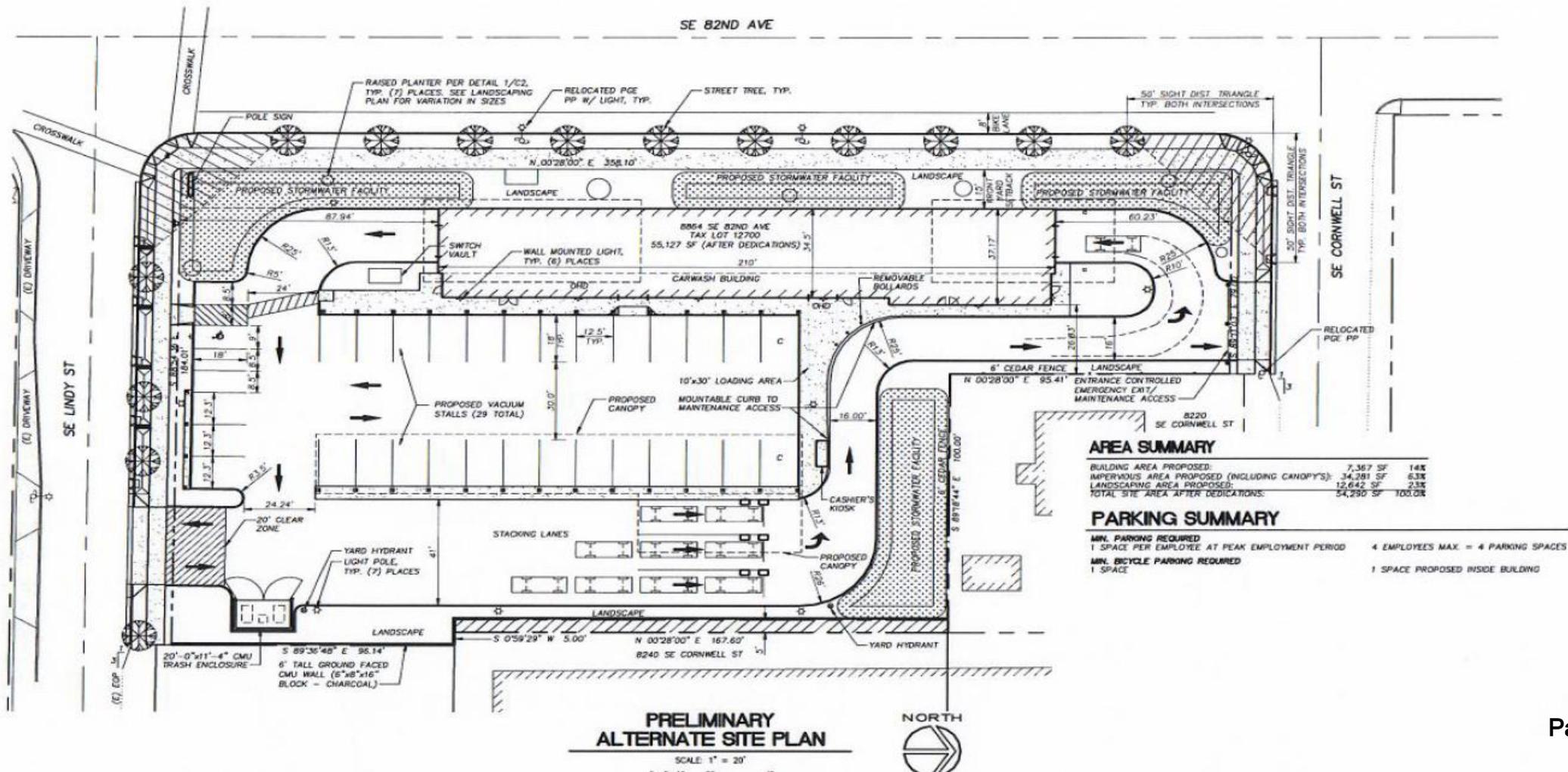


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The Proposal

- Automatic car wash: *(4) self-pay stations & 2-4 ees on site, assist customers/ensure smooth ops (3 self-pay stations if alternative site plan is approved)
- 7,367 sq. ft drive through car wash building – washed, rinsed, dried in 210' tunnel – one of longest in region
- 29 vacuum stations situated outside main circulation area
- Central vacuum – vacuum machinery inside main building significantly mitigating noise; only hoses outside
- Max 120 cars washed per hour – but as noted 30 cars hour is normative – and again they are not in queue all at once – arrival is at different times
- Enough vehicle storage for 42 vehicles to queue under proposal or 35 vehicles if alternative site plan is approved, as requested

Alternative site plan in unlikely event if disputed 5 feet belongs to adjoining property



Alternative Site Plan – submitted to county November 2019

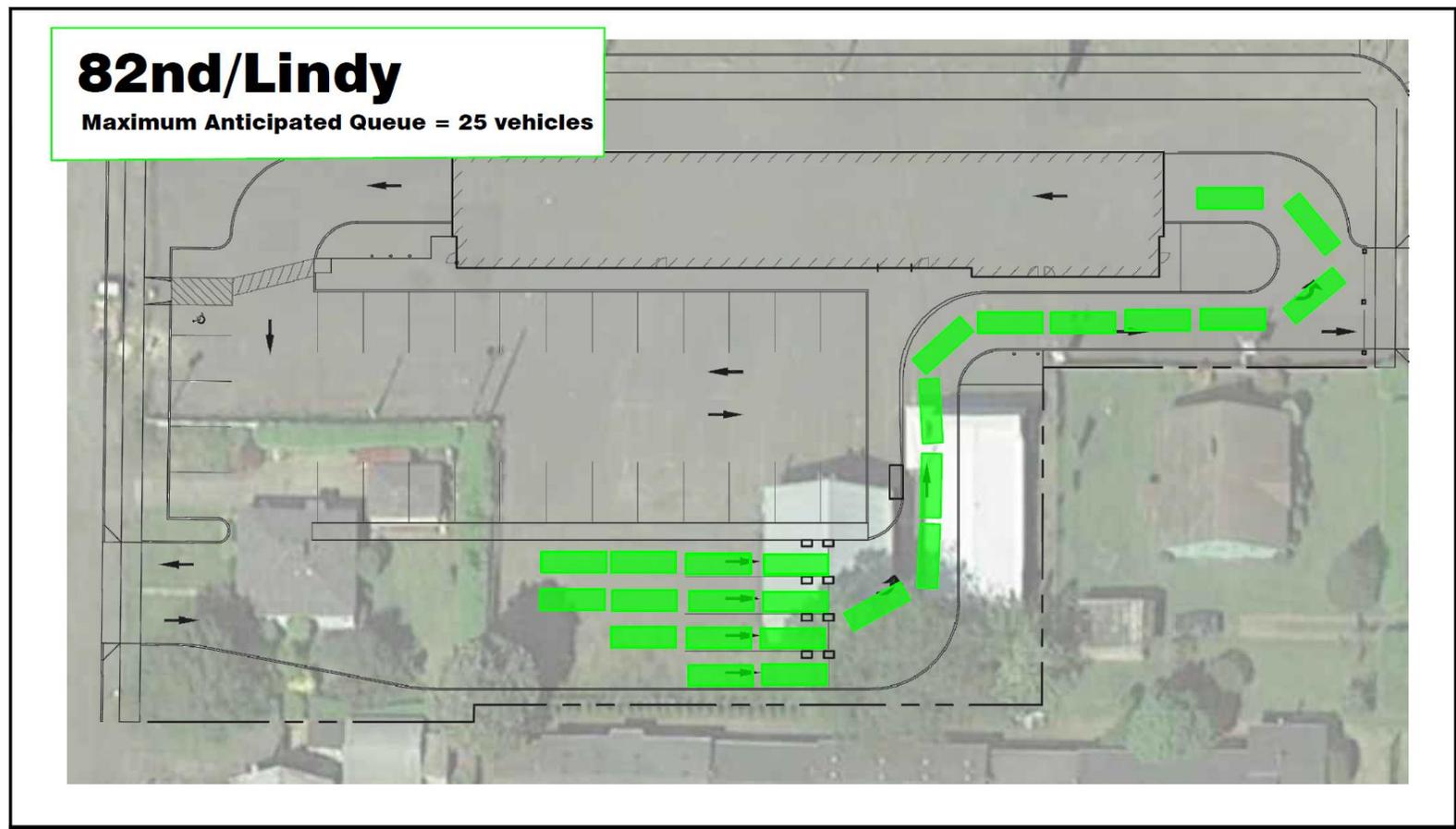
Only differences:

- Wall moves 5 feet closer to west – all setbacks are still met
- One auto pay station is removed
- Loss of one queue lane – queue space goes from 42 to 35 cars
- Still more than adequate queue for vehicles
- No significant operational change results for implementing alternative
- Seek approval of alternative site plan if the disputed 5 feet on the east property line is determined by court in pending litigation to be owned by another

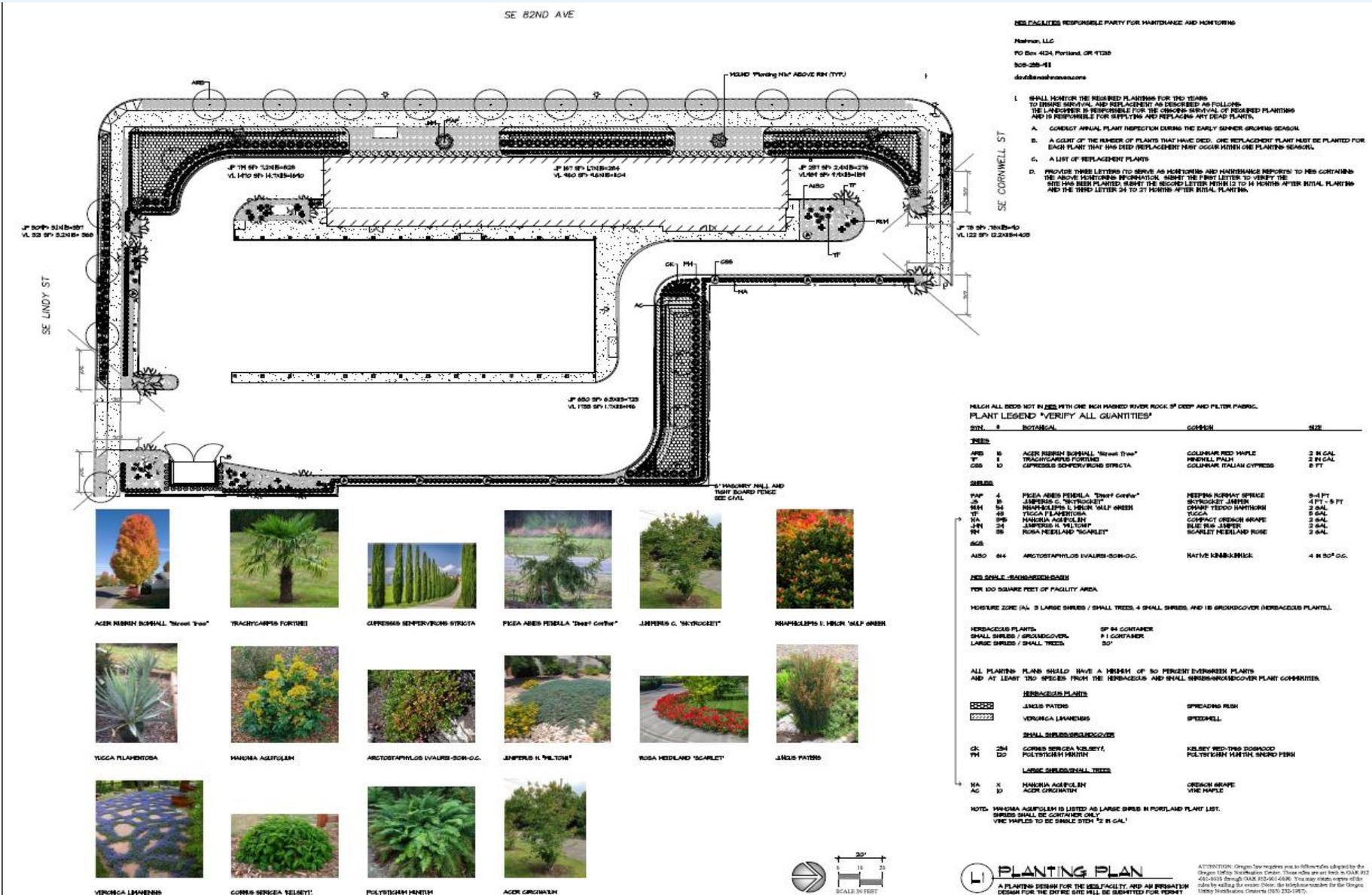


- Rainwater from impervious surfaces is collected and treated in (4) infiltration basins
 - All runoff is disposed onsite for up to 25-yr storm event
 - Washwater is collected and reused, rinse is clean water; drip grates collect rinse water then reuse as washwater
 - Hours of operation –
 - Fall and winter - 7:30 am until 6:30 pm (M-Sa)
 - Spring – 7:30 am until 7:30 pm (M–Sa)
 - Summer 7:30 am until 8:30 pm (M-Sa)
 - All seasons – Sundays opens at 8 am
- *These are DEQ daytime hours

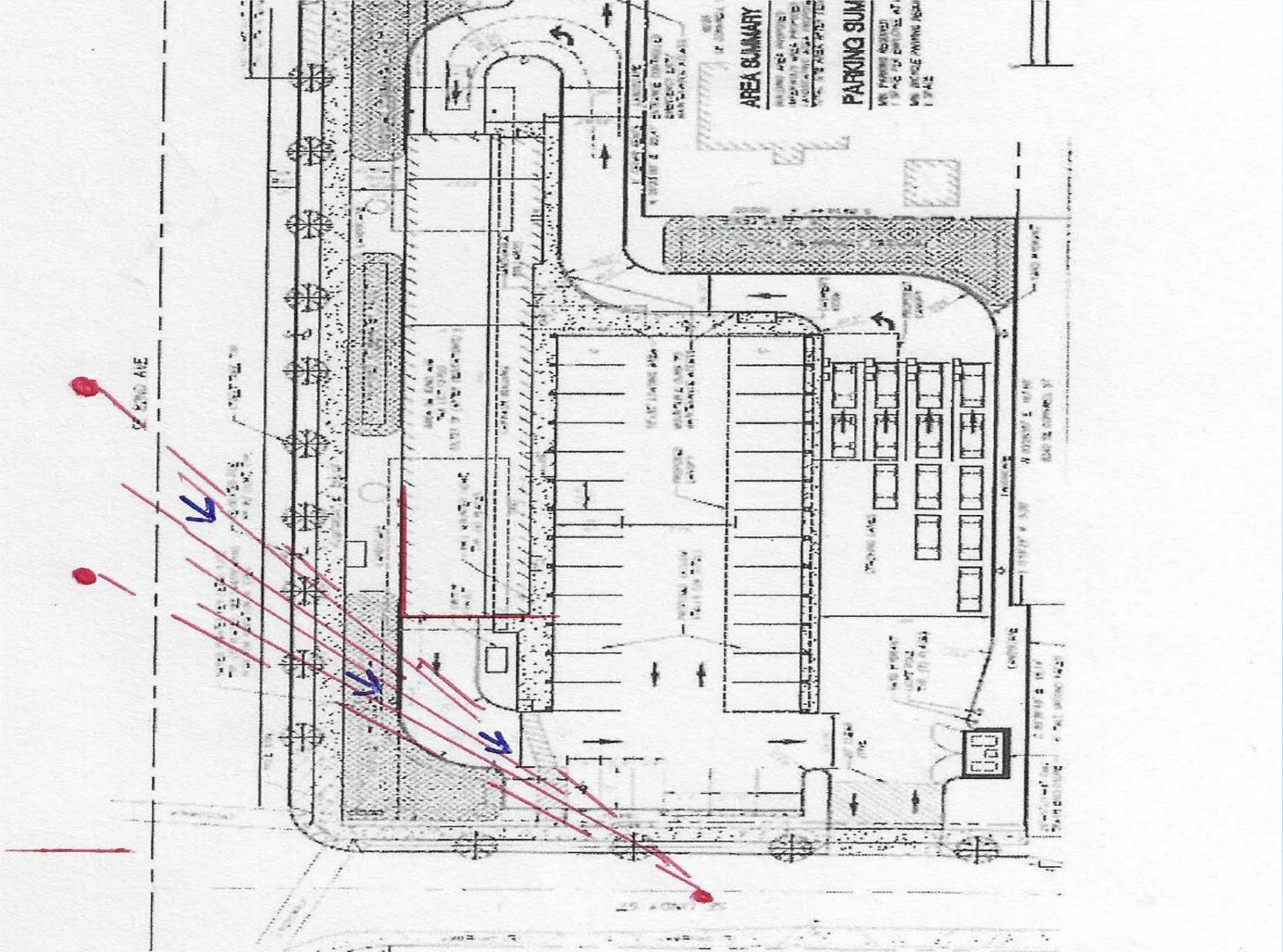
While **queue capacity** is 42 cars (or 35 cars under alternative site plan); the **maximum anticipated queue** is 25 cars based upon operations history & consumer behavior over decades



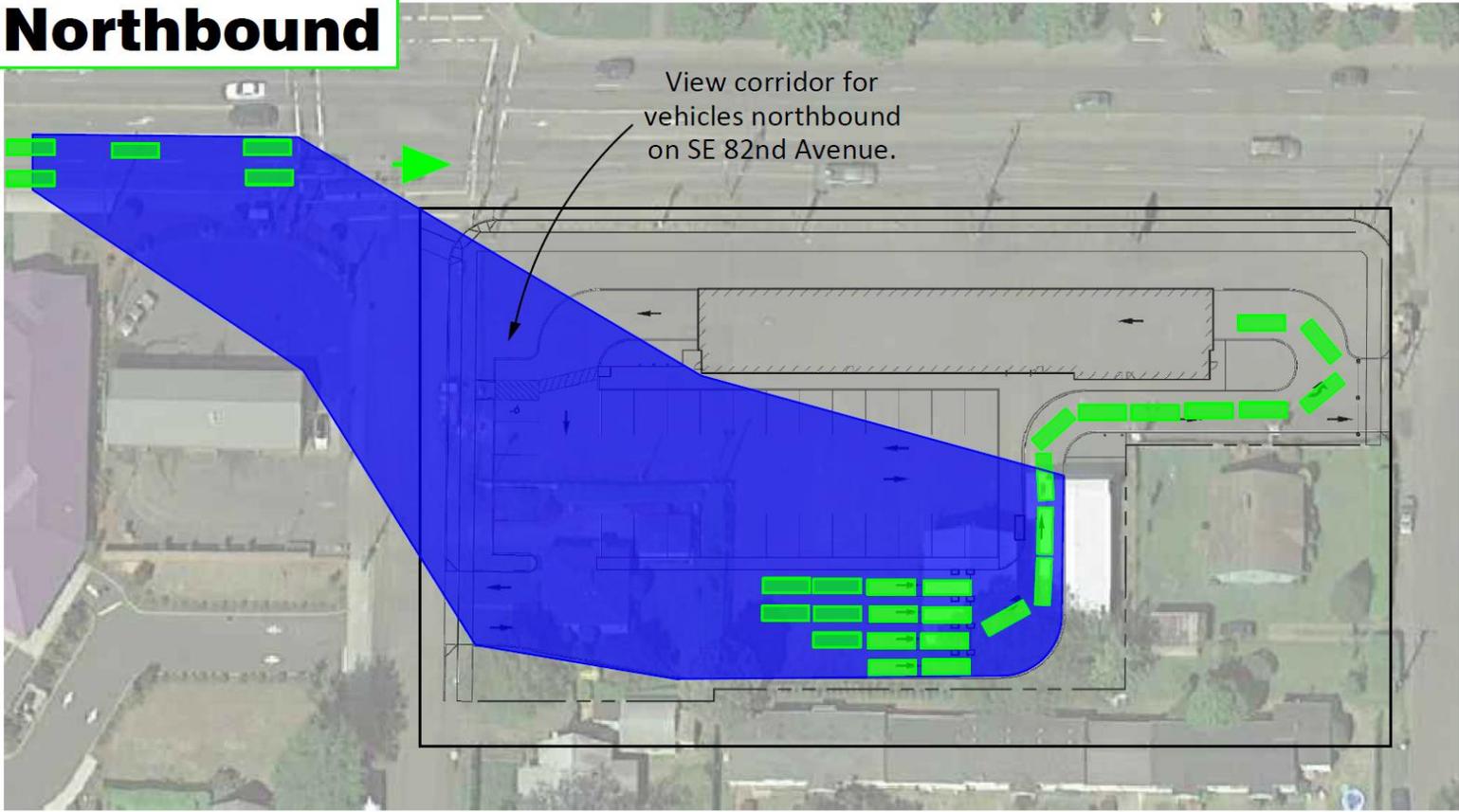
Generous Attractive Landscaping



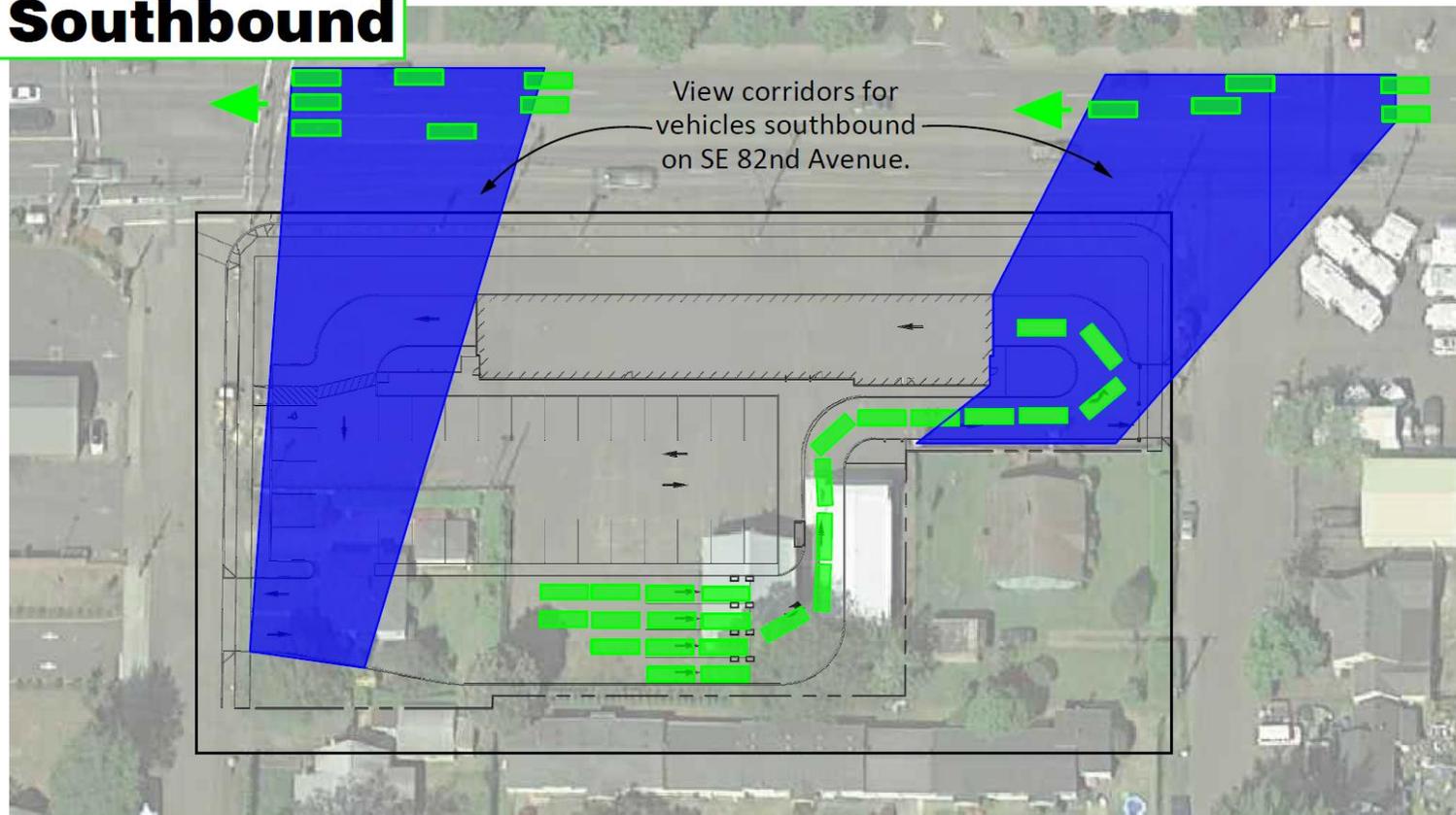
Cars can see queues before committing to Lindy turn



Northbound



Southbound



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SE 82nd Ave. Frontage Now



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SE 82nd Frontage Now



KELLINGTON
LAW GROUP, PC

Versus Proposal



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Improvements the Applicant will Make to 82nd

New 8' Sidewalk

5.5 ft. Landscape strip between sidewalk and curb

Area between SE 82nd and structure is landscaped

Transportation improvements include

21-ft ROW dedication on SE 82nd

Adequate for bike lane

37-ft wide ½ st improvement

Lindy Now



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Frontage Improvements the Applicant will Make to Lindy

- 6' unobstructed sidewalk where none exists
- 7' wide landscaping strip
- Transportation improvements including right of way dedication
 - - frontage of Lindy and Cornwell improved to local commercial roadway standards
- Improved drainage

Cornwell Now



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Cornwell now



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Cornwell Improvements that the Applicant will make

- 6' unobstructed sidewalk where none exists
- 7' wide landscaping strip
- Improved drainage
- Transportation improvements including right of way dedication
 - - frontage of Lindy and Cornwell improved to local commercial roadway standards
- Improved drainage

Proposed Car Wash - Environmentally Responsible

- Recycles and reuses wash water
- Biodegradable detergents –rinsed in tunnel and no direct contact with stormwater runoff
- Cars leave tunnel after having been rinsed with fresh water
- 33 L.F drip grates in tunnel to capture any remaining water after forced air dryers have removed majority of rinse water

Environmentally Responsible Use



Erosion Control

- Will improve existing drainage
- Vegetated stormwater management where none now
- 82nd/Cornwell storm drain will be relocated to new low point with project



Deon VanZee

- Washman Regional Manager
- In industry 20 years
- Familiar with Washman sites including auto-pay sites
 - Auto-pay sites employ 2-4 people full time
 - Representative of strong customer service ethos; most customers have no trouble, but if they do there is an employee there to assist
- Customers spend about 40 seconds each in an auto pay stand
- Carwash customers spend average of 5-6 min on site start to finish
- This facility is nothing like facility 82nd and Glisan
 - That facility is circa 1960s
 - Does not have queue space
- The proposed facility has circulation characteristics like Washman #1000 at 118th and Division (** key difference is 118/Division has old school auto pay unlike the proposed)



Circulation Comparison at Division / 118th (queuing does not go onto street even with less queuing space on a very busy day)

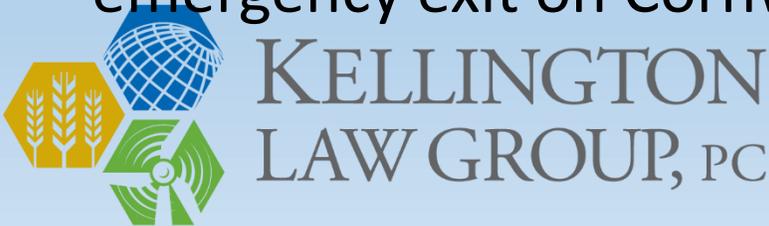


Site 1500 at N Lombard St.

- Similar modern auto pays
- Identical air dryer manufacturer and hardware set up
- **These were the air dryers modeled in noise study
- However, Lombard facility produces more noise because air dryers are closer to the end of the wash building exit, versus proposed site where air dryers will be 40' inside the building further attenuating noise
- Further noise mitigation in proposed 82nd Ave site for which no noise study credit is given, is that at proposed SE 82nd facility there will be weather doors at the tunnel exit – doors open to let cars leave and closes after cars leave wash tunnel

Deon VanZee

- People do not come to site all at once rather on average 30 cars per hour go through car wash, entering at different times during an hour
- Highest peak times are between 11 am to 2 pm and lowest use time is from 2 pm to close
- Queue space at proposed location is more than adequate – under either site plan (as proposed and alternate)
- Not going to process more than 120 cars per hour max and that is at a peak and very unusual day that might happen a few times a year.
- More like on average 30 cars washed per hour
- In all years in industry, less than 10 people have left queue for personal emergency (car malfunction). Not an event that occurs. But if it does, emergency exit on Cornwell there for it



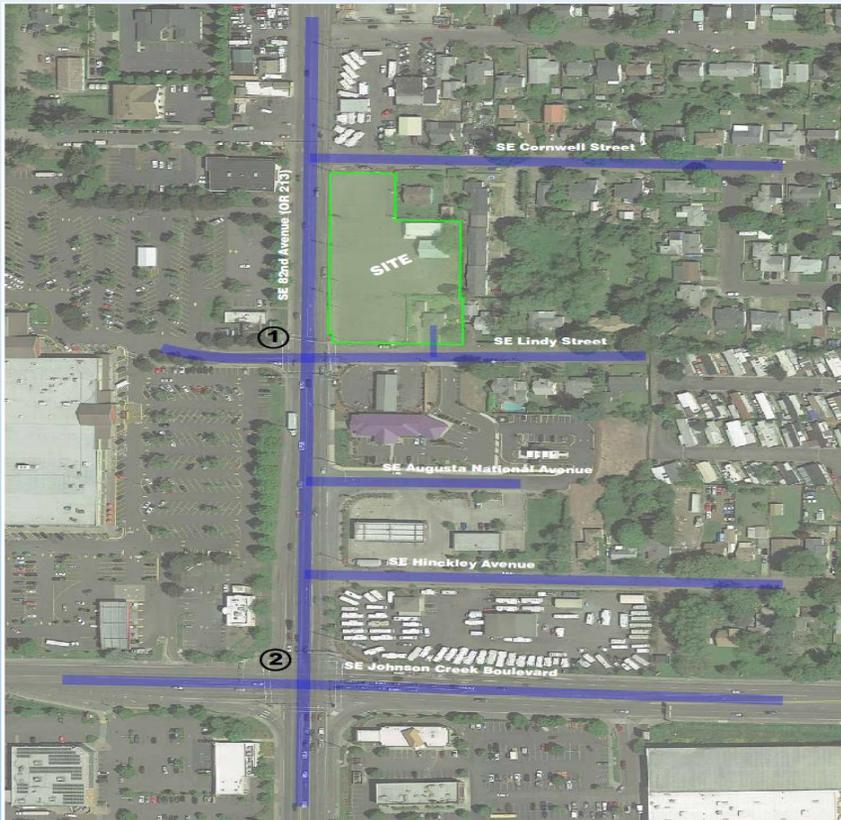
Deon VanZee

- Air dryers will blow off, conservatively, 95% of the rinse water
- And after air dryers, cars still have 40 ft. to go to exit the tunnel under proposed design (same for alternate design)
- After a car exits the tunnel, there is approximately 150 ft. to the Lindy exit.
 - Any excess water will be eliminated before exiting to Lindy.
- Moreover, many customers will stop in vacuuming area after car wash before exiting, which will further avoid rinse water drippage is eliminated before exiting.
- Request approval of the proposal



Transportation

- TIA adequate – meets all standards
- Proposal meets all relevant standards
- Proposal meets relevant capacity standards
- Signalized Intersection at SE 82nd/Lindy has substantial additional capacity after carwash established
- Traffic will not be turning left on Lindy unless someone lives there
- Traffic will not be on Cornwell unless
 - Emergency – including a person needing to get out of queue
- New trip count Jan 9, 2020 demonstrates fewer trips than previous counts



Previously Assumed 2020 Pre-Development Volumes from the July 31, 2019 TIA	Current January 9, 2020 Turning Movement Counts (2020 Pre-Development Volumes)	Volume Change by Movement [Number and Percentage]	Volume Change by Intersection [Number and Percentage]																																																																																																																																																																								
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Proposal Meets All Noise Standards

- Clackamas County noise ordinance does not apply
- Meets DEQ daytime noise standards
- 10' wall (both 6' and 8' wall) mitigate sound from existing sources and car wash



KELLINGTON
LAW GROUP, PC



Figure 1
Washman - Proposed Automatic Car Wash
SE 82nd Avenue, Happy Valley, Oregon

Noise Model Receiver Locations

Existing Noise Levels Taken from Subject Property

Table 2: Existing Daytime 30-Minute Noise Levels Near the East Side of the Proposed Site (dBA)

	L₁	L₁₀	L₅₀
Minimum	67	64	58
Average	71	64	60
Maximum	79	65	61
DEQ Standards	75	60	55

Noise measurements made July 4th, 2019

Noise Profile of Area as Modeled

- The noise effects of the Washman facility will be local. Potential effects are minimal and then only to residences in immediate vicinity of the proposed site.
- Existing sound environment is complex and noisy – transportation, commercial, urban neighborhood sound sources.
- A noise model was used to substitute for existing ambient conditions because it allows an apples to apples comparison between existing and future conditions by controlling for traffic volumes on local roads.
- The noise model allows a comparison to “future” conditions, albeit the model is necessarily very conservative.
- Sound measurements are used to confirm the general noise characteristics of the area and to inform the interpretation of the results of the modeling.

Modeling

- Modeled existing conditions are 5 dBA (L_{50}) lower than the actual measured noise levels at the existing Washman site. Model includes only SE 82nd Ave and Lindy Street although there are many other existing transportation noise and other sources
- Lower modeled level are expected between model and existing conditions.
- The low “existing” assumption which does not include all known existing noise sources increases the modeled noise impacts of the Washman facility and so is conservative.
- There will be less “masking” provided by existing noise sources on Washman operations by using the modeled existing conditions.
- Even so, all DEQ noise standards are met by the proposal.

Modeled Noise Impacts with Operations and Mitigation

Comparison of Modeled Sound Levels, Existing and Future at Various Barrier Heights (L50, dBA)

Description of Receiver	Existing	Future with 6-foot wall	Future with 8-foot wall	Future with 10-foot wall
House north of Cornwell (R1)	54	53	53	53
Apartment (R4 – R7)	48 - 53	45 – 52	42 - 51	40 - 49
Southeast of site, 8321 Lindy (R9)	50	51	49	47
South of Lindy (R11)	51	54	54	EXHIBIT 52 Z0353-19-D Page 53 of 55
South of Lindy (R12)	43	47	47	47

Noise Conclusions

- Proposed Washman facility meets DEQ daytime L_{50} standard (most restrictive) at all barrier (wall on east property line) heights
- Noise impacts only at locations near the facility – not expected in neighborhood in general
- Minor increase shown south of Lindy Street, generally expected to be just perceptible over existing noise levels –
 - Recall does not account for I-205 which borders many of these residences or other sources
- Other areas show a range from a substantial decrease or generally non-perceptible increase of 1 dBA with 6-foot wall

Summary

- Proposal meets all standards
- Proposal significantly improves site and immediate area
- Staff got it right, proposal should be approved
- Thank you for your time and consideration
- Questions?





January 23, 2020

Symons Engineering Consultants, Inc
Attention: Dan Symons
12805 SE Foster Road
Portland, Oregon 97236

Re: **Washman Carwash – SE 82nd Avenue/SE Lindy Street – Clackamas County, Oregon**
Technical Letter #1 – Response to Appeal of Planning Director Approval

Clackamas County File Number Z0353-19-D
C&A Project Number 20180601.00

Dear Mr. Symons,

This technical letter supplements the July 31, 2019 Washman Carwash Transportation Impact Study (2019 Washman TIS). This letter responds to transportation-related items contained in the December 9, 2019 Southgate Community Planning Organization (CPO) appeal of the November 26, 2019 Clackamas County Planning Director's approval of the Washman Carwash land use application.

The following presents the underlined Southgate CPO appeal comments followed by the Applicant's response.

Comment #7: Drive-through with 180 cars per hour capacity is not a balance for an intersection already exceeding maximum capacity, most notably for Lindy residents and those using Lindy as access from the Holly Acres Mobile Court.

Applicant Response: The appellant's comment stating a "[d]rive-through with 180 cars per hour capacity..." is unsubstantiated. The applicant's maximum car wash rate is 100-120 cars per hour which only occurs 5 to 10 times per year. Regardless of the maximum wash rate, the purpose of the applicant's transportation analysis is to evaluate carwash operating conditions occurring on a typical mid-week day during the peak hour of the roadway system – which is the time period used by Clackamas County and ODOT to evaluate transportation system operations. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual data, which is consistent with existing Washman facility data, a one-tunnel automated carwash generates an average of 78 total (58 primary) PM peak hour trips. This equates to an approximate wash rate of 39 cars per hour.

The appellant's comment, stating "...for an intersection already exceeding maximum capacity..." does not identify the specific intersection exceeding capacity nor is there any documentation provided supporting this statement. The 2019 Washman TIS analysis found all study intersections (82nd/Lindy and 82nd/Johnson Creek) operate at an acceptable agency mobility standard in the Post-Development scenario and capacity improvements are not necessary. Further, the subject development has *de minimus* transportation system impacts.

Comment #14: No such evaluation has been performed on the residential street, Lindy. The sole driveway for entrance and exit of customers is on Lindy. There are seven homes beyond the driveway for this drive-through carwash which will be impacted.

Applicant Response: The 2019 Washman TIS analysis found the 82nd/Lindy intersection operates at an acceptable agency mobility standard in the Post-Development scenario and intersection capacity improvements are not necessary. The subject development has *de minimus* transportation system impacts and there will be few to no impacts to Lindy east of the carwash access because all car wash traffic on Lindy will enter from and exit to 82nd. Any car wash traffic traveling on Lindy east of the site access is only there because the vehicle has an origin or destination on Lindy itself.

Clackamas County Roadway Standards Section 295.18.3 – *Analysis of Neighborhood Impacts* states,

“a. Some developments may have a detrimental effect upon existing neighborhoods. As applicable, the TIS shall evaluate impacts such as traffic volume increases, potential speed increases, safety impacts, and other livability issues.

b. Based upon the relative impact of the development upon the neighborhood, the County may recommend improvements to mitigate a development’s impact upon an existing neighborhood.

c. Elements to be considered as potential mitigation include the traffic calming measures of Section 265.”

Clackamas County Roadway Standards Section 220.6 – *Driveway Access to Connector Roadways* further states,

“If available, access should be provided from streets with a lower functional classification except where Engineering determines that safety dictates an alternative access scenario. Access for proposed single-family residential driveways is allowed. No driveway shall be allowed within 25 feet of the right-of-way lines at an intersection.

Commercial, industrial, and institutional developments proposing access to roadways with a local road functional classification that serve existing residential neighborhoods located within the UGB are discouraged and any anticipated adverse impact upon the livability of these neighborhoods shall be quantified and mitigated proportionately to their impacts.”

As required by the County and ODOT, the proposed carwash access is to Lindy and is located as far to the east as possible to limit 82nd/Lindy intersection impacts. Consistent with this, it is noted that when the properties south of Lindy redeveloped, access to 82nd was eliminated and was relocated, in part, to Lindy.

Overall, the traffic volume increases on the short section of Lindy can be accommodated by the existing roadway section, there are no anticipated speed increases and there are no other identified livability impacts. As a result of the *de minimus* neighborhood impacts, the County is not recommending any mitigating improvements, and none are warranted.

Comment #19: The proposed driveway on Lindy is immediately across the street from the access road which serves four businesses. Once queuing fails, as it does at their other more appropriately located car washes, it will limit access to these four businesses as well as limit access to Ray's Auto Wash on 82nd and Lindy.

Applicant Response: As required by the County and ODOT, the proposed Lindy access is located as far to the east as possible to limit 82nd/Lindy intersection impacts. Based on the applicant's site plan, there is on-site queue storage for 40+ vehicles which far exceeds anticipated queues. It is additionally noted there would be a 30-minute wait time for the vehicles at the back of a 40-vehicle queue. Because a large portion of car wash activity is spontaneous, versus customers making a specific trip to the carwash, if wait times become excessive customers will go elsewhere. Please, refer to the attached Figure TL1-1 illustrating the 82nd vehicle view corridors and the ability for drivers to determine if there are excessive wait times before committing to a turn onto Lindy.

It is further noted the proposed carwash will operate similarly to the Washman carwash located at 118th/Division which has on-site queue storage for 20 vehicles. Based on detailed historical carwash data provided by the applicant, this site does not experience off-site queuing. Refer to the attached Figure TL1-2 for a comparison of on-site queue storage.

Off-site queue impacts at the proposed carwash are not reasonably expected to occur and certainly are not anticipated to limit adjacent business access.

Comment #25: Other than street gates for local residents, I do not see that the adverse impacts can be mitigated. Speed bumps will not deter the use of dead-end Lindy or Cornwell. There is no room to create a cul-de-sac.

Applicant Response: Also refer to the Applicant Response to Comment #14 above.

The subject development has *de minimus* transportation system impacts. There will be minimal impacts to Cornwell and few to no impacts to Lindy east of the carwash access because all car wash traffic on Lindy will enter from and exit to 82nd. Any car wash traffic traveling on Lindy east of the site access is only there because the vehicle has an origin or destination on Lindy itself. Additionally, Lindy to the east is already gated to prevent non-resident access to the Holly Acres Mobile Court.

Overall, the traffic volume increases on the short section of Lindy can be accommodated by the existing roadway section, there are no anticipated speed increases and there are no other identified livability impacts. As a result of the *de minimus* neighborhood impacts, the County is not recommending any mitigating improvements, and none are warranted.

Comment #26: [Per Clackamas County Roadway Standards Section 295.13.3, turning movement counts shall not be conducted within one week of a federal holiday. [Traffic counts for] the applicant's submitted study [were conducted on] May 24, 2018. Memorial Day, a federal holiday, fell on May 28th in 2018. This is less than one week from a federal holiday.

Comment #27: [Per Clackamas County Roadway Standards Section 295.13.4] traffic counts should be based upon counts collected within 12 months of the completed land use application. Counts older than 12 months may not be accepted or may require adjustment to current traffic conditions. The "Application for Design Review" is stamped "Received Sep 9, 2019." Thus, traffic counts are older than 12 months.

Applicant Response: County turning movement and traffic count standards apply to intersections under County jurisdiction; however, 82nd (OR 213) and the intersections with Johnson Creek and Lindy are under ODOT jurisdiction. As such, ODOT standards apply. Traffic counts used in the 2019 Washman TIS meet ODOT Analysis Procedures Manual Version 2, Chapters 3 and 5 standards regarding the time of year for collection and the age of counts. Further, the counts were seasonally adjusted to the 30th highest hour volumes (30HV) and a background growth rate was used to adjust the count to the future analysis year.

Notwithstanding the intersections are under ODOT jurisdiction, the applicant obtained traffic counts on January 9, 2020, meeting County data requirements. Based on this data, the 2020 intersection entering volumes are **less** than those used in the 2019 Washman TIS – validating the TIS findings. A comparison of the original traffic counts and those taken on January 9, 2020 are illustrated in the attached Figure TL1-3.

Comment #28: Given the understated estimated average volume of cars per hour and outdated traffic [counts] which were performed within one week of a federal holiday, I am confident that this queuing analysis is invalid and would exceed the available queuing storage. In that case, the following criteria would apply: [Clackamas County Roadway Standards Section] 295.11 Microsimulation Models a. Highly congested conditions will require the use of microsimulation models, b. The use of microsimulation models shall require general adherence to the procedures of FHWA's Traffic Analysis Toolbox Volume III: Guidelines for Applying Microsimulation Modeling Software.

Applicant Response: Also refer to Applicant Responses to Comments #7 and #27 above.

The 2019 Washman TIS evaluates carwash operating conditions occurring on a typical mid-week day during the peak hour of the roadway system – which is the time period used by Clackamas County and ODOT to evaluate transportation system operations. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual data, which is consistent with existing Washman facility data, a one-tunnel automated carwash generates 78 total (58 primary) PM peak hour trips. This equates to an approximate wash rate of 39 cars per hour.

Traffic counts used in the 2019 Washman TIS meet ODOT Analysis Procedures Manual Version 2, Chapters 3 and 5 standards regarding the time of year for data collection and the data age. The count data was also seasonally adjusted to the 30th highest hour volumes (30HV) and a background growth rate was used to adjust the counts to the future analysis year. As also noted in the applicant's response to Comment #27 above, the TIS count data and findings were validated by recent January 2020 traffic counts.

The queuing analysis contained in the 2019 Washman TIS was performed using Trafficware's *SimTraffic* software (Version 9) microsimulation model and ODOT *Analysis Procedure Manual* methodologies. Further, while the analysis was performed consistent with the standards for the appropriate intersection jurisdiction (ODOT), it is also consistent with the Clackamas County Roadway Standard requiring the use of microsimulation models with general adherence to the procedures of FHWA's Traffic Analysis Toolbox Volume III: Guidelines for Applying Microsimulation Modeling Software.

The 2019 Washman TIS queuing analysis states:

“SE 82nd Avenue/SE Lindy Street – Development traffic increases occur primarily on the east intersection leg which is compensated by the signal controller shifting a small amount of green time from SE 82nd Avenue to SE Lindy Street. Overall, the intersection has acceptable queuing operations and no specific mitigation is recommended, other to ensure the appropriate loop detection is installed on the east intersection leg.

SE 82nd Avenue/SE Johnson Creek Boulevard – Development traffic increases at this intersection are de minimus and queue fluctuations result from the dynamic nature of the SimTraffic software and because the intersection is operating near capacity. Overall, development impacts are de minimus with respect to queuing and no specific mitigation is recommended.”

Comment #29: [Per Clackamas County Roadway Standards Section] 295.17.2, Intersection crash rates in excess of typical crash rates require an in-depth safety analysis based upon the Highway Safety Manual and may require proportional mitigation. Segment crash rates in excess of typical crash rates require an in-depth safety analysis based upon the Highway Safety Manual and may require proportional mitigation. A discussion of Safety Priority Index System (SPIS) rankings may be required.

Applicant Response: Consistent with ODOT and County requirements, the applicant performed an in-depth safety analysis based on the Highway Safety Manual. Specifically, the 2019 Washman TIS safety analysis found,

“The observed crash rate at the SE 82nd Avenue/SE Lindy Street intersection is less than the 1.0 crashes/mev threshold and the 90th percentile crash rate of the reference population. As such, the intersection is considered relatively safe and no further evaluation of safety deficiencies is necessary.

The observed crash rate at the SE 82nd Avenue/SE Johnson Creek Boulevard intersection is greater than the 1.0 crashes/mev threshold and the 90th percentile crash rate of the reference population. As such, further analysis is recommended to determine if safety improvements are necessary.

Further review of the detailed SE 82nd Avenue/SE Johnson Creek Boulevard intersection crash data finds that 71 Of the 96 crashes (74%) are rear-end crashes. The remaining crash types include angle, sideswipe, turning and backing. This section of SE 82nd Avenue (OR 213) is also in the top 10% of Safety Priority Index System locations for ODOT Region 1. Overall, rear-end crashes are common at signalized intersections, and particularly those operating near/at capacity. As such, it is recommended large scale agency-initiated corridor safety improvements be considered, noting smaller improvements will likely not improve safety.

Additional review of the SPIS data for the section of 82nd between Cornwell and Johnson Creek, including intersections with Lindy, Augusta National, and Hinkley (Mileposts 7.32 - 7.63), finds the 2017 SPIS score is 87.12 and is in the top 5% for ODOT Region 1. Based on ODOT SPIS information, and materials contained in the ODOT Analysis Procedures Manual V2, *"The top 5% SPIS ranking requires the Region Traffic offices to conduct a safety investigation each year to determine if there is an appropriate safety improvement fix to the problem. Contact the Region Traffic office to obtain any applicable safety investigations performed in the study area. The SPIS ranking can be determined by contacting the appropriate Region Traffic office for assistance or on the SPIS webpage."*

Accordingly, the applicant contacted the ODOT Region Traffic office to obtain any applicable safety investigations performed in the study area. ODOT provided the attached materials, identifying recently constructed and planned improvements. The ODOT materials also specifically identify the applicant's proposed frontage improvements on 82nd as potential safety remedies.

Overall, large scale agency-initiated corridor safety improvements would be necessary to improve corridor safety, the magnitude of which greatly exceeds individual development impacts of the proposal at issue here. ODOT and Clackamas County are also working on Johnson Creek Corridor channelization and median improvements that include the 82nd intersection with the intent of improving safety. Further, the carwash traffic is typical of existing/background roadway traffic and there is no reason to believe the carwash will have an atypical or abnormal effect on the crash rate.

Comment #31: [Per Clackamas County Roadway Standards Section] 295.18.3 – Analysis of Neighborhood Impacts, some developments may have a detrimental effect upon existing neighborhoods. As applicable, the TIS shall evaluate impacts such as traffic volume increases, potential speed increases, safety impacts, and other livability issues. Based upon the relative impact of the development upon the neighborhood, the County may recommend improvements to mitigate a development's impact upon an existing neighborhood. Elements to be considered as potential mitigation include the traffic calming measures of Section 265. There are no analyses of neighborhood impacts. There are no mitigations to offset traffic impacts.

Applicant Response: Also refer to Applicant Responses to Comments #14, #19, and #25 above.

There are not anticipated to be any development impacts to Lindy east of the carwash access and there are minimal development impacts to Cornwell. As previously noted, Cornwall will be gated and available for emergency use but not for general access. Additionally, Lindy to the east is already gated to prevent non-resident access to the Holly Acres Mobile Court.

Overall, the traffic volume increases on the short section of Lindy can be accommodated by the existing roadway section including the applicant's proposed frontage improvements, there are no anticipated speed increases, and there are no other identified livability impacts. The short segment of Cornwall between the gated emergency access and 82nd can easily accommodate emergency traffic. As a result of the *de minimus* neighborhood impacts, the County is not recommending any mitigating improvements.

Unresolved Point #3: The TIS [assumed] growth rate was downplayed at best. It did not take into consideration grants to revitalize zombie homes, one of two new apartment complexes equal distances from the car wash (neither are fully developed yet), the closure of Foster Fred Meyer, etc.

Applicant Response: Also refer to Applicant Responses to Comments #26 and #27 above.

Traffic counts used in the 2019 Washman TIS meet ODOT Analysis Procedures Manual Version 2, Chapters 3 and 5 standards regarding the time of year for collection and the age of counts. The counts were seasonally adjusted to the 30th highest hour volumes (30HV) and a background growth rate was used to adjust the count to the future analysis year.

Notwithstanding the intersections are under ODOT jurisdiction, the applicant obtained traffic counts on January 9, 2020, meeting County data requirements. Based on this data, the 2020 intersection entering volumes are less than those used in the 2019 Washman TIS – validating the TIS findings.

Per County staff request, in-process traffic volumes from the SE Luther Road Multi-Family Development (the above-referenced apartment complexes) (Clackamas County File Number Z0625-18) were included as part of background traffic assumptions.

Overall, the background traffic growth rate used in the 2019 Washman TIS accurately accounts for background traffic growth. The growth rate is based on standard engineering practice and meets all applicable agency analysis requirements. Moreover, County staff identified all in-process development traffic to add to this growth rate. Nothing cited by the opponents undermines the in-process assumptions used in the 2019 Washman TIS and the closure of a Fred Meyer store and grants for zombie homes are not considered “in process” development.

Unresolved Point #4: [The] estimated information from ITE do[es] not account for the extreme nature of a car wash business.

Applicant Response: Also refer to Applicant Responses to Comments #7 and #28 above.

The 2019 Washman TIS evaluates carwash operating conditions occurring on a typical mid-week day during the peak hour of the roadway system – the time period used by Clackamas County and ODOT to evaluate transportation system operations. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual data, which is consistent with existing Washman facility data, a one-tunnel automated carwash generates 78 total (58 primary) PM peak hour trips. This equates to an approximate wash rate of 39 cars per hour.

To corroborate the ITE data, the applicant provided one year of detailed operating data from a similar Washman carwash located at 118th/Division. A review of this data found the average maximum wash rate to be approximately 40 cars per hour which occurred mid-day/early afternoon, consistent with the ITE data. The review further found the highest number of washes occurred in March, and the highest hourly wash rate for the entire year was less than 100 vehicles per hour, consistent with the applicant’s previous carwash operating description.

Overall, 2019 Washman TIS finds all study intersections operate at an acceptable agency mobility standard in the Post-Development scenario and capacity improvements are not necessary. Further, the subject development has *de minimus* transportation system impacts.

January 23, 2020

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The 2019 Washman TIS queuing analysis finds that queue lengths all study intersections during the PM peak hour are at, or slightly exceed, storage capacity indicating the corridor is nearing saturated/capacity conditions. Specific queuing analysis discussion states:

“SE 82nd Avenue/SE Lindy Street – Development traffic increases occur primarily on the east intersection leg which is compensated by the signal controller shifting a small amount of green time from SE 82nd Avenue to SE Lindy Street. Overall, the intersection has acceptable queuing operations and no specific mitigation is recommended, other to ensure the appropriate loop detection is installed on the east intersection leg.

SE 82nd Avenue/SE Johnson Creek Boulevard – Development traffic increases at this intersection are de minimus and queue fluctuations result from the dynamic nature of the SimTraffic software and because the intersection is operating near capacity. Overall, development impacts are de minimus with respect to queuing and no specific mitigation is recommended.”

Sincerely,



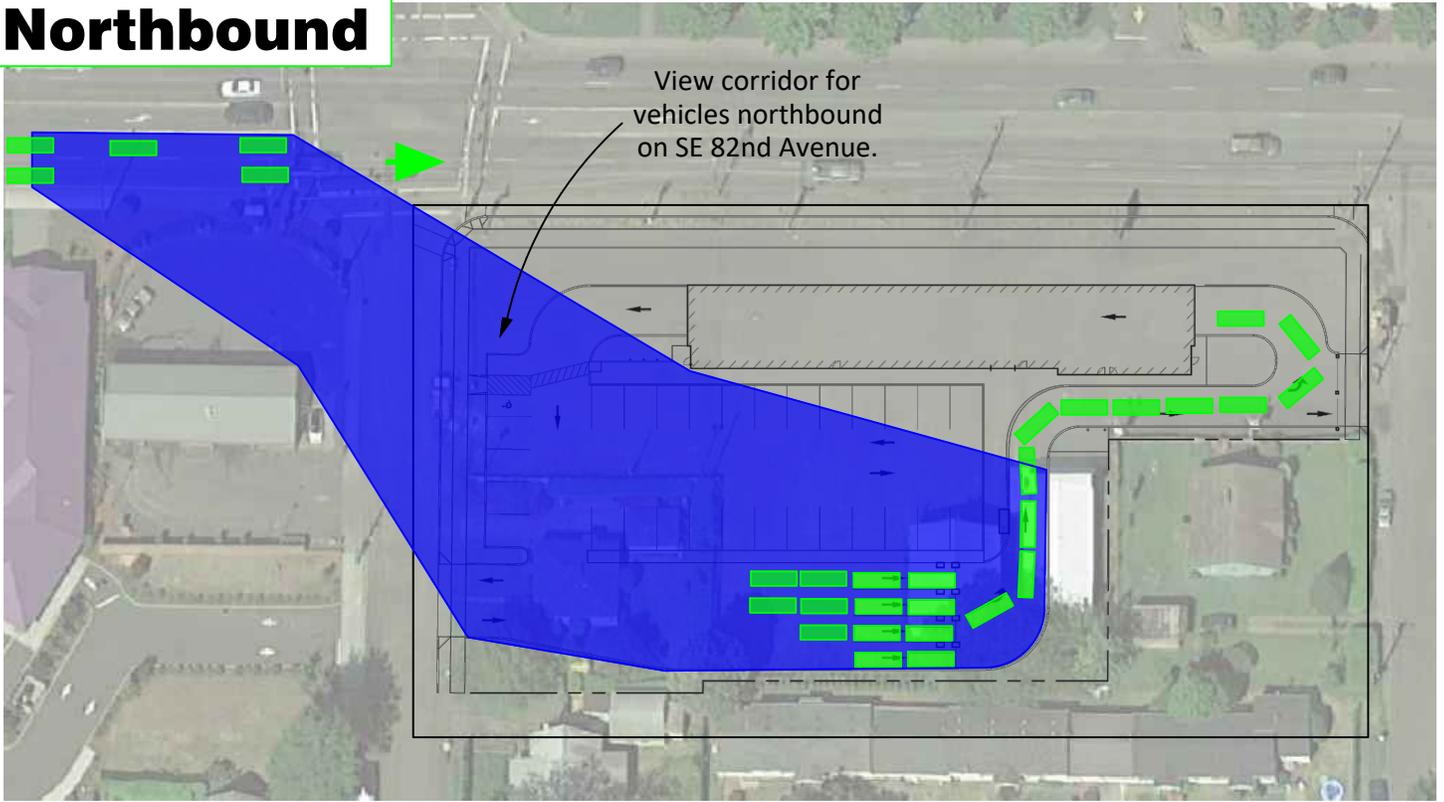
Christopher M. Clemow, PE, PTOE
Transportation Engineer

Attachments: Figures TL1-1, TL1-2, and TL1-3
ODOT SPIS Data

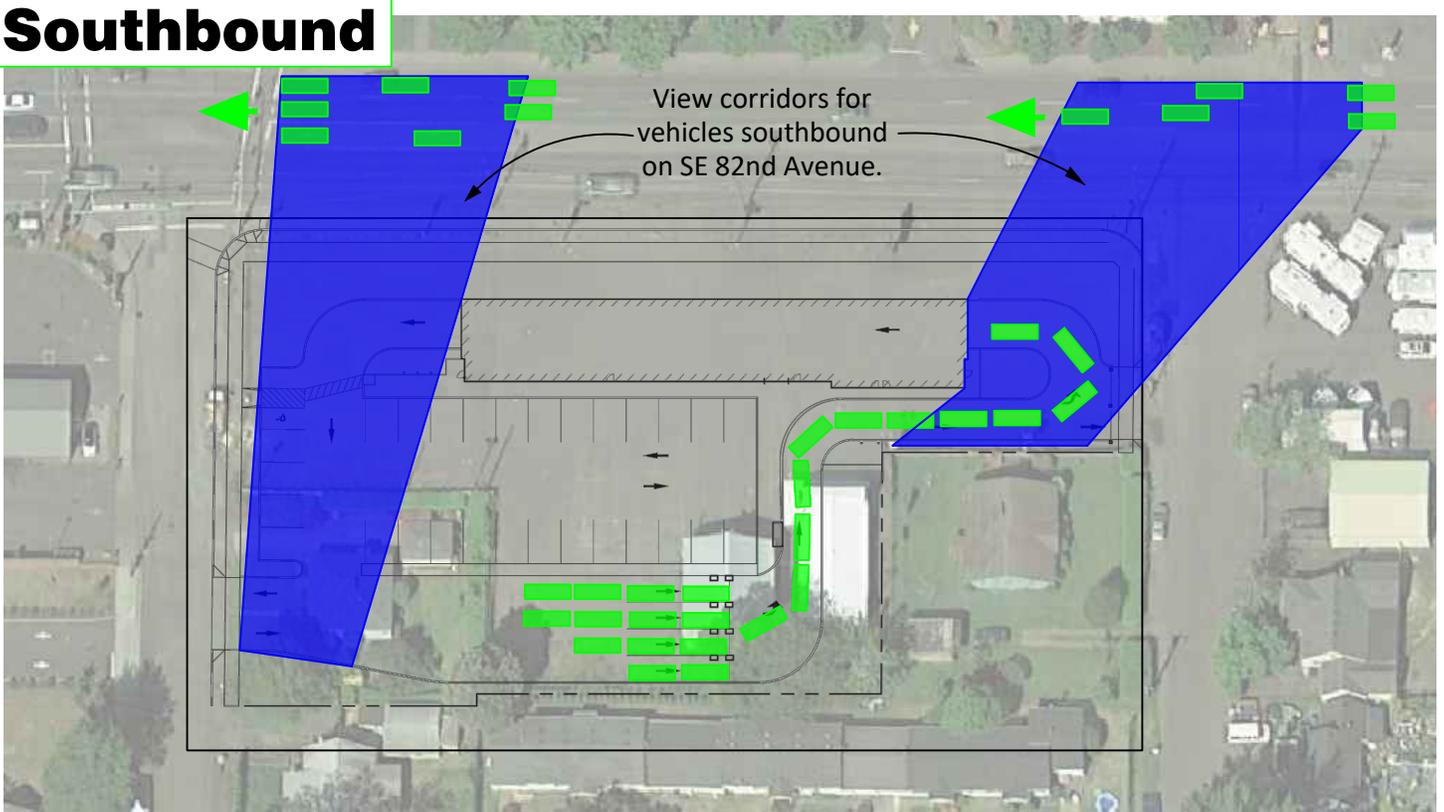


RENEWS 31 DEC 2021

Northbound



Southbound



1582 Feters Loop
 Eugene, Oregon 97402
 541-579-8315
 clemow@clemow-associates.com

SE 82nd Avenue View Corridors

Washman Car Wash
 SE 82nd Avenue/SE Lindy Street - Clackamas County, Oregon

C& A Project No. 20180601.00

FIGURE

EXHIBIT 54
 20353100-1

82nd/Lindy

Maximum Anticipated Queue = 25 vehicles



Division/118th

Maximum Queue Storage = 20 vehicles



1582 Feters Loop
Eugene, Oregon 97402
541-579-8315
cclemow@clemow-associates.com

MAXIMUM QUEUE STORAGE - 82nd/Lindy and Division/118th

Washman Car Wash
SE 82nd Avenue/SE Lindy Street - Clackamas County, Oregon

C& A Project No. 20180601.00

FIGURE

EXHIBIT 54
20353101-2

OREGON DEPARTMENT OF TRANSPORTATION

Region 1

2017 - Top 5% Sites Investigative Report - by Hwy, Divided Hwy and Milepoint

Sorted by

2014 - 2016 Crash Data

Rq	Dist.	Rte	Hwy	CN	Rdwy	Road Name	Coup let	Z	Dirac- tion	Bmp	Emp	ADT	Max Total Crashes	Max Fatal	Max Injury/A	Max SPIS*	Date Review Completed	Location	Problem Description	Potential Remedies	2017 top %
1		OR-213	068		1	CASCADE HWY NORTH				7.32	7.63	30100	80	0	0	87.12	16-Oct-19	NE 82nd Ave (OR213) between the intersections of SE Cornwell St and to south of SE Johnson Creek Blvd, including intersections with SE Lindy St, SE Augusta National Ave and SE Hinkley Ave	Congested over-capacity 5 lane arterial highway with a signalized intersection, urban setting with businesses & residential areas. Near the access to the springwater trail. 82nd/Johnson Cr Int is major access for I205 to east.	Recent (2017, Key 18779) preservation project MP 7.41-8.23 to improve pavement, ADA, signing, striping, and delineation; removes improperly placed sign NW corner at Lindy.	5%
1		OR-213	068		1														Planned (2019, Key 21177)- Enhance pedestrian crossings at SE Thompson, SE Glencoe, SE Clatsop, and SE Cooper. Sidewalk infill from SE Clatsop - SE Lindy. With repaving of rdwy, bridge and ADA ramps. Includes CW closer request at Insley and Ellis.	5%	
1		OR-213	068		1														Proposed Cornwell & Lindy Development coming in is widening the hwy and putting in SW	5%	
1		OR-213	068		1														Proposed (Clackamas Co ARTs Project) - included raised medians and a signal for Fred Meyer DW	5%	

This photo (looking south across SE Cornwell along the eastern edge of SE 82nd Ave) illustrates a final low point before stormwater runoff is discharged to the piped stormwater sewer system maintained by ODOT in the SE 82nd Ave ROW.

The area where ponding occurs now will be redeveloped with frontage improvements. The storm drain on SE 82nd and Cornwell will be relocated to a new low point as part of this project. The basin of land that drains to that low point includes: A) portions of the project site, B) portions of SE Cornwell, and C) portions of the residential area eastward down SE Cornwell.

Vegetated infiltration planters have been established as part of the project design to treat, infiltrate, and redirect stormwater so the project site (A) will no longer contribute any runoff to this location.

The frontage improvements proposed along SE Cornwell will create stormwater management facilities to collect and treat runoff where, previously, no stormwater management BMP's existed. Any flows from nearby SE Cornwell and the frontage improvements in the ROW (B) will be captured in the street swale, treated for water quality, infiltrated, and will no longer contribute any runoff to this location.

Any flows (C) from further away than the project site or the ROW (such as the residential neighborhood easterly of this location) may utilize the water quality and flow control stormwater management capacity remaining in the street swale. Any runoff beyond the capacity of the swale will discharge to the relocated storm drain.

The ponding discussed at the intersection of SE Cornwell and SE 82nd Ave is not related to Basin B in any way. Basin B is a stormwater planter on private property for private stormwater management. No overflows are expected from Basin B through the 100-YR design storm event. Sub-basins of Basin B drain to Infiltration Facility B and is designed to overflow but only in events greater than the 100-year design storm. Emergency escape paths to the public ROW are encouraged by Water Environment Services (WES) design standards for events that exceed the design event. Water in such event would pond in significant volume outside the confines of Infiltration Facility B but still remain onsite before it overtops the high point onsite and releases to SE Cornwell.

Lastly, Detergents used in the carwash process are biodegradable and are applied and rinsed off within the confines of the carwash tunnel and do not come in direct contact with stormwater runoff. Not only is the wash water recycled onsite, the final rinse is fresh water which is then collected and used in the recycled wash water. Please see the next response for more on rinse water and "tracking" concerns.

16. Chapter 7 Public Facilities and Services: **Storm Drainage:** 21.0 Require that urban stormwater runoff be maintained by nonstructural controls, where feasible, to maintain the quality and quantity of runoff in natural drainage ways. These areas may be calculated as part of the required open space. *The property of the proposed car wash will not have adequate space for runoff dripping from cars to be collected. Most patrons will skip the use of vacuums because it is cold out, raining, or not needed. Cars will continue to drip contaminated fluid on our roads where the quality and quantity of runoff cannot be controlled. The runoff from Basin B will contain pollutants.*

The proposed drainage system for onsite stormwater management utilizes a Low Impact Development (LID), non-structural control technique approved by WES – surface infiltration. There is no direct connection from onsite runoff to natural drainage ways. Currently uncontrolled runoff from Lindy and Cornwell will be treated and disposed of in new LID stormwater planters in the County ROW. These have been sized to mitigate for the runoff from the pavement widening on SE 82nd that cannot effectively be treated in the ODOT ROW. The proposed drainage system complies with Clackamas County, WES, and ODOT stormwater requirements.

The carwash process does not add contaminated fluid to vehicles, it does however remove particulates from the vehicles that would otherwise be exposed to rain and spray mixing with runoff in the public ROW, and processes it in environmentally responsive ways through proper sludge disposal and sanitary sewer discharge. The recycled wash water will be re-used until it is no longer suitable, upon which, the unsuitable portion (as sludge) will be removed by an environmental disposal company.

The “tracking” of water by the tires after the rinse process is primarily fresh rinse water and does occur at every car wash. This facility utilizes 33 L.F. of drip grates within the tunnel after the forced air dryers have removed the majority of rinse water. Additionally, the egress path from the exit of the tunnel to the exit of the site is one of the longest in the region at approximately 206’ and will be longer when the free vacuum stations are utilized by the patrons. Tracking is not going to be a detrimental issue for this site and is certainly a non-issue when raining.

As stated in item 9. above, there is no runoff leaving Infiltration Facility B from rainfall events representing up to and through the 100-year design event. The proposal’s stormwater management plan meets all county requirements.

17. 22.0 Require **runoff** from impervious surfaces to be **collected and treated**, as required by the appropriate service provider, prior to discharge to a natural drainage way capable of accepting the discharge. *There is no design to collect and treat runoff as it is diverted to Basin B.*

As stated in item 9. above, there is no runoff leaving Infiltration Facility B from rainfall events representing up to and through the 100-year design event. Infiltration Facility B is the designed collection and treatment point for all sub-basins tributary to Basin B.

24.E Flow of Water Impeding Safe Use of traveled portion of the roadway. No owner or lawful occupant of property abutting any road shall allow water to overflow, seep, or otherwise discharge into the traveled portion of the roadway that abuts their property, if the water **creates a nuisance condition or impedes the safe use of the traveled portion** of the roadway. The source of the water flow shall be irrelevant to liability under this subsection. *Basin B will flow into an already unsafe portion of Cornwell which collects water. This fluid residue dripped from cars along Lindy and into the intersection will create a nuisance condition and impede safe use of the traveled portion of the roadway for local residents, the vulnerable population accessing the Clackamas Service Center, and patrons of the local businesses entering Lindy via the easement road. There is also potential for freezing standing water at the intersection of 82nd and Lindy, even without precipitation, as the car drippings will freeze.*

This project improves existing drainage conditions at both SE Cornwell and SE Lindy by providing formal, LID, stormwater planters and the existing standing water conditions will largely be mitigated.

Tracking of rinse water onsite does not translate to “discharge into the traveled portion of the roadway” as the drying and drip grate collection systems within the tunnel and the relatively long distance from the tunnel to the exit at the public roadway will prevent carwash tracking from creating a nuisance condition in the roadway. Subfreezing temperature days are not consistent with peak volume days that can be associated with wheel tracking.

30. 295.17.4 **Truck Circulation:** a. An analysis of the ability of the onsite design and control vehicle to circulate on-site and at access locations.:b. The minimum onsite design vehicle is a fire truck. *Though this analysis has been performed, the design queue as currently drafted cannot appropriately facilitate the movement of a fire truck when near or at queuing capacity.*

The design vehicle is a passenger vehicle/urban delivery van. Although fire truck access is possible onsite, any fire is easily approachable by the fire department from any of the three public streets that front the site. Should an onsite fire require onsite vehicle access, a fire truck can enter from SE Lindy straight in up to 150’, and from SE Cornwell straight in up to 120’, neither of which requires a fire department turnaround onsite per the Oregon Fire Code and virtually guarantees hose reach access to any point on the site. A Fire Access Plan approved by the Fire Marshal is a Condition of Approval that ensures fire access is acceptable.

"Unresolved Points" 1, 2 and 6:

1. Authorization: The application letter provided has omitted parcel #00046435 which is included in the site design and leased to the applicant for use in this development.

The owners have signed authorizations for all affected parcels. Admittedly, the parcel situation is somewhat confusing. There are three tax lots and two tax account numbers. The authorization submitted with the application was unclear. A new authorization has now been filed with the county and is reproduced below for clarity:

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Development Service Building
150 Beavercreek Road
Oregon City, Oregon 97045

RE: Land Use Applications
8864 SE 82nd Avenue
Portland, Oregon 97216

To Whom it May Concern:

"I, Frank Rogers, Managing Member of Rogers Land Co. LLC, owner of parcels #R00046435, #R00046355 and #R00046364 hereby duly authorize David Tarlow of Washman, LLC to make land use and building permit applications as my representative on my behalf.

Signature Frank L. Rogers Date 01-09-2020

If you have any questions, please call Frank Rogers at 541-441-1220.

Sincerely:

Frank L. Rogers
Frank L. Rogers
Managing Member

2. The Preliminary Statement of Feasibility in the application lists the title/description of proposed development as "Washman Car Wash/comprehensive Plan Change and Zone Change to TL 12500," dated and signed both 6/6/18 and 7/6/18. TL 12500 refers to the home at 8220 Cornwell Street and efforts to rezone this R5 residential property were denied on March 27, 2019. As such 8220 Cornwell cannot be used for the statement of feasibility and must be re-analyzed.

This is mistaken. Both feasibility statements post-date the plan and zone change application. Preliminary Statement of Feasibility, 5/9/2019 (Clackamas River Water) Updated Statement of Feasibility, 9/30/2019 (WES). Moreover, all proposals have been for a car wash and the statements of feasibility have made clear that it is feasible to provide service for a car wash. Nothing more is required and respectfully this is a form over substance objection.

6. Appendix E: Private O&M Plan which is a "declaration of perpetual stormwater operation and maintenance plan" is unsigned by the owner, the applicant, the State of Oregon, and a notary,

This is not an approval standard for the proposal. Rather this is a requirement that occurs at the building permit stage. It is not possible to execute these documents before approval.

Moore Noise, LLC

Memo

To: David Tarlow / Washman, LLC
From: Martha Moore / Moore Noise, LLC
Date: January 22, 2020
Re: Enhanced Noise Modeling for the SE 82nd Avenue Proposed Site – Final

Purpose

The purpose of this memorandum is to report the results of enhanced noise modeling performed for the proposed new Washman automated car wash site on SE 82nd Avenue between Lindy and Cornwell Streets. A noise evaluation was performed for the proposed SE 82nd Avenue automatic car wash in July 2019. That evaluation focused on compliance with the Oregon Department of Environmental Quality noise standards for commercial and industrial sources.¹ Compliance with those standards was demonstrated for the proposed facility.

This additional analysis has been performed to assist with responding to concerns raised by the neighborhood east of the proposed site. This evaluation uses very conservative assumptions regarding potential operations and impacts.

Background

General background information on noise, existing conditions at the site, and the noise standards applicable to the proposed Washman facility are documented in the July 2019 noise evaluation. Table 1 summarizes the applicable standards from the State of Oregon *Noise Control Regulations* (OAR 340-035). The proposed Washman facility will operate only during daytime hours of 7 a.m. to 10 p.m.

Table 1: Existing Industrial and Commercial Noise Source Standards		
Statistical Descriptor	Daytime Level (dBA)	Nighttime Level (dBA)
L ₅₀	55	50
L ₁₀	60	55
L ₁	75	60

Note: The original table from the July 2019 Noise Evaluation contained a typographical error identifying the standards for “New” sources, not “Existing” sources. The statistical standards are identical.

¹ As explained in the July 2019 Noise Report, noise from the proposed commercial operation is excepted from the county’s noise ordinance. CCC 6.05.050(F).

Table 2 summarizes daytime sound levels measured at the site. The purpose of the sound level measurements is to generally characterize the sound environment of the proposed site. The proposed site and the adjacent neighborhood are in an area affected by many noise sources. The Interstate 205 freeway (I-205) and an elevated section of the light rail system are located east of the neighborhood. SE 82nd Avenue fronts the proposed site to the West, and SE Johnson Creek Boulevard is approximately 800 feet south of the site. Many commercial facilities with localized traffic, deliveries, and the public frequenting streets and parking lots are located nearby. Additionally, there are local neighborhood sources such as local vehicle traffic, pets, and maintenance activities such as leaf blowers. The sound levels measured at the site are consistent with this type of urbanized area near major transportation noise sources.

Table 2: Measured Existing Daytime 30-Minute Noise Levels Near the East Side of the Proposed Site (dBA)			
	L₁	L₁₀	L₅₀
Minimum	67	64	58
Average	71	64	60
Maximum	79	65	61
DEQ Standards	75	60	55

Noise measurements made July 4th, 2019

Methods of Analysis and Assumptions

The sound environment surrounding this neighborhood is complex and affected by many noise sources and the proposed facility is expected to affect only the portions of the neighborhood very near the site. In order to have a consistent basis for evaluating potential impacts relative to existing conditions, a modeling analysis was used both to characterize existing conditions and the effects of the proposed Washman facility. This allows the traffic volumes on SE 82 Avenue to be treated consistently for existing and proposed conditions. This approach omits some important noise sources in the area such as I-205, SE Johnson Creek Boulevard, and other sources that would provide additional masking of sound from the proposed facility. As a result, this approach to evaluating impacts is conservative (tends to underestimate existing sound levels).

The CadnaA® (Computer Aided Noise Abatement) noise model was used to analyze changes in the acoustic environment as a result of the operation of the proposed Washman facility. CadnaA® is a powerful acoustic analysis software package and can incorporate the effects of multiple sources, complex terrain, multiple analysis standards, and a host of other considerations in noise assessment. Modeling for analysis of impacts for the Washman facility was based on the international standard ISO 9613-2; 1996 (which is the same as ANSI/ASA S12.62-2012/ISO 9613 2:1996 American National Standard Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation).

Data used for noise emissions from proposed Washman sources was the same as described in the July 2019 noise evaluation and was taken from measurements of equipment sources that will be the same as the equipment at the new facility. Source and receiver spatial inputs were based on preliminary design or location drawings for the proposed Washman facility, and mapping data from Google maps (Map data ©2019 Google). Traffic data for SE 82nd Avenue and Lindy Street were supplied from traffic counts performed on January 9, 2020 (1/9/2020 Intersection Turning Movement Counts, Key Data Network).

Several adjustments were made to the proposed facility sound sources to create a very conservative estimate of potential facility impacts. These adjustments are unrealistically conservative (were designed to yield higher than expected sound levels for the Washman facility). Specific over-conservative assumptions used were:

- It was assumed that all onsite noise sources at the proposed facility would operate continuously at full capacity.
- It was assumed that 180 vehicles per hour would access the site and go through the wash facility. The maximum realistic capacity of the facility is 100 to 120 vehicles per hour.

Analysis Results

Existing noise conditions were modeled for comparison to the modeled results of the proposed facility. Comparing modeled results for existing and proposed conditions allows traffic volumes on adjacent streets to be held consistent so that the comparison shows only the effects from the facility and not the effects of changes in many local and potentially unidentified noise sources.

When modeled results for the existing conditions were compared to the measurements taken at the same location (shown in Table 2), the modeled sound levels were 5 dBA lower than the measured levels. The model includes only 82nd Avenue and Lindy Street as existing traffic sources and does not include noise from other noise sources in the area such as the I-205 freeway, light rail and commercial sources. This difference should be kept in mind when analyzing the results of the modeling. It is likely that actual existing noise levels are higher than the modeled existing noise levels. As a result, the modeled impacts of the facility may be exaggerated because the actual ambient sound levels, if higher, would provide more masking of sound from the facility.

A comparison of the enhanced modeling results with the results presented in the previous report shows agreement of the overall results. However, the current analysis provides a more detailed review of affected areas.

Figure 1 in Attachment 1 shows the locations of receivers used to estimate the facility impacts. Table 3 shows a comparison of the predicted sound levels for three different cases:

- Case 1: Existing Conditions – this includes existing traffic data for SE 82nd Avenue and Lindy Street and the existing configuration for buildings on the proposed site, **without any Washman related improvements.**
- Case 2: Washman Configuration – this includes existing traffic data for SE 82nd Avenue and Lindy Street, assumes demolition of all existing buildings shown on the plans for removal has occurred, assumes the buildings shown in the proposed Washman facility design have been constructed, a 6-foot tall concrete masonry wall has been constructed along the east Washman property boundary, **but with no operations of the Washman site.** When compared to Case 1, Case 2 will show the effects of demolition and construction of buildings along with construction of a 6-foot concrete masonry wall along the east property boundary.
- Case 3: Washman Operations - this includes existing traffic data for SE 82nd Avenue, assumes demolition of all existing buildings shown on the plans for removal has occurred, assumes the buildings shown in the proposed Washman facility design have been constructed and a 6-foot tall concrete masonry wall has been constructed along the east Washman property boundary. Lindy Street traffic volumes are adjusted to add 180 round trips per hour to existing traffic volumes. **All noise sources at the Washman facility are assumed to operate simultaneously and continuously.** Note that the on-site noise sources will not all operate continuously and contemporaneously and the maximum realistic throughput of the facility is 100 to 120 vehicles per hour.

Table 4 shows the changes in sound levels from existing conditions (Case 1) to the two future cases. Table 5 shows the sound levels that result from increasing the height of the barrier wall along the east property boundary in 2-foot increments to 8-foot or 10-foot height. The modeled estimates are a maximum expected average energy level (L_{eq}). For steady sound sources, average L_{eq} levels are comparable to L_{50} sound levels. These maximum levels would be typical of a shorter duration statistical level and are a very conservative estimate for comparison to the L_{50} .

Table 3: Comparison of Existing and Future Modeled Sound Levels Around the Site (dBA)				
ID	Description of Receiver	Case 1	Case 2	Case 3
R1	North of site, north of Cornwell	54	53	53
R2	Northeast of site, north of Cornwell	43	41	42
R3	Owned by Washman	57	47	49
R4	Apartment north	51	51	52
R5	Apartment center	48	43	46
R6	Apartment center	51	40	45
R7	Apartment south	53	41	45
R8	East of site, south of Cornwell	41	41	42
R9	Southeast of site, north of Lindy	50	45	51
R10	Southeast of site, north of Lindy	46	44	47
R11	Southeast of site, south of Lindy	51	51	54
R12	Southeast of site, south of Lindy	43	44	47

Table 4: Comparison of Existing and Future Modeled Sound Levels Changes Around the Site (dBA)			
ID	Description of Receiver	(Proposed) Case 2 to (Existing) Case 1	(Proposed) Case 3 to (Existing) Case 1
R1	North of site, north of Cornwell	-1	-1
R2	Northeast of site, north of Cornwell	-2	-1
R3	Owned by Washman	-10	-8
R4	Apartment north	0	1
R5	Apartment center	-5	-2
R6	Apartment center	-9	-6
R7	Apartment south	-12	-8
R8	East of site, south of Cornwell	0	1
R9	Southeast of site, north of Lindy	-5	1
R10	Southeast of site, north of Lindy	-2	1
R11	Southeast of site, south of Lindy	0	3
R12	Southeast of site, south of Lindy	1	4

Negative numbers are a sound level decrease relative to existing conditions. Positive numbers are a sound level increase relative to existing conditions.

Table 5: Comparison of Modeled Sound Levels at Various Barrier Heights (dBA)				
ID	Description of Receiver	6-foot	8-foot	10-foot
R1	North of site, north of Cornwell	53	53	53
R2	Northeast of site, north of Cornwell	42	42	42
R3	Owned by Washman	49	47	45
R4	Apartment north	52	51	49
R5	Apartment center	46	43	40
R6	Apartment center	45	42	40
R7	Apartment south	45	43	41
R8	East of site, south of Cornwell	42	41	40
R9	Southeast of site, north of Lindy	51	49	47
R10	Southeast of site, north of Lindy	47	46	46
R11	Southeast of site, south of Lindy	54	54	54
R12	Southeast of site, south of Lindy	47	47	47

Table 6: Comparison of Modeled Sound Wall Performance at Various Heights (dBA)				
ID	Description of Receiver	6-foot to Case 1	8-foot to Case 1	10-foot to Case 1
R1	North of site, north of Cornwell	-1	-1	-1
R2	Northeast of site, north of Cornwell	-1	-1	-1
R3	Owned by Washman	-8	-10	-12
R4	Apartment north	1	1	-2
R5	Apartment center	-2	-5	-8
R6	Apartment center	-6	-9	-11
R7	Apartment south	-8	-10	-12
R8	East of site, south of Cornwell	1	0	-1
R9	Southeast of site, north of Lindy	1	-1	-3
R10	Southeast of site, north of Lindy	1	0	0
R11	Southeast of site, south of Lindy	3	3	3
R12	Southeast of site, south of Lindy	4	4	4

Conclusions

The comparison of Case 1 to Case 2 shows the configuration change in buildings from demolition of existing structures and construction of the Washman facility is a noise reducing change for the neighborhood. With demolition of existing buildings, and construction of the Washman facility on the proposed site, along with the installation of a 6-foot barrier wall along the east Washman property boundary existing noise impacts from SE 82nd Avenue and Lindy Street are reduced at most properties east of the site and behind the sound wall (R3 through R10). Properties northeast of the site appear to have a very slight noise reduction

likely from the shielding of sound from SE 82nd Avenue by the new building configuration. One receptor to the southeast of the site (R12) shows a 1 dBA increase as a result of the configuration change, but this is due to rounding in the model results. The configuration change is not expected to increase sound levels at any location.

With the very conservative estimate of maximum and continuous onsite operations at the proposed facility and the 6-foot barrier along the east property boundary, the following changes from the existing noise environment are expected:

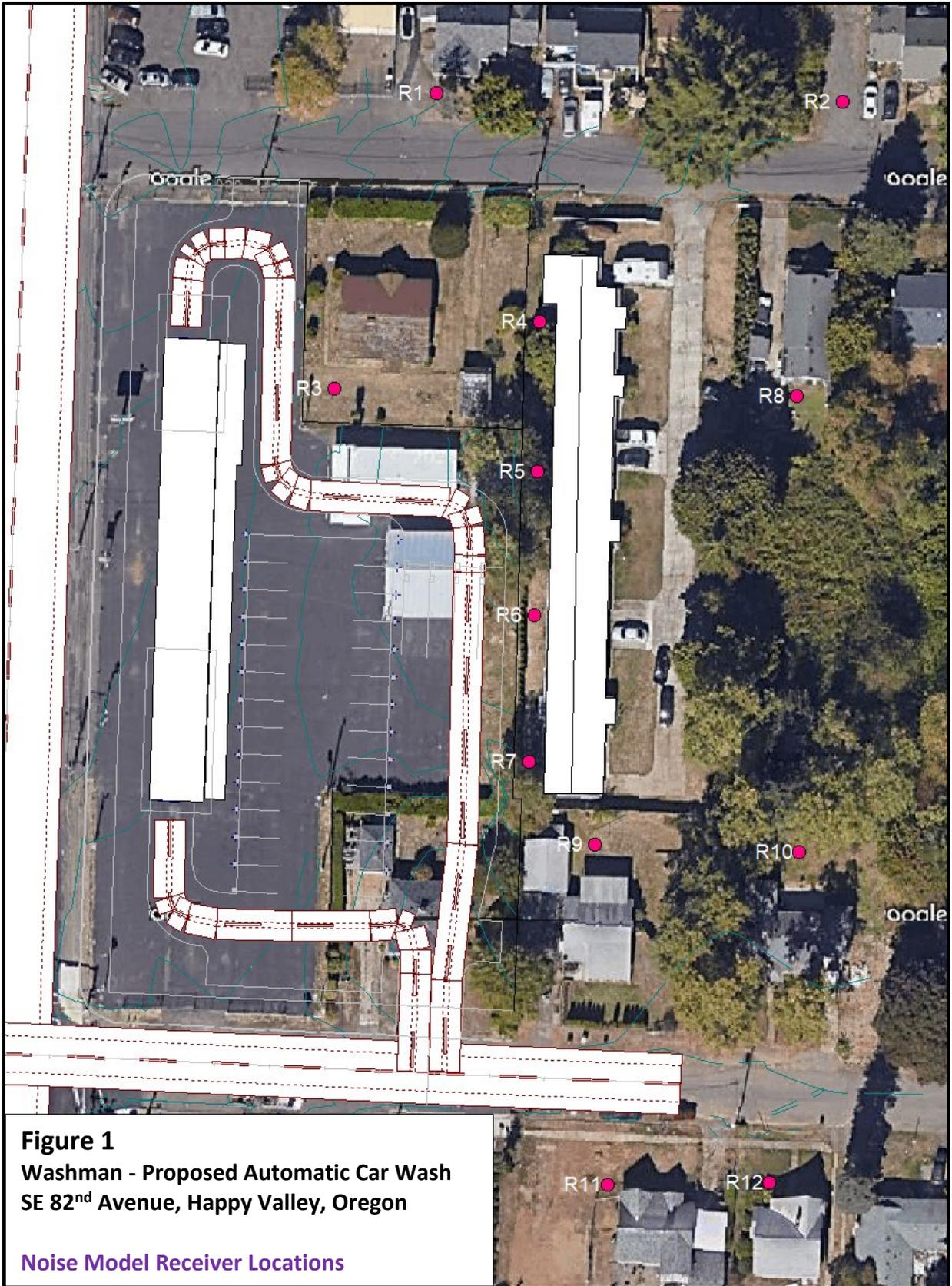
- A slight reduction or no change in sound levels to homes along Cornwell Street (a 1 dBA increase at R8 appears to be a result of rounding).
- A decrease in sound levels relative to existing levels (from 1 to 8 dBA) from SE 82nd Avenue and Lindy Street for most properties immediately east of the proposed site (R3 through R8) with the exception of the north end of the apartment complex which is estimated to have a 1 dBA increase from onsite operations.
- Minor increases to sound levels relative to existing levels at houses to the southeast of the proposed site (R9 through R12) with the two houses nearest SE 82nd Avenue and south of Lindy Street predicted to have the largest increases of 3 to 4 dBA (Note that the model does not include traffic on SE Johnson Creek Boulevard which would likely reduce the level of these increases).

A 3 dBA change in sound levels is the minimum overall change that can be perceived in an outdoor sound environment by most people and 10 dBA is generally perceived as a halving of sound levels. Given these guidelines, the sound level changes resulting from the proposed Washman facility with a 6-foot sound barrier on the east property boundary are between a substantial decrease or minor increase at all locations around the facility. This is the conclusion even with very conservative assumptions regarding facility operations, and without accounting for many of the current, and substantial, sound sources in the area (SE Johnson Creek Boulevard, I-205, light rail, and extensive commercial development) that may provide masking of facility noise sources.

The analysis of increasing the height of the sound wall along the eastern property boundary shows that an 8-foot barrier height provides a further reduction of 0 to 3 dBA at properties to the east of the site relative to a 6-foot height. The overall benefit of an 8-foot wall is to show no increase at locations other than the south side of Lindy Street (R11 and R12) relative to existing conditions. Increasing the barrier height to 10 feet shows a further increase in benefit (a further barely perceptible reduction of 0 to 3 dBA), but the benefits accrue primarily to areas that are already well protected by a 6-foot or 8-foot wall.

There are several considerations in selecting a sound barrier height including the perceptions of residents adjacent to the wall, the effectiveness of the wall, and the cost to increase the height.

Attachment 1



Imagery ©2020 Maxar Technologies, Metro, Portland Oregon, State of Oregon, U.S. Geological Survey, Map data ©2020

ROGERS LAND CO., LLC
4933 Azalea Drive
Grants Pass, Oregon 97526

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Development Service Building
150 Beavercreek Road
Oregon City, Oregon 97045

RE: Land Use Applications
8864 SE 82nd Avenue
Portland, Oregon 97216

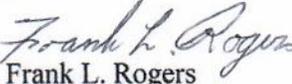
To Whom it May Concern:

"I, Frank Rogers, Managing Member of Rogers Land Co. LLC , owner of parcels #R00046435, #R00046355 and #R00046364 hereby duly authorize David Tarlow of Washman, LLC to make land use and building permit applications as my representative on my behalf.

Signature Frank L. Rogers Date 01-09-2020 "

If you have any questions, please call Frank Rogers at 541-441-1220.

Sincerely:


Frank L. Rogers
Managing Member

Residents asked to conserve water

Clackamas River Water is asking its 80,000 customers to conserve water during this exceptionally dry year.

The water district, which relies on the Clackamas River, is looking at the historically low stream flows and light snowpack in the Cascades, which feed the river.

"We've never seen it this low," said Suzanne DeLorenzo, the district's water quality and conservation manager. "Drought in our area has progressed from moderate to severe."

Gov. Kate Brown has declared a drought in 22 of Oregon's 36 counties. Clackamas is not one of them, but conditions are getting worse, DeLorenzo said.

DeLorenzo is urging cus-

tomers to voluntarily cut water use by 10 percent "through thoughtful and careful use of drinking water."

"We can't say for sure that we'll be going into mandatory curtailment," DeLorenzo said. "But we're really concerned and we're trying to let everyone know this is an exceptional year."

The district is suggesting that customers:

- Water lawns and gardens between 8 p.m. and 10 a.m.
- Wash cars only at commercial establishments that recycle or reuse water in the cleaning process.
- Stop non-essential uses of water including recreation, remodeling, construction and power-washing.

— Rick Bella



CARWASH • Shell  • Autotoystore • detailMAN

P.O. Box 4124
Portland, OR 97208
503-255-9111
Fax 503-257-9790
www.washmanusa.com

December 20, 2019

Residents of Southgate Neighborhood
8425 SE Garden Lane
Happy Valley, Oregon 97086

RE: Washman Car Wash Development

Dear Neighbors:

This letter is to introduce myself and let you know a little about our proposal to develop a state-of-the-art Washman Car Wash at 8864 SE 82nd Avenue. We know that there have been some concerns about the project. It is our aim to be a good neighbor, provide community benefits and add value to the area. The proposed facility is designed with that in mind so, for example, all of the motors and other noise producing machinery are located inside of the building, which in turn is located near SE 82nd Avenue to mitigate noise concerns. The sensitive placement of the carwash building and mitigating wall at our property line, will mean that your home will be less noisy if we are approved, than it is now. We will install generous landscaping (about 12,000 sq. ft.) as well as a special type of cement paving rather than traditional cheaper paving, in an effort to beautify the property and reduce heat absorption. We will make significant frontage improvements to include things like a sidewalk, road widening and safety improvements along SE 82nd, SE Cornwall, and SE Lindy. We also employ nightly security patrols which is designed to provide a deterrent effect to crime.

While we don't have a car wash with all the unique features we propose here, we've enclosed 2 complimentary wash coupons that you can use at any of our 17 locations, so you can experience how we do business anywhere or at the new state of the art facility we hope to establish. We would be interested in your feedback on your experience should you check us out.

Regardless, our doors are open and we want to hear from you. Please feel free to contact us - David Tarlow, our CFO is the easiest to get a hold of - at 971-803-7631. He is prepared to discuss the matter and answer any questions you may have. Thank you for the courtesy of reading this letter.

We look forward to becoming a part of the community.

Yours truly;

Mark Hanna
Managing Member



CARWASH • Shell  • Autotoystore • detailMAN

P.O. Box 4124
Portland, OR 97208
503-255-9111
Fax 503-257-9790
www.washmanusa.com

January 18, 2020

Tonya Reed and Members of the
Southgate CPO

Thank you for your letter of January 15, 2020.

We are pleased that our project, in part, has created the energy to restore the Southgate CPO.

We have implemented or can install (such as your ideas for directional signs) many things on your list. The management of our traffic is important to us as well.

The only item that we must reject is the closure of public streets with gates. The Local Traffic Only sign is a good idea; that would require the County's permission.

We support extending the wall the entire length of our eastern boundary line and are refining the design to function as a noise barrier that fits into the area.

The issues regarding communication and neighborhood protection are important to us. The proposed state-of-the-art automated car wash is fully committed to environmental cleanliness; this is our market.

We expect to consult with the Southgate CPO on these issues once our project is finally approved.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Tarlow".

David B. Tarlow, CFO
Washman LLC



APPEAL HEARING
WASHMAN PROJECT – SE 82ND AVE
Z0353-19-D

January 23, 2020

BACKGROUND

- The development site is approximately 1.77 acres, and carries the same CC (Corridor Commercial) zoning as the properties to the north, south and east. To the west is a residential area zoned for single-family and medium density residential development.

- The site is currently vacant and has degrading structures and pavement on it, having previously been used as surface storage and parking for a business selling recreational vehicles.

- The proposed use is allowed in the CC zone, subject to design review approval.

- The character of the surrounding development is generally commercial and historically auto-oriented.
 - *Newer development works to shift toward something of a more unified character with emerging consistency in terms of use of durable materials, visibility into active/occupied spaces, and proximity to the street.*

LOCATION MAP



PROPOSAL

- The proposal reviewed by the Design Review Committee and Staff included the following:
 - *Limited site preparation, grading, and removal of some existing volunteer vegetation.*
 - *Construction of a new building of approximately 7,700 square feet for use as a carwash.*
 - *Development of additional elements including revisions to parking, circulation, landscaping, and other site infrastructure.*

BUILDING RENDERING



PUBLIC COMMENT

- Numerous public comments were received and all were reviewed by staff.

- The comments which were pertinent to ZDO standards fell into several key categories.
 - *Traffic Impact*
 - *Noise/Light/Dust Impact*
 - *Property Boundary Dispute*
 - *Appropriate application of ZDO standards*

DESIGN REVIEW COMMITTEE

- The project was presented to the Design Review Committee on November 26, 2019.
- A significant number of residents provided in-person comments to the Design Review Committee related to the project.
- At the close of the meeting, the Design Review Committee recommended approval of the proposal with conditions, to ensure compliance with ordinance standards.

DECISION

- The Design Review approval was subject to a number of conditions, including the following:
 - *Drawings demonstrating a landscape irrigation system. (ZDO 1009.10[M])*
 - *Drawings/memorandum providing a 10-foot CMU wall, with graffiti-resistant paint, between the site and adjacent residential properties. (ZDO 1009.04[E][4])*
 - *Receipt of one-year maintenance contract on landscape materials. (ZDO 1009.10[F])*
 - *Hauler-approved locking mechanism on trash and recycling enclosure. (ZDO 1021)*
 - *Restriction that site access point on northern property boundary be limited to emergency and bypass site access. (Per approved site plan)*
- These conditions are in addition to the development requirements put forward by partner divisions and agencies, per the Zoning and Development Ordinance

APPEAL

- The newly re-formed Southgate CPO appealed the Design Review Decision on December 9, 2019.
- Public Notice of the Appeal was sent 21 days prior to the hearing, on January 2, 2020.
- Several public comments, in addition to the CPO's memorandum, were received prior to January 16, and have been provided to the Hearings Officer with the land use record.
- A number of subsequent comments, from members of the public, the original land use applicant, and County Engineering staff have been received in the last week and will be included in the record as exhibits.



APPEAL HEARING
WASHMAN PROJECT – SE 82ND AVE
Z0353-19-D

January 23, 2020

January 23, 2020

Planning Director decision: LU# Z0353-19-D.

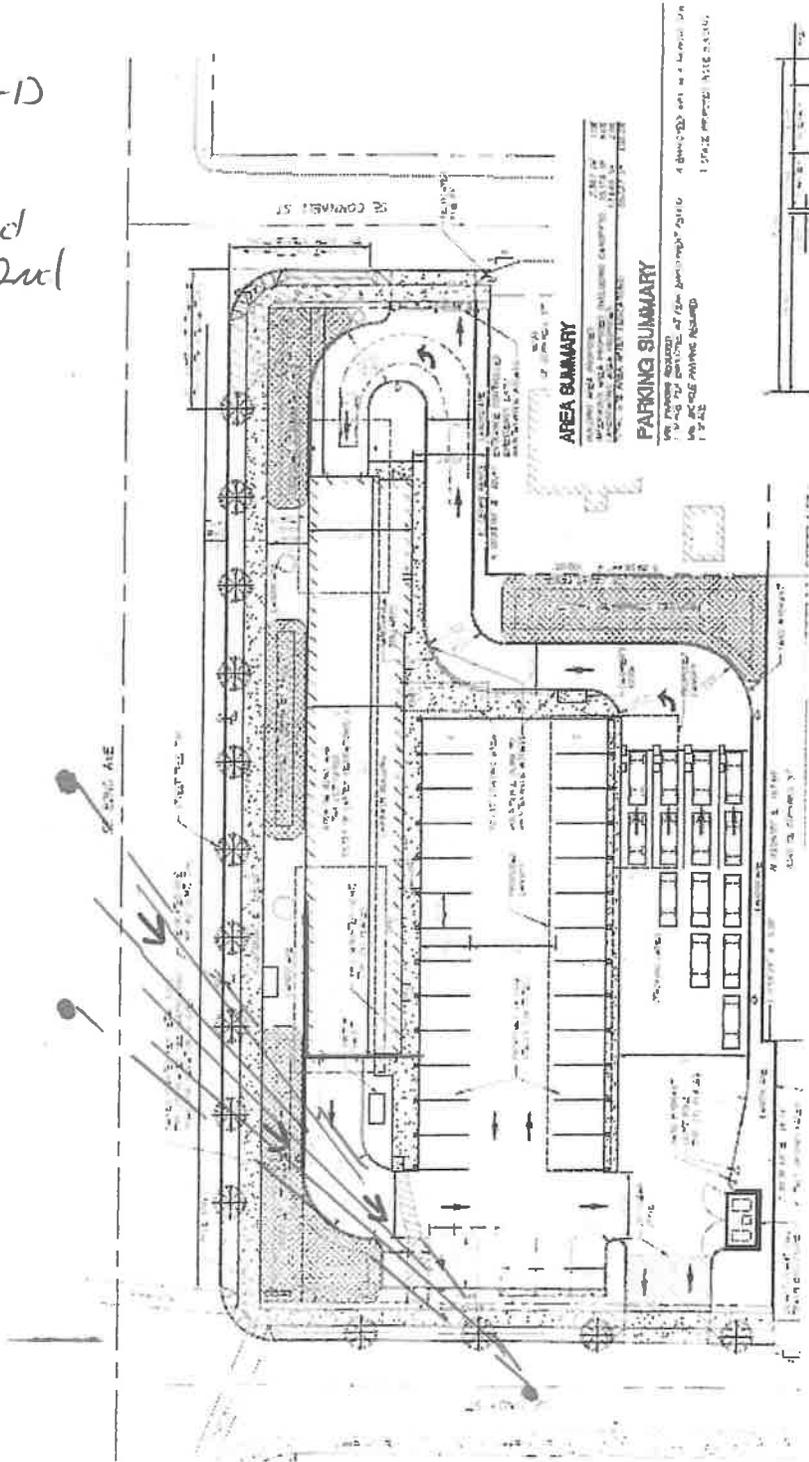
"2. Prior to issuance of building permit. The applicant shall submit revised drawings or a memorandum providing that the height of the CMU wall along the eastern edge the property will be extended to the entire property line, increased to 10 feet in height, be painted on all sides with durable and graffiti resistant paint, and have a fast growing evergreen species planted along its length to ensure proper buffering between the proposed use and adjacent residential development per ZDO 1009.04(E)(4)."

Washman Proposed condition:

"2. Prior to issuance of building permit. The applicant shall provide a site plan that specifies a 6-foot-high CMU wall along the eastern edge of the property between Cornwell and Lindy. The wall shall be painted on the side facing the subject property with durable and graffiti resistant paint, and have a fast-growing evergreen species planted along its length on the subject property, to ensure proper buffering between the proposed use and adjacent residential development per ZDO 1009.04(E)(4)."

Site Plan

20353-19-D
View line
Southbound
on 82nd



Thank you for the opportunity to speak here today.
The description in this application is for a “drive-through car wash.”
It is not a full-service car wash, hand wash or detail service.
In this design plan, there are no parking spaces for customers.
There is no point at which you park in a parking lot and have the **option** to enter the primary business.

The *accessory* drive-through at a bank allows for quick and limited transactions, while the customer’s car idles and they wait in a queuing lane. The *primary* business of a bank allows the customer the **option** to park, enter the primary business and accomplish services which cannot be had at in the drive-through.

The *accessory* drive-through at a restaurant provides a transaction, while the customer’s car idles and they wait in a queuing lane. The *primary* business of a restaurant, allows customers the **option** to park and dine in the restaurant.

The *accessory* drive-through of a pharmacy allows the customer to pick up prescriptions without leaving their car.
The primary use of a store gives customers the **option** to park and shop in the store.

A drive-through requires queuing lanes.
A primary use has parking spaces for customers to park and exit their cars.
An accessory drive-through is auto dependent, the primary use is not.

Any primary use with an accessory drive-through provides the **option** of full-service vs the abbreviated drive-through service.
This application is for a drive-through car wash.
It is not designed as an accessory to a gas station, oil change facility, or another **primary** business.
The accessory in this application is vacuum services which are an accessory to the primary drive-through car wash.
Customers do not have the **option** of using this drive-through car wash **or** parking to enter a primary business.
It is a stand-alone drive-through.
It is a primary use.

As such, according the Table 510-1, it is not permitted in the commercial corridor, 82nd.

The current writings in the ZDO should be interpreted precisely as they are written.

Drive-through is an adjective which may be attached to any variety of businesses, further defining their meaning.

In this case, we have a commercial service, a car wash, and a drive-through. Of these, the use category "drive-thru" most specifically defines this commercial car wash service - and renders this application a nonconforming use in the commercial corridor.

Johnson Creek records the most amount of traffic along 82nd. It outpaces both Powell and Glisan (Washman's nearest location) outpacing them by thousands. Johnson Creek also leads the way in the number of crashes along 82nd. Crashes at Johnson Creek are 26% greater than the next high-crash intersection, Division. There is only 710' between SE Lindy St. and SE Johnson Creek Blvd.

Lindy is the second most used TriMet stop for lift services for the disabled. Lindy is the third busiest Trimet stop along 82nd. This is precisely why ordinance 510 lists Drive-Thru and its criteria ensuring protection for pedestrians, and promoting adequate queuing along the commercial corridor. This is precisely why drive-through services are only allowed as an accessory use.

As the applicant's TIS has stated, 82nd is at or exceeding capacity. They have also stated that 75% of their business will be primary trips, which was further described as drivers having no other business in our area other than the use of this car wash at Lindy and 82nd. Washman's customer service reps have confirmed the reality which is they will be servicing 100 cars per hour or 1000 cars per day.

It is plain to see that a primary use drive-through is not appropriate in the commercial corridor. This is precisely why Table 510-1 restricts the use of "Drive-Thru Window Services" to an accessory use along 82nd.

* Keep record open

Comments Z-0353-19

January 23, 2020

Opening Statement

Thank you for the opportunity today. I would like to say that most members of the County that are here today are being paid to attend. It is their job to be here. The people in attendance from Washman's that are here today are being paid to attend. It is their job.

Attending today is not my job. I had to take time off from work to be here. My neighbors had to take time off from work to be here. Many neighbors could not get the time off to attend today's hearing.

While I do appreciate that, this process has allowed me to learn some Latin. I now know what "*de novo*" means and I know what "*ex parte*" means. I am here because it affects me. It affects my neighbors. The County employees and the Washman employees will leave this meeting and probably grab a cup of coffee. I will go to my job. If this application goes through or not, the employees will not be affected. I will be.

The Design

The design of the carwash on 82nd and Lindy has one entrance / exit on Lindy a dead end residential street. While the design does have a queuing area as the customers wait to have their car washed, it does not have a queuing / storage area as the customers exit the property.

The Applicant may state that customers will use the vacuum area as a queuing / storage area, but the customers will eventually have to leave the property using Lindy, a dead end residential street.

The design has only one entrance/ exit other then emergency exit on Cornwell Street. Another residential street.

This design, on 82nd and Lindy, with only one entrance /exit will create bottlenecks and traffic backup affecting Lindy and 82nd.

The Washman's on 82nd and Glisan uses the entire frontage of 82nd as a entrance /exit. There isn't a curb on 82nd and customers can also enter / exit on Glisan Street.

I ask the County to change the design so that the entrance / exit uses 82nd not Lindy. If the County and State feel that this would negatively effect traffic on 82nd, then the County and State should use that same thought process and apply it to Lindy.

Seasonal Traffic Volume

Regarding Anticipated Traffic Volume and Impacts to Residential Roads This can be found at the **1:13:30 minute mark**: **County**: “How many per hour are gonna be going through there?” **Applicant**: “Hello. Thanks for meeting us. Mark Hanna, managing member of Washman. Well, you have to remember that it rains half the time. So we have 160, 180 days of rain where there's zero to very few cars being washed a day. And then you, uh, on a dry day you could ramp up to 30 cars per hour, or you can max out on a busy Saturday, if the sun is shining, which doesn't happen all that often, but it does happen, thank God, **up to 100 cars an hour**, max. So you're dealing with, you know, about **a car and a half a minute**, and that's probably less than 1% of the time.” **County**: “You obviously have other facilities?” **Applicant**: “Yes, sir.” **County**: “Okay. So, can you tell me what's the average volume for those?” **Applicant**: “Sure. If you averaged it out probably a busy side would probably average about 250 cars a day, and a slow side probably about 150.”

The car wash industry, according to Car Wash Industry Statistics 2017, is not seasonal. The volume of business is broken down accordingly. Winter 32%, Summer 25%, Spring 25% and Fall 18%. Additionally, the hours of operation is listed as 7:00 AM to 10:00 PM seven days a week for the 82nd and Lindy location.

I conducted my own traffic count at the 82nd and Glisan location. It was on a Wednesday, on January 8, 2020 at 11:30 AM. It was a cloudy, overcast day. In 15 minutes, I counted 31 cars entering / exiting the property.

Mr. Hanna's comments are not supported by statistics from the car wash industry or from what I have seen at current Washman's location. His comments that zero to very few cars per day, half of the year, are misleading to the County and the residents in the area. The design of a 210-foot car wash leads to a belief that there will be more than 150-250 cars per day

Thank you,

Ben Reed

Garden Lane, Happy Valley, OR

January 2020

EXHIBIT 65
Z0353-19-D
Page 1 of 3

I am a second generation owner operator of Ray's Auto Wash @ 8900 S.E. 82nd avenue. We have been doing business at this location for over 55 years. My father preceded me with 33 years. I have been active for 22 years. Ray's Auto wash is the oldest running business in the Clackamas County 82nd Avenue Corridor. When I initially heard about the Washman Carwash project 2 years ago I was not for or against the project. In the Car Wash business it is widely known that self service customers are looking for an alternative to the drive thru and drive thru customers want to get it done and get on their way. I am not worried about the Car Washing competition as there are already 2 drive-thru car washes just a short drive away. During this entire 2 year process I have never been contacted by any representative of Washman or asked what my opinion or feelings would be about having a similar business on the same street. Frank Rodgers told me about the project with an apology for selling his property to a Car Wash and a disclaimer that he was not supposed to talk about the Washman Project and could not share with me any additional information. I did not receive any notifications from the County for Design and Review meetings until November 2019. Columbia Bank was also not receiving any notification and is well within the 300 ft. notification range. When I met with Columbia Bank AVP, Branch Manager Jamie Clark in September 2019 she knew nothing about the Washman Project. During this entire project there have been at least 3 different design plans which added to the confusion about where the entry and exit would be. That was finally revealed on Aug. 12, 2019. With that, I had a change of support to not wanting what is going to be forced on Lindy Avenue due to poor evaluation of where a high volume self service style tunnel wash should be located and the deception about the potential of what a state of the art Car Wash could be capable of in the year 2020. Most people are not familiar with the production capabilities and busy trends for Car Washes and are easily deceived. In the design and review board a representative of Washman suggested that the proposed facility would be similar to the St Johns Washman facility. Google Earth shows that tunnel to be 132 ft which is 78 ft shorter than the Proposed facility tunnel length. [REDACTED] a point somebody from Washman has to address the [REDACTED] his facility be capable of washing in an hour or [REDACTED]

Clackamas Regional Center Area Design Plan Chapter 10.2.10 Provide for the efficient utilization of commercial areas while protecting adjacent properties and surrounding neighborhoods. There is a conflict of interest involving 5 of the 7 residential properties on Lindy Ave.. As a result there will be no comments or representation from the ownership of those properties. The ownership of two properties on the north side of Lindy have a pending counter Lawsuit involving a property line dispute with Washman. Three Properties on the south side of Lindy Ave. are owned by the same family that sold their former rental house to Washman to be used as the main Entry/Exit for the proposed facility.

The Car Wash business has extreme peaks and valleys on the busy scale. Some days this will work while other days, potentially weeks or months, it will not work. As in April thru August, peak season is in full swing. Yes this is a commercial property with a Car Wash as a permitted use, that was very evident in the Clackamas County Design and Review Board and so stated in their final vote to approve. I don't believe this is a suitable location for a state of the art high volume Car Wash because of the questionable safety of the 82nd Ave/Lindy intersection due to nuisance water track out and the short queueing. The evaluation numbers for traffic studies were 50 to 70% understated leading to unreliable findings. Future development is already underway, as in the Heirloom 350 Apartment complex. [REDACTED] was never taken into consideration. There were no traffic studies conducted on Cornwell avenue, Lindy avenue or the easement road as their main entry and exit. There are multiple violations to County Codes, County Roadway Standards, Regional Center Area Design Plans and Comprehensive Plan System Policies. I am confident that all this information is true and correct and have added

10 areas of concern in extensive detail with supporting documents to you the hearings officer for review. Do you have any questions for me.

**Attn: Hearings Officer
Re: Appeal of Z0353-19-D
On Behalf of Ray's Auto Wash**

January 2020

I am a second generation owner operator of Ray's Auto Wash @ 8900 S.E. 82nd avenue We have been doing business at this location for over 55 years. My father preceded me with 33 years. I have been active for 22 years. Ray's Auto wash is the oldest running business in the Clackamas County 82nd Avenue Corridor. When I initially heard about the Washman Carwash project 2 years ago I was not for or against the project. In the Car Wash business it is widely known that self service customers are looking for an alternative to the drive thru and drive thru customers want to get it done and get on their way. I am not worried about the Car Washing competition as there are already 2 drive-thru car washes just a short drive away. During this entire 2 year process I have never been contacted by any representative of Washman or asked what my opinion or feelings would be about having a similar business on the same street. Frank Rodgers told me about the project with an apology for selling his property to a Car Wash and a disclaimer that he was not supposed to talk about the Washman Project and could not share with me any additional information. I did not receive any notifications from the County for Design and Review meetings until November 2019. Columbia Bank was also not receiving any notification and is well within the 300 ft. notification range. When I met with Columbia Bank AVP, Branch Manager Jamie Clark in September 2019 she knew nothing about the Washman Project. During this entire project there have been at least 3 different design plans which added to the confusion about where the entry and exit would be. That was finally revealed on Aug. 12, 2019. With that, I had a change of support to not wanting what is going to be forced on Lindy Avenue due to poor evaluation of where a high volume self service style tunnel wash should be located and the deception about the potential of what a state of the art Car Wash could be capable of in the year 2020. Most people are not familiar with the production capabilities and busy trends for Car Washes and are easily deceived. In the design and review board a representative of Washman suggested that the proposed facility would be similar to the St Johns Washman facility. Google Earth shows that tunnel to be 132 ft which is 78 ft shorter than the Proposed facility tunnel length. At some point somebody from Washman has to address the question of just how many cars will this facility be capable of washing in an hour or even a day, citing some performance data. These are my 10 main areas of concern.

1. Short queuing on Lindy at 160ft. There is only 160 ft from the 82nd Ave stop line to the Washman enter/exit. The exit is the main area of concern. Lindy has enough space for approximately 6 cars to wait for south bound 82nd Avenue traffic control. The projected onsite entry has queueing space for 20 cars. When entry queueing exceeds the exit queueing space it ensures that exit will always be full. The limiting production of cars could very well be regulated by how many exiting cars are able to leave onto Lindy Avenue or the Easement road.
2. Augusta Blvd. has no traffic control for south bound access to 82nd Avenue and is just 400 ft to the 82nd/Johnson Creek intersection. A South bound turn is just not practical during peak travel times. An easement road that crosses the Bill Batar and associates complex is utilized for that access, which connects to Lindy Avenue. This easement road is used by 4 businesses, 1 of which is a high volume gas station/convenience store as well as business # 5 Ray's Auto Wash. All using the same six Lindy Avenue queuing spots for south bound 82nd Avenue travel. It was suggested in the design and review board that Lindy could possibly have 2 left turn lanes. This

is not possible since there is room for 3 lanes. 1 in and 2 out. The trend for the current traffic pattern has shown that during peak travel times 82nd Avenue backs up from Johnson Cr. Blvd to Lindy making it possible for just a few cars to fit onto 82nd Avenue when the traffic control turns green. Making the situation worse, sharing this intersection with the high volume Johnson Cr. Fred Meyer main entrance which allows traffic to turn right with just a stop, traveling south without a traffic control light holding them up. That situation alone packs the cars all the way to the Johnson Cr. Blvd traffic control light which is only 600 ft.

3. Clackamas County Roadway Standards Driveway Access to connector Roadways 220.7

Driveway Access to Local Roadways; Commercial, Industrial and Institutional developments proposing access to local roadways with a local road functional classification that serve existing residential neighborhoods located within the UGB are discouraged and any anticipated adverse impact upon the liability of these neighborhoods shall be quantified and mitigated proportionately to their impacts. 220.5 c. Conflicting access movements within the 95th

percentile queue of any traffic movement at an existing intersection or major driveway. A traffic study complying with section 295 will be required if this is a likely issue. I would suspect Ray's Auto Wash Entry/Exit would qualify as a major driveway, as would the intersection of the Lindy Avenue and the easement road. Lindy Avenue is a dead end street, and will never be a thru street to Fuller st. because the high density trailer park is blocking the possible roadway. Lindy Avenue has 7 residential properties that use Lindy as the only way in and out. 4 of these properties are already zoned commercial for future development of 23,000 sq. ft. but until that happens these rental house tenants and homeowners could be locked in by an over saturated Lindy Avenue with both traffic and water from what could be 175 wet cars per hour.

4. There are 27 vacuum stations at the projected site. This creates an irregular traffic pattern that could discharge 5 to 10 cars at a time overwhelming the 6 quing spaces. Satellite photos of washman sites shows how wet vacuum stations are. That water connects to the exit adding to the nuisance track out. See picture 7

5. The ITE manual code 948 suggests 58 cars per hour trip generation. I do know that Clackamas County Roadway Standards section 295.14 trip generation a.,b.,have been complied with. My question would be if 295.14 d.states trip generation shall be based upon an average weekday unless specified by engineering. In September 2019 I met with Clackamas County Senior Planner Development Engineering Keneth Kent about this very subject. 58 peak hour trips seems unrealistic for the size and capabilities of the proposed facility, together with the increased business surge every time the streets are dry? I would be more inclined to look at an advertisement for Tunnel Mfg. Hanna Coleman, Sonny's direct or Peco Car Wash Systems. I tried to bring out the size and reason of the Projected Facility. I also tried to make Clackamas County Engineering aware that a state of the art 4 lane feed 160 ft. tunnel on 1.75 acres is unrealistic for Lindy Avenue. Advertisements taken from Hanna Coleman, Sonny's direct and Peco Car Wash Systems show the possibilities for washing production. Approximately 150 cars per hour. 58 cars per hour peak hour volume was referenced from the ITE manual and traffic studies were conducted by Clemow Associates LLC using this 50% to 70 % underestimated number. With this underestimated number, the Executive Summary Conclusion item #4 was queue lengths all study intersections during peak pm hours are at, or slightly exceed storage capacity, indicating the S.E. 82nd Avenue corridor is saturated. The new 350 Heirloom

Apartment Complex has started construction and will be open and underway for 2020. 350 new residents with cars and a lot of new pedestrians will be using 82nd. Currently if you are legally crossing 82nd Ave from Luther Rd. are you are required to walk to the 82nd avenue/Lindy intersection. This new Complex should be factored into any pedestrian or traffic study. This complex is one block off 82nd avenue at Luther Road which is 1 block North of the proposed facility. It covers 10 acres.

6. Clackamas County Comprehensive Plan System Performance Policies Chapter 5.S.1 For County Roads, states evaluate transportation system performance and the impact of the new development. There have been no traffic studies conducted on Lindy avenue, What could be more devastating to a deadend street with just six queuing spots for South bound traffic. Lindy south bound traffic control light is already serving 5 businesses and 7 residential properties. Adding a business with the potential of 150 cars per hour 2 way traffic? If a traffic study with realistic numbers were conducted on Lindy avenue, what would the conclusion be? because of the short queueing for south bound traffic to 82nd., a quick inconvenient way to get out is the well known cut thru of Cornwell avenue to Fuller Ave to I-205. This is exactly why the residents on Cornwell avenue asked for traffic reduction.

7. Clackamas County Code title 7 Vehicles and Traffic 7.03.090 E states flow of water impeding safe use of traveled portion of the roadway. No owner or lawful occupant of the property abutting any road shall allow water to overflow, seep or otherwise discharge into the traveled portion of the roadway that abuts their property, if the water creates a nuisance condition that impedes the safe use of the traveled portion of the roadway, the source of the water flow shall be irrelevant to liability under this subsection. Ray's Auto Wash follows the same busy traffic pattern and has occupied Lindy avenue for over 55 years. On a busy day Ray's Auto Wash will exit out about 25 cars per hour. Ray's Auto Wash does not dry cars, no Self Service Car Wash does. As a result, photos shown from 12/4/2019 (Picture 8/9) indicate water track out reaches the end of Lindy avenue, but not into the intersection. Ray's Auto Wash does not offer waxes, polishes or a clear coat shield, only a drying agent that is non slippery. Drive thru Car Washes do blow dry cars, but because of the water that is in seams, wheel wells and under the vehicle along with tire rollout water, cars leave a wet track out distance that can and will go out hundreds of feet as shown on satellite photos. Factor in approximately 100 to 150 cars per hour, plus what Ray's Auto Wash could be exiting, water will go through the intersection in all four different directions. That daily total of wet cars could be 1500. To make matters worse, short queuing allows cars to sit and drip for an extended period due to traffic control, and that water is further tracked out by ensuing traffic. They stated in the Design and Review Board that cars go to the Vacuum Station and spend time there so the track out is reduced. That would be true if everybody vacuumed. I can tell you from experience that this is not a reliable solution. see picture 7. A lot of customers are not interested in vacuuming and take advantage of the quick 3 min wash as that is what they advertise (Picture 10). Even when the vacuum is already paid for it's quick in, quick out. The satellite photos included show water track out in a straight direction from facility on non intersection roadways which in this scenario, is different. A wet high volume intersection where traffic is changing directions and pedestrians are present on a dry day is a hazard that should be avoided. This intersection is also the main entrance to Johnson Creek Fred Meyer, 600 ft from what is known to be the busiest intersection on 82nd Avenue. They offer

double liquid polishes, clear coat shield, carnauba waxes and tire shine that are all known to be slippery and will be in this water trackout. In the case of an injury or fatality accident due to loss of traction the consequences could be devastating. In the Design and Review Board, a member of the Board asked Sr. planner Anthony Rieder about the water track out, and his response was there will be a wait and see. What would the corrective action be if water track out does create a nuisance problem? Why would this situation be allowed to happen with so much evidence available from Satellite images? Satellite images show evidence of water track out at most of their locations as well as other popular tunnel washes. This facility is designed to outperform any of these other locations by a lot. The Kaady Car Wash @ 2900 S.E 70th was opened in 2018/2019 as a state of the art tunnel Car Wash. Google Earth shows the same extensive track out pattern of over 700ft,(picture 7). This facility was designed in the correct manner with 450ft.of roadway between the wash tunnel exit and nearest street traffic (Washman has 40ft). There is an additional 225 feet on S.E. 70th before a merge into fast moving traffic on Hwy. 8. This was more than likely all part of the design to alleviate an unsafe roadway condition. This was the newest comparable conveyor tunnel Car Wash I could locate and should be representative of the projected Washman Facility. This Kaddy facility has entry queueing for approx 20 cars, 200 ft tunnel and approx. 30 vacuums.

8. Clackamas County Comprehensive Plan Existing Industry and Business policies Chapter 8.A. Existing Industry and Business Policies 8.A.1. Protect Established Industrial and commercial areas from encroachment by incompatible land uses. What makes Ray's Auto Wash incompatible with Washman would be the overwhelming exit traffic and water track out. Due to the large volume of wet cars sitting in a short queueing area, two busy Car Washes, following the same busy pattern, should not be exiting on the same street without several hundred feet of queueing space for the roadway to absorb water. My estimation would be a 400 ft. to 700 ft track out (picture 7). A busy intersection with directional change of traffic should not be in this track out area nor should a heavy pedestrian crosswalk to access Tri-met or Johnson Creek Fred Meyer. 58 peak cars per hour is not realistic for this evaluation as the ITE manual suggested.

9. Clackamas County Zoning And Development Ordinance 827.01. Drive Thru Window Services D. Shall not create congestion due to lack of onsite vehicle queueing area commensurate with the estimated volume of traffic to be generated. The problem here is exit queueing. With approximately 20 Entry queueing spots waiting to feed the 160 ft tunnel that is designed to wash 150 cars per hour will insure the short queueing of Lindy avenue will always be full. Keep in mind, this is being shared by 5 businesses and 7 residents with 2 more lease properties looking for development. 58 cars per hour is not realistic to this project. They have proposed 27 vacuum stations that will help with some of it, but it's a plain fact that not all people vacuum. A percentage are quick in quick out. Even the ones that do vacuum eventually exit. You simply cannot force cars into the vacuuming stations and call that exit queueing.

10.Clackamas County Roadway Standards 295.16 Queueing Analysis; c. In cases where the anticipated 95th percentile queue exceeds the available storage. A development may be required to mitigate a queue back into the background condition if a safety issue would result without mitigation. 2. Additional or alternative methods of analysis may be required to provide an accurate analysis if HCM methodology is limited. D. microsimulation utilized to substantiate

queuing shall comply with section 295.11. When the entry queuing exceeds the exit queuing it ensures the exit will always be full. They have provided 27 vacuum stations to help with exit traffic temporarily. When those cars leave it creates an overloaded queuing situation that Lindy cannot handle.

Conclusion

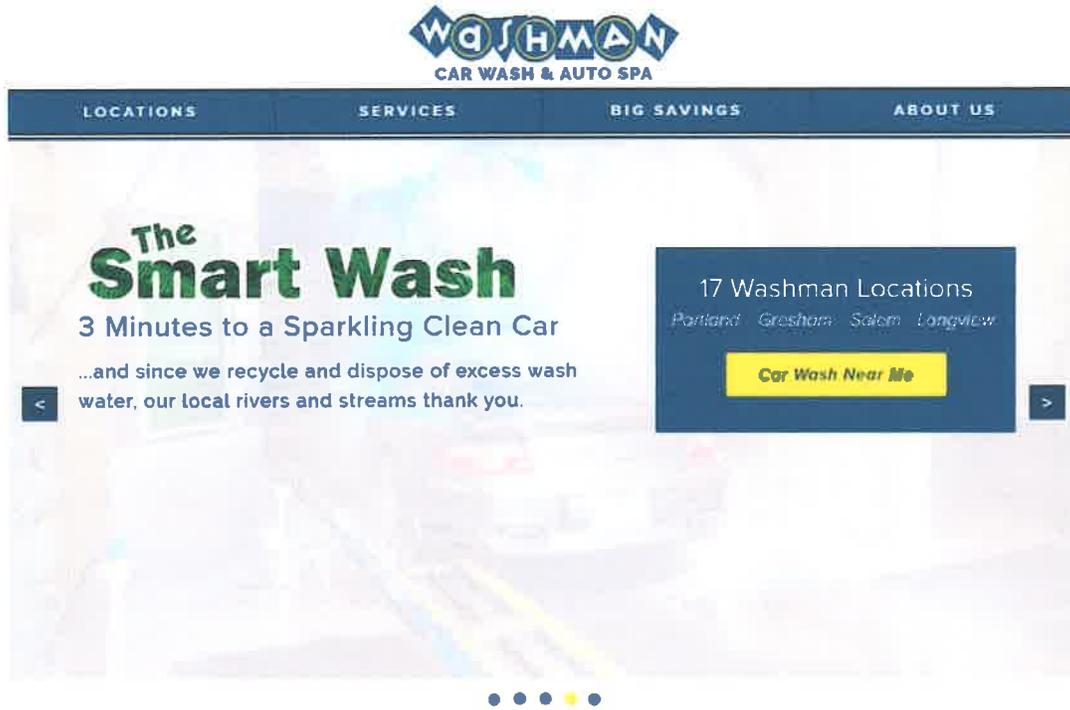
Clackamas Regional Center Area Design Plan Chapter 10 2.10 Provide for the efficient utilization of commercial areas while protecting adjacent properties and surrounding neighborhoods. There is a conflict of interest involving 5 of the 7 residential properties on Lindy Ave.. As a result there will be no comments or representation from the ownership of those properties. The ownership of two properties on the north side of Lindy have a pending counter Lawsuit involving a property line dispute with Washman. Three Properties on the south side of Lindy Ave. are owned by the same family that sold their former rental house to Washman to be used as the main Entry/Exit for the proposed facility.

The Car Wash business has extreme peaks and valleys on the busy scale. Some days this will work while other days, potentially weeks or months, it will not work. As in April thru August, peak season is in full swing. Yes this is a commercial property with a Car Wash as a permitted use, that was very evident in the Clackamas County Design and Review Board and so stated in their final vote to approve. I don't believe this is a suitable location for a state of the art high volume Car Wash because of the questionable safety of the 82nd Ave/Lindy intersection due to nuisance water track out and the short queueing. The evaluation numbers for traffic studies were 50 to 70% understated leading to unreliable findings. Future development is already underway, as in the Heirloom 350 Apartment complex. This was never taken into consideration. There were no traffic studies conducted on Cornwell avenue, Lindy avenue or the easement road as their main entry and exit. There are multiple violations to County Codes, County Roadway Standards, Regional Center Area Design Plans and Comprehensive Plan System Policies. I am confident that all this information is true and correct and have added supporting documents to show.

Owner operator of Ray's Auto Wash

Cal Ray Monsrud.

(10) Washman's website add claiming 3 minute wash

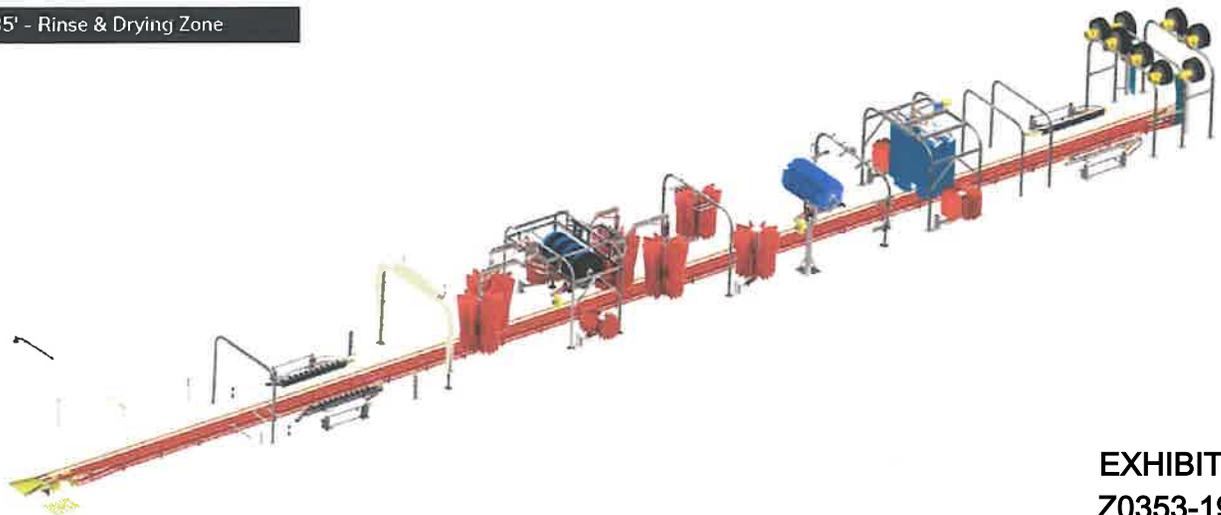


(11) Peco wash tunnel - 180 cars per hour



Quick Order Login

35' - Rinse & Drying Zone



150' CONVEYOR

180 CARS PER HOUR ATTENDED

(12) Coleman hanna wash tunnel - 130 cars per hour 145 ft which is 15 ft shorter than the proposed 160ft tunnel length.

colemanhanna.com/equipment/conveyor-equipment/systems/110-to-150-conveyor/

RAW website

- Car Wash Locations Photos
- Product Videos
- Car Wash Location Videos
- Systems
 - In Bay Tunnel
 - Less Than 60' Conveyor
 - 60' to 110' Conveyor
 - 110' to 150' Conveyor
 - Touchless Systems

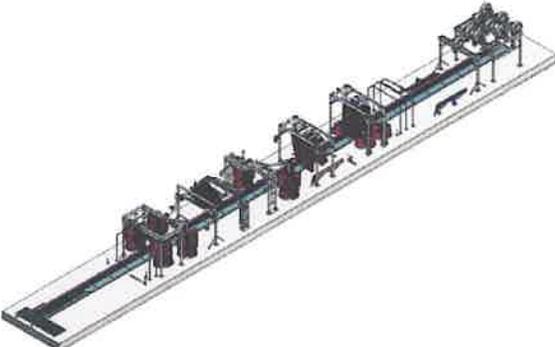
Smart Link 120'

Ultra Express 120'

Ultra Express 140'

Ultra Express 145'

Ultra Express 145'



145 ft. Conveyor, Rear Wheel Push – Up to 130 cars per hour

Hanna's Ultra Express™ conveyor system utilizes a combination of high-pressure water applicators, soft cloth and foam brushes for the perfect balance of gentle yet effective cleaning. The Ultra Express system is configured to minimize vehicle incident while providing motorists with an open and inviting view through the car wash. The Ultra Express™ system addresses hard to clean areas such as wheels, bumpers and window edges.

Hanna's Ultra Express system utilizes five decades of car wash innovation to maximize cleaning and minimize labor.

(13) Sonny's wash tunnel - 150-180 cars per hour

- Support Equipment
- Product Manuals
- Site Layouts

Sonny's OneWash™
Membership • **Join** and **Save**

- Sonny's Consulting >
- Sonny's College >
- Sonny's Equipment >
- Sonny's Vacuums >
- Sonny's Controls >
- Mr. Foamer Marketing >
- Diamond Shine Chemistry >
- Sonny's Parts & Supplies >

Sonny's
160-EDT
Exterior Detail Hybrid Tunnel System



Wash, Wax, Seal, Tire Shine & Dry
Up to 180 Cars per hour!
EXPLORE NOW

Sonny's
150EDT-BELT
Exterior Detail Hybrid Tunnel System



Wash, Wax, Seal, Tire Shine & Dry
Up to 150 Cars per hour!
EXPLORE NOW

Sonny's
135-EDT
Exterior Detail Hybrid Tunnel System



Wash, Wax, Seal, Tire Shine & Dry
Up to 150 Cars per hour!
EXPLORE NOW

Sonny's
130-TF
Exterior Touch-Free Tunnel System



Wash, Wax, Seal, Tire Shine & Dry
Up to 150 Cars per hour!
EXPLORE NOW

HOW CAN

Eco car wash on 82nd avenue

1300

(1) Projected Entry/Exit across from current easement road



(2) Exit water track out from Milwaukee location



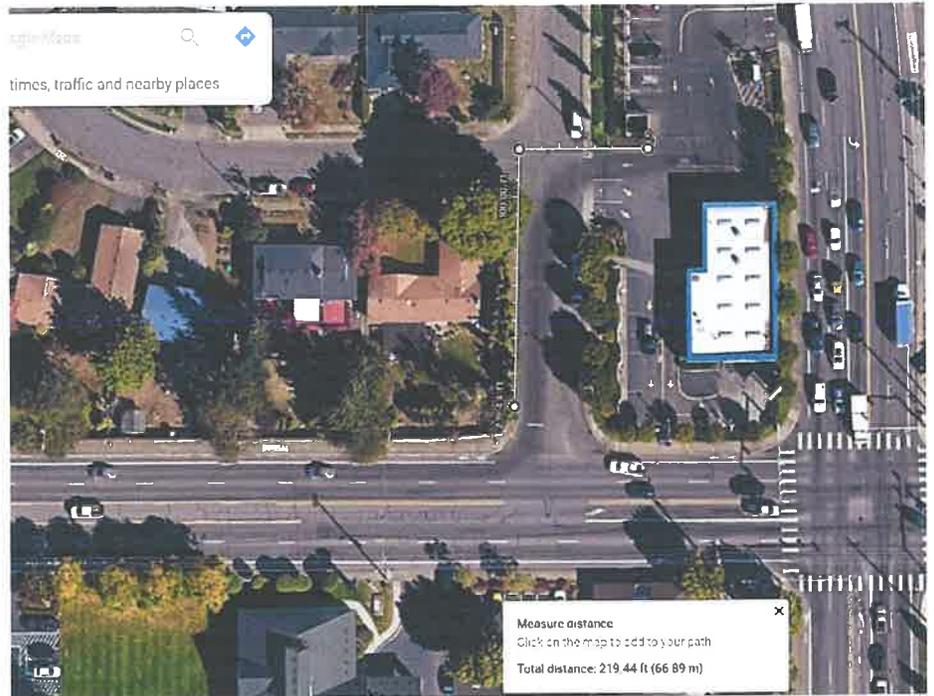
(3) Milwaukee location
measured water
track out



(4) Sandy location
measured water
track out



(5) Troutdale location
measured water track out



(6) Longview location
measured water track out

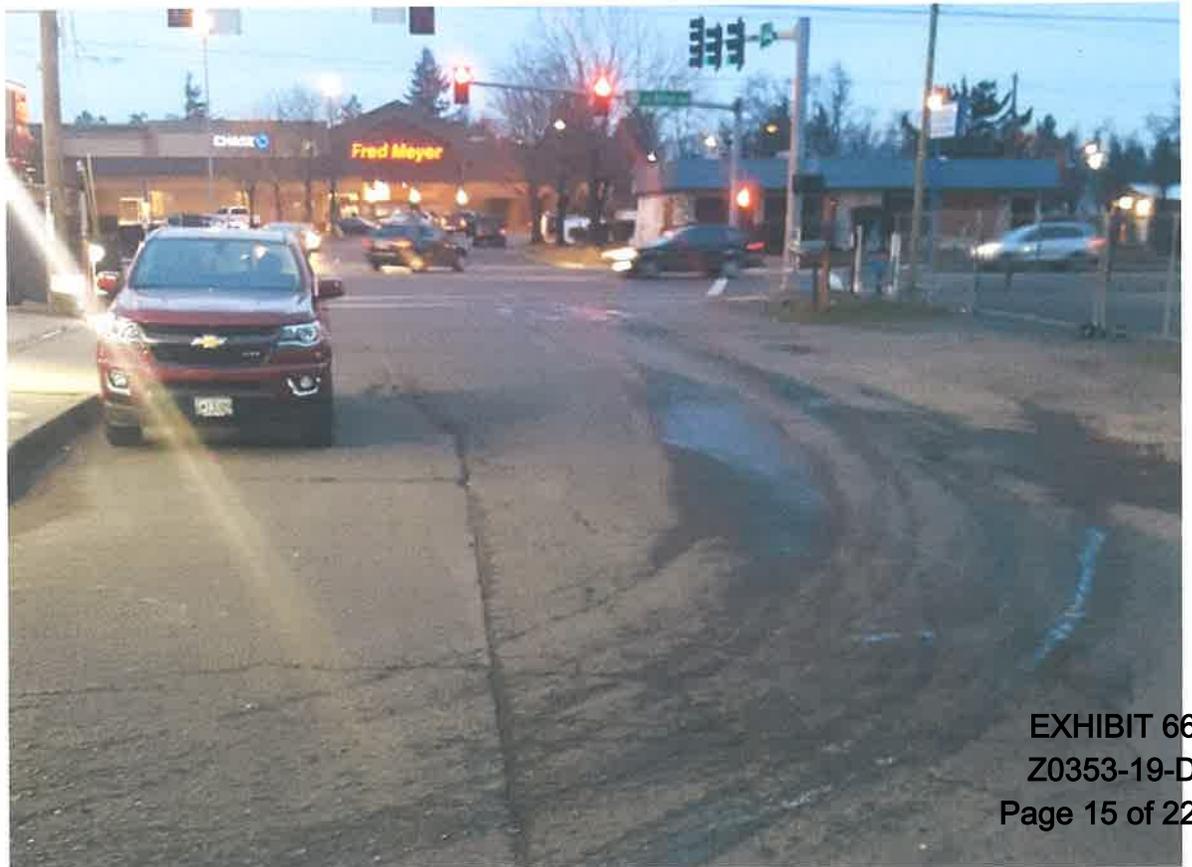


(7) 2900 SE 70th Ave Kaady car wash water track out. This is the best representation of the modern day wash tunnel (Opened late 2018)





(8) Water track out from Ray's Auto wash 12/4/19



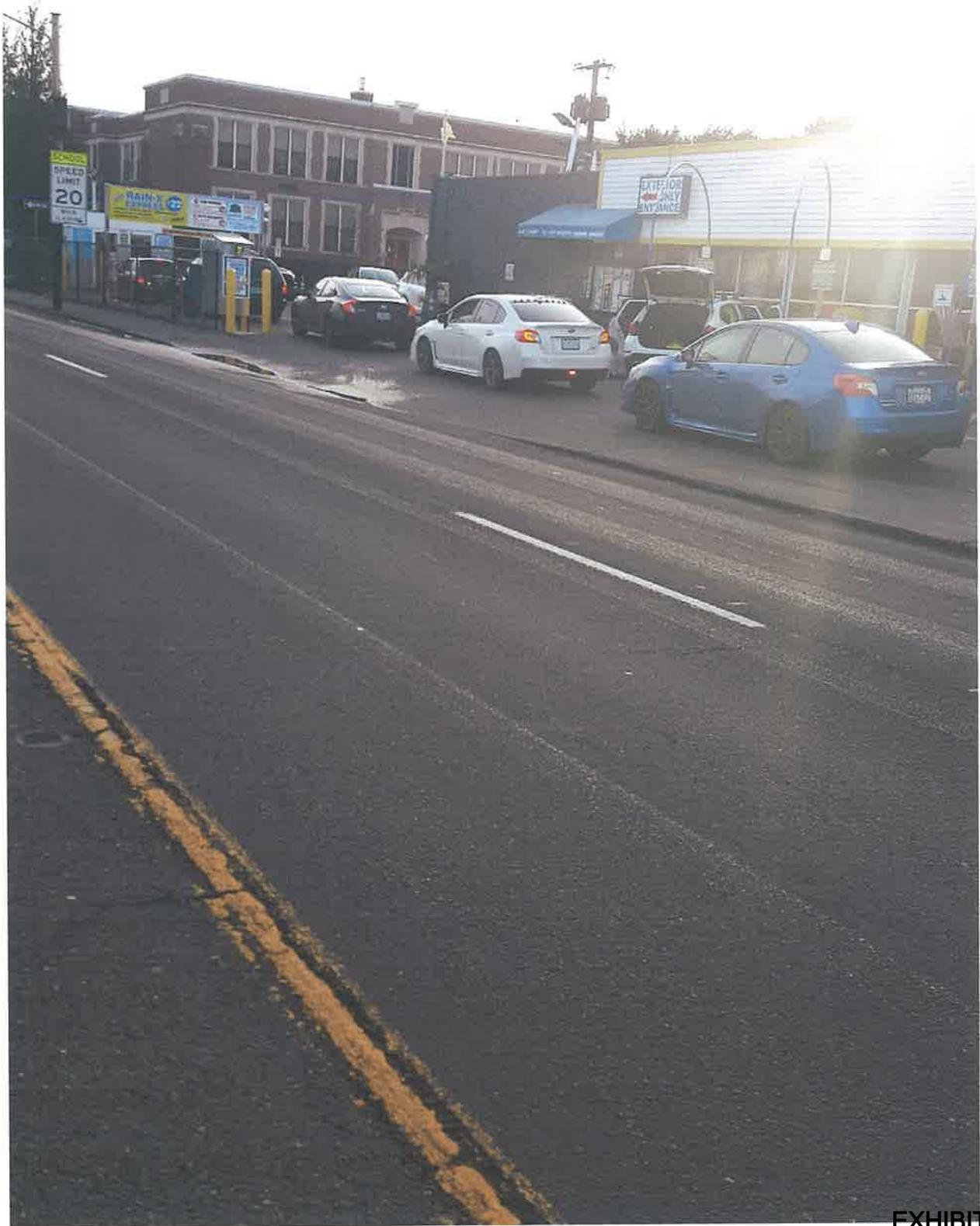
(9) Water track out from Ray's Auto wash 12/4/19





Washman 82nd and Glisan 01-19-2020

EXHIBIT 66
Z0353-19-D
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Between the hours of 11:00am and 5:00pm, Ray's auto wash washed 143 cars. A 24 car an hour average.



VII. CONCLUSION

The following summary and recommendations are based on materials contained in this analysis.

1. The subject property is located east of SE 82nd Avenue (OR 213), north of SE Lindy Street, and south of SE Cornwell Avenue. The property is described as tax lots 12600, 12700, 13300, and 13400 on Clackamas County Assessor's Map 1S2E28BB and total 55,127 square feet in size.
2. In total, the four tax lots have access to all adjacent roadways. With the proposed Washman development, primary access will be to SE Lindy Street and secondary, gated emergency/limited use access will be to SE Cornwell Avenue. All access to SE 82nd Avenue will be eliminated.
3. The observed crash rate at the SE 82nd Avenue/SE Lindy Street intersection is less than the 1.0 crashes/mev threshold and the 90th percentile crash rate of the reference population. As such, the intersection is considered relatively safe and no further evaluation of safety deficiencies is necessary.
4. The observed crash rate at the SE 82nd Avenue/SE Johnson Creek Boulevard intersection is greater than the 1.0 crashes/mev threshold and the 90th percentile crash rate of the reference population. Detailed crash data review finds 74% are rear-end crashes which are common at signalized intersections, and particularly those operating near/at capacity. As such, it is recommended large scale agency-initiated corridor safety improvements be considered, noting smaller improvements will likely not improve safety.
5. The proposed development is anticipated to generate 58 primary PM peak hour trips.
6. Background traffic growth is assumed to be 2% per year and SE Luther Road Multi-Family Development (Clackamas County File Number Z0625-18) traffic volumes were included as in-process.
7. All study intersections are anticipated to operate at an acceptable agency mobility standard in the Post-Development scenario and capacity improvements are not necessary. Further, the subject development has *de minimus* transportation system impacts.
8. Queue lengths all study intersections during the PM peak hour are at, or slightly exceed, storage capacity indicating the SE 82nd Avenue corridor is nearing saturated/capacity conditions.
9. No improvements are recommended at the SE 82nd Avenue/SE Lindy Street intersection except to ensure the appropriate loop detection is installed on the east intersection leg.
10. Development impacts are *de minimus* at the SE 82nd Avenue/SE Johnson Creek Boulevard intersection and no specific mitigation is recommended.

IV. DEVELOPMENT TRIP GENERATION

As identified in Clackamas County Roadway Standards Section 295.14 – *Trip Generation*,

- a. *Trip generation shall be based upon the latest edition of ITE's Trip Generation Manual and Trip Generation Handbook.*
- b. *The traffic impact study shall include an estimate of site-generated trips, pass-by trips, diverted-linked trips, and internal capture trips during each study period.*
- c. *If a trip generation rate similar to the proposed use is not available within Trip Generation Manual, then the procedures of the Trip Generation Handbook regarding obtaining local rates shall generally be required unless local trip data is unavailable for the proposed use or as approved by Engineering.*
- d. *Trip generation shall be based upon an average weekday unless otherwise specified by Engineering.*

Trip generation for the proposed car wash is estimated using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition and is summarized in the following table.

TABLE 4 – SPECIFIC DEVELOPMENT TRIP GENERATION					
Land Use	ITE Code	Size	PM Peak Hour Trip Generation		
			Enter	Exit	Total
Total Trips – Automated Car Wash	948	1 Tunnel	39	39	78
Pass-By Trips (25% Enter / 25% Exit) ¹			(10)	(10)	(20)
Primary (Net New) Trips			29	29	58

¹ Pass-By trip percentage estimated based on data from: on ITE *Trip Generation Handbook*, 3rd Edition, Owner-provided data, and published data from car wash transportation impact analyses.

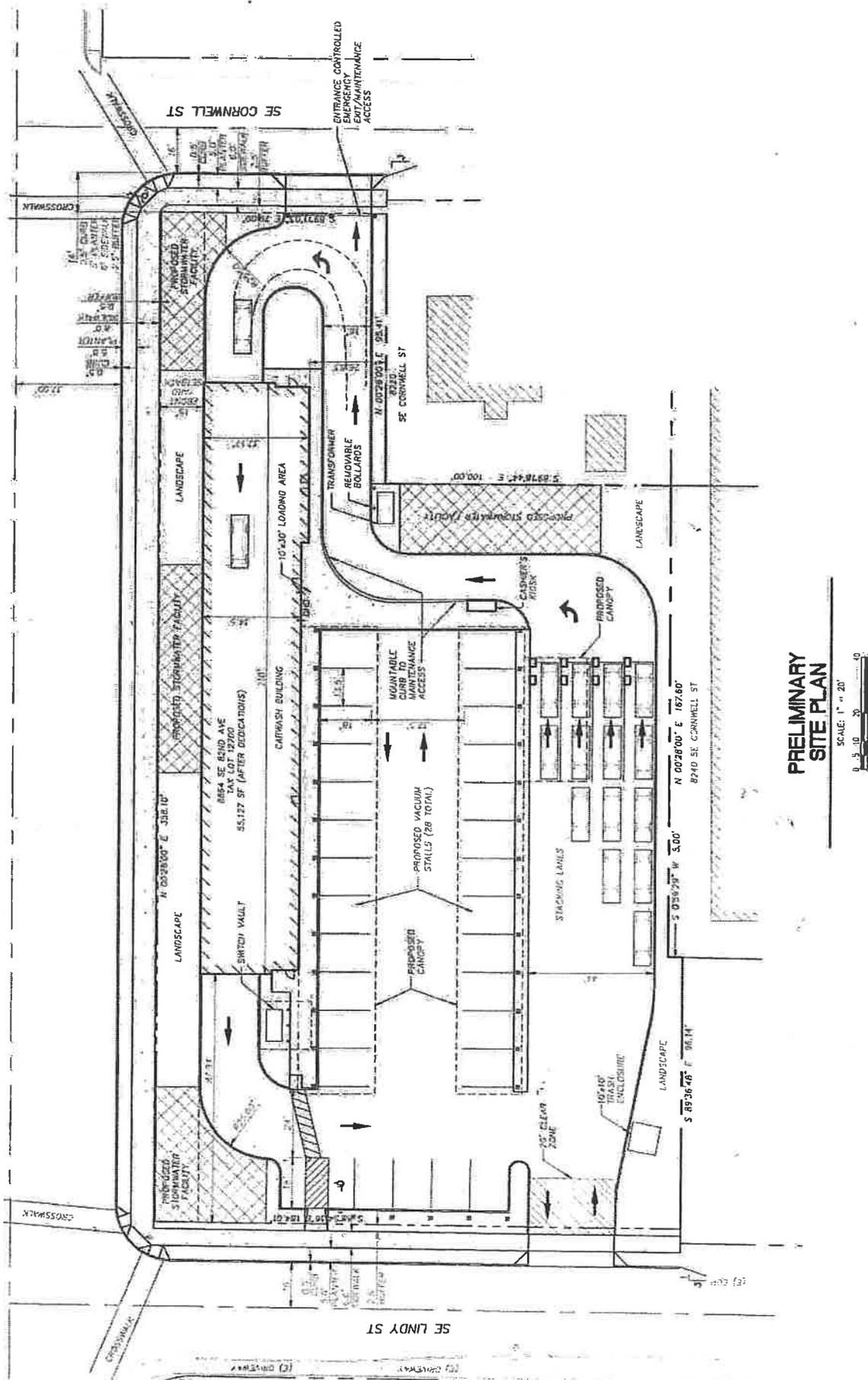
As identified in the table above, the proposed development is anticipated to generate 58 primary PM peak hour trips.

Trip Distribution and Traffic Assignment

As identified in Clackamas County Roadway Standards Section 295.15 – *Trip Distribution*,

- a. *For smaller projects, trip distribution may be based upon existing traffic conditions, engineering judgment, and previous traffic studies.*
- b. *For larger projects, the transportation modeling methodologies of NCHRP 255 should be used as a general guideline.*
- c. *In both cases, prior to trip distribution, it is strongly recommended that the method of trip distribution be confirmed with Engineering.*

As identified in the *Trip Generation* section of this analysis, development trip generation is 58 primary PM peak hour trips. This is considered a 'smaller project'; therefore, trip distribution is based on existing traffic conditions and engineering judgment and is illustrated in the attached Figure 2 in Appendix A.



**PRELIMINARY
SITE PLAN**

SCALE: 1" = 20'
0 5 10 20 40









Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1/23/20

Clackamas County Public Hearing Testimony

The public is invited to speak to the Hearings Officer on public hearing items on today's agenda. To ensure your opportunity to address the Hearings Officer today, please complete this form and give it to the Planning staff at the front. **In order to provide everyone an opportunity to testify, you may be asked to limit the length of your testimony. Thank you.**

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item Washington You will receive a copy of the decision.) cc to hrs

In favor

Opposed

Neutral

Name: Wendie Fleming - Wellington Law Group

PO Box 159

Mailing Address:

Law Office, OR 97057

City/State/Zip:

EXHIBIT 68
Z0353-19-D

Clackamas County Public Hearing Testimony

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date: / /

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item Z035319-D. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Peter F Fry

303 NW Uptown terrace #1B

Portland, Oregon 97210

Name:

Mailing Address:

City/State/Zip:

EXHIBIT 68
Z0353-19-D

Clackamas County Public Hearing Testimony

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

01 / 23 / 2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item 41-45. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

Deon VanZee

Mailing Address:

10345 NE Knott St.

City/State/Zip:

Portland, OR, 97220

Clackamas County Public Hearing Testimony

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Today's Date:

07/23/2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____, (You will receive a copy of the decision.)

 In favor Opposed Neutral

Name:

CHRIS CLEMOW

Mailing Address:

1582 FETTERS LOOP, EUGENE, OR 97402

City/State/Zip:

EXHIBIT 68
Z0353-19-D

Clackamas County Public Hearing Testimony

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

01/23/2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item of the decision.) ~ As needed for applicant.

(You will receive a copy of the decision.)

In favor

Opposed

Neutral

Technical Professional

Marcha Moore, Moore Noise, LLC

Name:

PO Box 14373

Mailing Address:

City/State/Zip:

EXHIBIT 68
Z0353-19-D



CLACKAMAS
COUNTY

Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1 / 22 / 2020

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1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item Drive Thru / Treats Certified (You will receive a copy of the decision.) 20250-19-D

In favor

Opposed

Neutral

Name:

Tonya Reed

Mailing Address:

2425 SE Crandon Ln

Happy Valley, OR 97086

City/State/Zip:

EXHIBIT 68
Z0353-19-D

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1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item 20353-19 (You will receive a copy of the decision.)

In favor

Opposed

Neutral



Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1 / 23 / 2020

BEN REED

Name:

8425 SE GARDEN LANE

Mailing Address:

HAPPY VALLEY, OR 97086

City/State/Zip:

EXHIBIT 68
20353-19-D

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

01 / 23 / 2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

Col Monsrud
8900 S.E. 82nd ave

Mailing Address:

Happy Valley OR
97086

City/State/Zip:



Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1 / 23 / 2020

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1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item car wash. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

THOMAS SHIMOTA

Mailing Address:

20315 SE GARDEN LN
HAPPY VALLEY, OR 97086

EXHIBIT 68
Z0353-19-D



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Today's Date:

1 / 23 / 2020

Clackamas County Public Hearing Testimony

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1. I do not wish to testify, but I would like to receive a copy of the decision.
2. I wish to testify regarding agenda item _____ . (You will receive a copy of the decision.)
- In favor Opposed Neutral

Name: Nadine Hanhan

Mailing Address: 8604 SE Cornwell Ave
Happy Valley, OR 97086

EXHIBIT 68
Z0353-19-D
Page 10 of 17

Clackamas County Public Hearing Testimony

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1/23/2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____ . (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

Sean Callaghan

Mailing Address:

8240 SE Cornwell St #2

City/State/Zip:

Happy Valley OR 97086

Clackamas County Public Hearing Testimony

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Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1 / 23 / 2008

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____ . (You will receive a copy of the decision.)

In favor Opposed Neutral

Name:

Lynn Overlin

Mailing Address:

8343 SE CORNWELL

City/State/Zip:

HAPPY VALLEY, OR 97086

EXHIBIT 68
Z0353-19-D
Page 12 of 17

Clackamas County Public Hearing Testimony

The public is invited to speak to the Hearings Officer on public hearing items on today's agenda. To ensure your opportunity to address the Hearings Officer today, please complete this form and give it to the Planning staff at the front. **In order to provide everyone an opportunity to testify, you may be asked to limit the length of your testimony. Thank you.**

Please write legibly, answer the questions at the right, and provide the information below.



Today's Date:

1 / 23 / 20

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

Larry Shirts

Mailing Address:

12805 SE Foster Rd

Portland, OR 97206

City/State/Zip:

Clackamas County Public Hearing Testimony

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Today's Date:

1 / 23 / 2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____. (You will receive a copy of the decision.)

In favor

Opposed

Neutral

AMERICA LEAVENWORTH

America.L@symonsengineering.com

Name:

Mailing Address:

EXHIBIT 68
Z0353-19-D

City/State/Zip:

Clackamas County Public Hearing Testimony

The public is invited to speak to the Hearings Officer on public hearing items on today's agenda. To ensure your opportunity to address the Hearings Officer today, please complete this form and give it to the Planning staff at the front. **In order to provide everyone an opportunity to testify, you may be asked to limit the length of your testimony. Thank you.**

Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1/23/2020

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____ . (You will receive a copy of the decision.)

In favor Opposed Neutral

Name:

Michael Hoffman

Mailing Address:

2817 SW Britton Ave

City/State/Zip:

Freshman OR 97080

Clackamas County Public Hearing Testimony

The public is invited to speak to the Hearings Officer on public hearing items on today's agenda. To ensure your opportunity to address the Hearings Officer today, please complete this form and give it to the Planning staff at the front. **In order to provide everyone an opportunity to testify, you may be asked to limit the length of your testimony. Thank you.**

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1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____. (You will receive a copy of the decision.)

In favor Opposed Neutral

Today's Date:

1/23/20

Name:

MARK HANNA

Mailing Address:

PO Box 4124

EXHIBIT 68
Z0355-19-D

City/State/Zip:

Portland, OR 97208



Please write legibly, answer the questions at the right, and provide the information below.

Today's Date:

1/23/2020

Clackamas County Public Hearing Testimony

The public is invited to speak to the Hearings Officer on public hearing items on today's agenda. To ensure your opportunity to address the Hearings Officer today, please complete this form and give it to the Planning staff at the front. **In order to provide everyone an opportunity to testify, you may be asked to limit the length of your testimony. Thank you.**

1. I do not wish to testify, but I would like to receive a copy of the decision.

2. I wish to testify regarding agenda item _____, (You will receive a copy of the decision.)

In favor

Opposed

Neutral

Name:

David Tarlow

Mailing Address:

PO Box 4124

City/State/Zip:

Portland, OR 97208

Riederer, Anthony

From: EVERETT A TWILLEAGER <etfonehom@comcast.net>
Sent: Wednesday, January 29, 2020 8:19 PM
To: Riederer, Anthony
Subject: Hearings Officer in charge of Washman Appeal

My name is Everett Twilleager and along with my wife Sherri we have lived on SE Lindy St for over 40 years. We raised our children here. They have grown up and now we are empty nesters. Over the years local homes have fallen and commercial developments have taken their place. As the homes left, 82nd Ave seems to be closing in. Ray's Auto Carwash was relocated from the west side of 82nd to the east side to make room for the Johnson Creek Fred Meyer. Ray's Auto Carwash built a 7' brick sound wall due to conditions of approval to mitigate sound. The carwash was next door to a local residence and this helped reduce the nuisance noise. Since that time the home was demolished to make way for the Columbia Bank and Black Rock Coffee development.

We reside 100' east of the Ray's Carwash 7' brick wall and have been pleased with the noise reduction it provides. Also carwash owner Cal Monserud has been a good neighbor and friend who has been responsive to the challenges and changing needs due to the onset of the Homeless, Drug and Alcohol affected folk and Mental Health Crisis issues that occur on a regular basis.

I'm confident in my conversations with Washman representatives they will have the same approach and provide the necessary Sound mitigation and sense of community involvement. From the design drawings and their Project improvements this looks to be a "Crown Jewel" of Tunnel car washes and a welcome addition to our neighborhood. We'll have the best of both carwash worlds. Where Ray's attracts the do it yourself or the sit back and relax style at Washman.

To be clear my wife and I have invested in Commercially zoned properties on Lindy. Sold one to Washman to facilitate their development live in another and rent two others. We are both Blue Collar hard working people who set our eyes on the future. We moved here in 1978 raised our children and watched the changing landscape. Fast forward to today and the environment is not one where you would choose to raise those same children over again. Sad but true.

We think the Washman Development will be a good addition and will spur future development bringing other area improvements we can all be proud of.

Sincerely,
Everett & Sherri Twilleager

[Spam Email](#)
[Phishing Email](#)

To Mr. Fred Wilson, Hearings Officer:

My name is Nadine Hanhan, and I am writing these additional comments in case Z0353-19-D in response to additional testimony submitted on January 23, 2020. These comments will primarily address the applicant's ("Washman" or "The Company") supplemental responses in the form of a "technical letter" submitted on January 23, 2020.

Traffic Impact Study Assumptions Are Inappropriate and Should Be Rejected

In the letter, the applicant selects a limited number of points submitted by one of the neighbors. As a point of clarification, the applicant mistakenly claims that it is addressing the Southgate Community Planning Organization (CPO) in its response, but, it is addressing Mrs. Tonya Reed's individual comments. The applicant does not address all of Mrs. Reed's comments.

Regarding the traffic impacts, the applicant reiterated the same basic statements over and over again throughout the letter. In particular, it pointed to the Institute of Transportation Engineers (ITE) estimates it used in the traffic study: "[A] one-tunnel automated carwash generates an average of 78 total (58 primary) PM peak hour trips. This equates to an approximate wash rate of 39 cars per hour." This same sentence was repeated throughout Washman's comments as though it is definitive evidence for estimated traffic during peak hours at the subject site. Repetition of an ITE standard is not measurable evidence. While the TIS is technically compliant with Clackamas County Roadway Standards in that it referenced the ITE manual, this is only an application of a predetermined estimation that has nothing to do with traffic surrounding the subject site.

While it is true that the maximum capacity and queuing will not occur at all hours of the year, the peak number used by the Company is an estimate based on general ITE standards and is not a reflection of any measurable data about the subject site. Other carwashes throughout the country have also relied on the exact same "off-the-shelf" wash rate of 39 cars per peak hour¹ because they are all referencing the same book. This means that the applicant's traffic study at best ignores the highly nuanced character of the subject site in its traffic study. At the public meeting on January 23, the applicant's own traffic engineer admitted that the peak numbers referenced in the traffic study are in fact taken from the ITE 10th Edition Manual and not based on forecasts or data gathered from the subject site. Further, at the same hearing, the Company's attorney mistakenly indicated that the Clackamas County Roadway Standards require an extreme circumstance in order to deviate from the ITE standards, but this is not so. The Roadway Standards exist to set minimum requirements. A reasonable case can be made that the average estimation of 39 peak hour trips does not provide a sufficient representation of the character of the area surrounding the Lindy and 82nd avenue intersections. In this case, the minimum threshold assumptions around the 39 cars per peak hour are inappropriate and potentially dangerous.

Site-specific data is available. The Hearings Officer can read Cal Monsrud's comments. Mr. Monsrud is the owner and operator of Ray's Autowash which is across the street from the subject site, and Mr.

¹ See <https://www.missionks.org/files/documents/BHCTrafficMemo1708011218032218PM.pdf> for an application of the 39 peak hour number. See also https://www.stcharlesil.gov/sites/default/files/event/packet-items/4a.%20Wash-U%20Mtg%20%232_Revise.pdf for a similar application of a higher peak number (64) of an automated car wash.

Monsrud has provided substantial evidence explaining the nuances of the surrounding traffic and car wash business. It is reasonable to presume that while the applicant met the technical minimum requirements by utilizing average numbers, failure to consider measurable, available data provided by a similar business is an egregious oversight and presents a safety hazard in the event the applicant underestimates traffic impact. In the applicant's own analysis of its business on 118th/Division, the Company admits that it *exceeds 39 peak cars per hour*, and this observation is at a smaller site.

The applicant must be held accountable for appropriately considering the nuances of the subject site given the high-density nature of that area. A reasonable case can be made that since the applicant and the County have now had access to material information related to traffic impacts in the form of Mr. Monsrud's and neighborhood comments, such information should not be ignored. Just because the applicant has applied an approved number does not mean that it should be able to ignore what is already known about the subject site and surrounding traffic. *39 peak cars per hour is unrealistic given what is already known about the subject site.* For a major thoroughfare like 82nd avenue, traffic assumptions relying on off-the-shelf standards are inappropriate and should be dismissed.

Overall, there is enough evidence to indicate that the applicant has grossly underestimated the impacts to traffic flow. The applicant's traffic impact study should thus be rejected and resubmitted using more realistic assumptions about average customer volumes.

Future Use of the Cornwell Emergency Exit

To date, the Company has not indicated that it will never open the emergency exit on Cornwell avenue as a main entry and exit point. It has not indicated it will not attempt to eventually rezone 8220 Cornwell to Corridor Commercial. And to this day, we have not seen a traffic impact study on Cornwell Avenue. There is nothing from stopping the Company from changing its plans once site design is approved and severely impacting livability on Cornwell Avenue. It would be beneficial to the neighborhood if the Cornwell exit be permanently designated as an emergency-only exit. The applicant has indicated that it is amenable to this option in its letter to the CPO dated January 15th.

Transparency

Finally, I would like to raise a procedural issue. Unfortunately, the County lacks the appropriate technological accessibility for public documents. In order to retrieve public comments in this proceeding, the neighbors have had to e-mail County staff directly requesting the full public record. As of today, the record has now become too large to send via e-mail in one attempt. I e-mailed County Staff the day of the hearing, January 23rd, and did not receive public record documents until five calendar days later. I also only received 10 documents, but I know there have been more comments filed since the last batch of e-mails was sent to me. As a result of the technical difficulties, I have only had 1-2 days to review the applicant's latest submissions to the public record. From the perspective of transparency, this is unacceptable. I am aware that other neighbors have submitted additional comments in the record, but I did not receive these. I do not blame County staff, but the inability to view public comments in a timely fashion has been a major obstacle in this proceeding.

Conclusion

To conclude, I recommend 1) that the applicant's TIS be rejected and that the applicant be required to commission a new study based on realistic assumptions about the traffic surrounding the subject site; 2) that the Company be required to implement what it has indicated it was amenable to implementing in

its letter dated January 15th, including permanent designation of the Cornwell exit as an emergency exit; and 3) that the County initiate an internal process improving transparency in public proceedings.

Thank you for your time.

Respectfully Submitted,

Nadine Hanhan

Riederer, Anthony

From: Wendie Kellington <wk@klgpc.com>
Sent: Thursday, January 30, 2020 7:19 AM
To: Riederer, Anthony
Cc: David Tarlow (davidt@washmanusa.com); 'Mark Hanna'; 'Peter Fry'
Subject: Extension of 120-day processing period to March 5, 2020

Hi Anthony,

This confirms that Washman LLC is willing to and does, extend the 120-day processing period specified in ORS 215.427(1) for its design review application (File # Z0353-19-D) to March 5, 2020. We certainly hope that the hearings officer concludes his review in advance of that date, but the time is there if he needs it. Thank you for your courtesies. Best, Wendie



**KELLINGTON
LAW GROUP**

Wendie L. Kellington | Attorney at Law.

P.O. Box 159

Lake Oswego Or

97034

(503) 636-0069 office

(503) 636-0102 fax

wk@klgpc.com

www.wkellington.com

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Rebuttal to January 23rd hearing: Z0353-19-D

JAN 30 2020

In the hearings for the washman project on jan 23 2020 a few details were finally brought forward. I want to point out the deception that was entered into record . The following comments were made by their regional manager. In regards to the Powel Hurst location @ 118th and Division as comparable to the Proposed Lindy Ave Site.

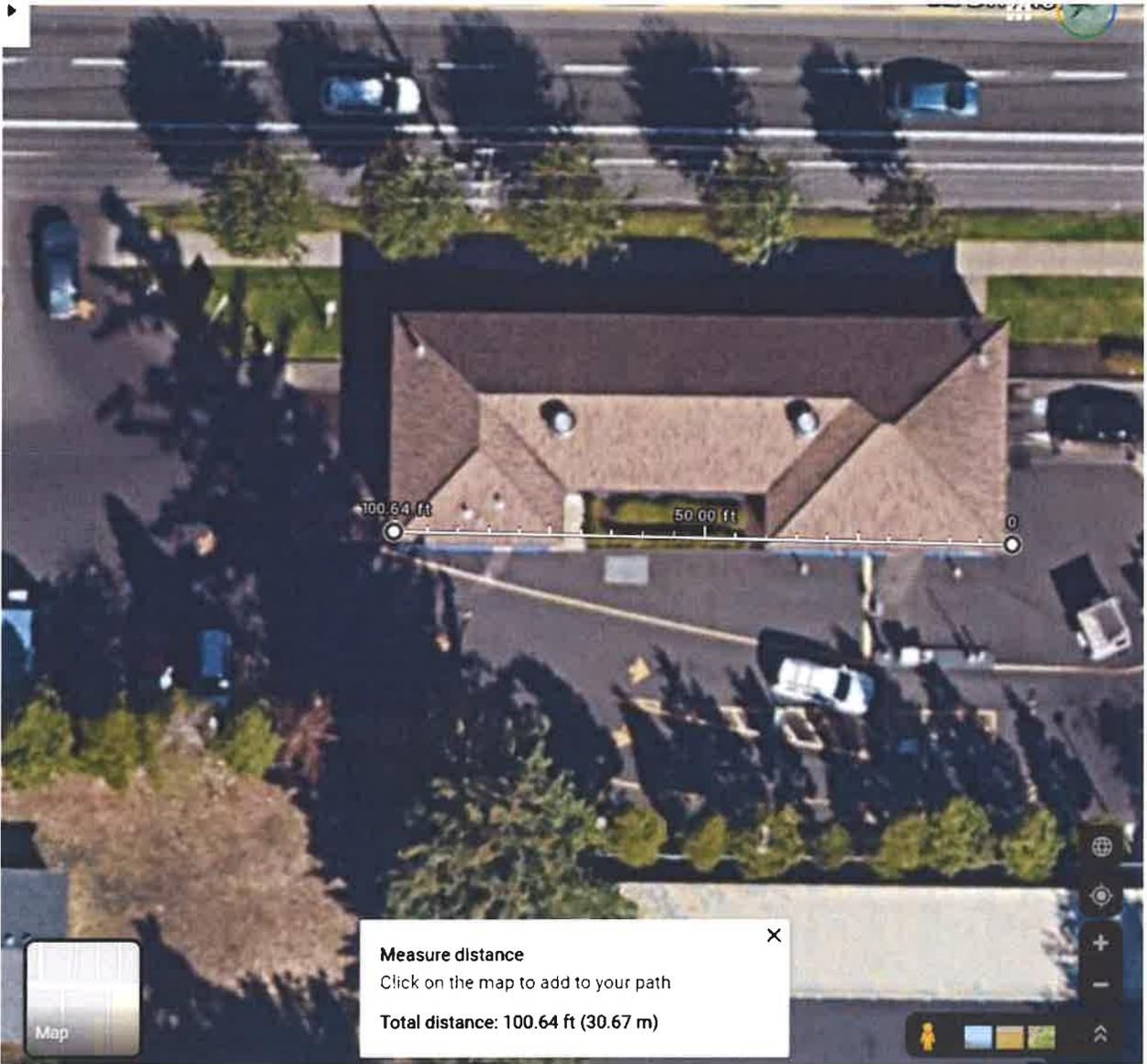
Clackamas County
Planning & Zoning Division

#1. the Division carwash has never washed 100 cars per hour. I stated in my rebuttal that it is more than likely because the facility was not capable of that production number. Hanna Coleman per their web site states up to 80 cars per hour from a 90 ft tunnel. The facility structure length is 100 ft.

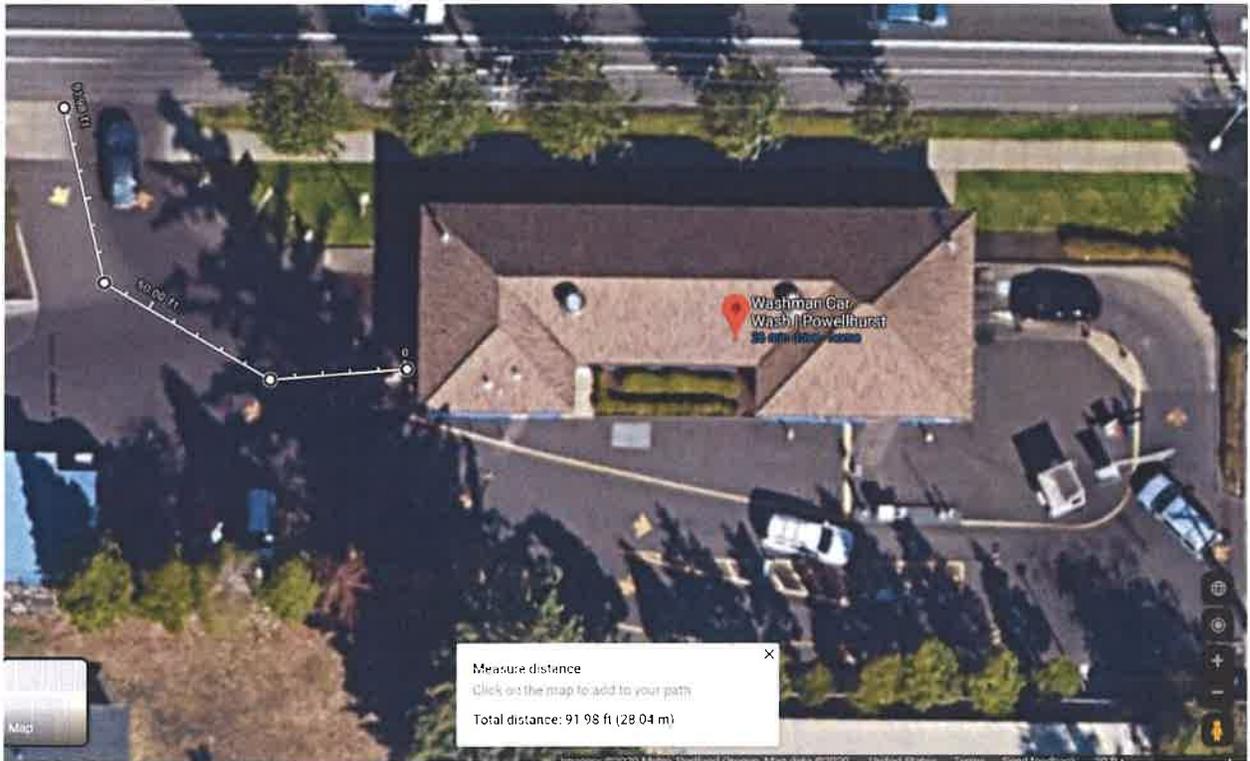
#2 Cars have a 3 to 5 min time from wheels on the lot to wheels off the lot with a 90% dry car. If you are washing and exiting cars that fast and they're not using the vacuum stations it will lead to extensive water track out. 90% dry?

#3. The statement was made that they only reach approx 10 max production days a year. I would say this is a non verifiable statement and believe it is very deceptive. On both 01-19-2020 and 01-25-2020 while my Self service 5 bay car wash was experiencing 2 of those high production days I drove past washman Glisan 3 times in 4 hours, All 3 times they had approx 7 to 10 cars waiting in line to wash. That should indicate they were at max production for those hours, whatever that tunnel was capable of. The Glisan Washman is a twin tunnel built in the 60"s.and is capable of 100 cars per hour. If you build it "and are capable" and the public sees they can get through in a reasonable amount of time they will come. Their new proposed facility has the look and function to far surpass any of the present day car washes in Clackamas County. The ITE manual does not make an accurate assessment of the Car Wash industry as there are multiple Car Washes around every city that have bare minimum tunnel lengths and outdated facilities, built decades ago versus what is designed in the year 2020 for mass production. Every Major Tunnel Car Wash Company that is progressing and moving forward has them. Blue Bird has 3 Locations all three of these locations are 200 ft conveyor tunnels. In the Hearings on Jan. 23 they stated 78 trips or 39 cars per hour. How can you apply a general number that does not take into consideration the varying regional numbers due to the weather cycles and the size disparity and technology increase of the modern tunnel wash in the year 2020. Common Sense has got to be entered into the plan. They committed to 120 cars per hour max why would we allow studies to be calculated with 1/3 of production capabilities. I talked to tunnel mfg. Coleman Hanna about the possibilities of building a 210 ft tunnel structure, 4 lane feed on 1.75 acres with a 120ft conveyor or 145 ft. conveyor producing 120 cars per hour. Both of sales persons that I talked to asked why I would not put a 160 ft or 180 ft conveyor in there and move some cars. Only reason would be to deceive in order to get approved and permitted and then modify at a later date. Conclusion on this subject would be doesn't matter how many cars 120 or 150, no Car Wash built to the present date has proven a way to go from dry, to wash, to 90% dry in 3 to 5min as they have stated and not leave an extensive track out. Ray's Auto Wash has been doing business on Lindy for 55 years and does leave a track out as pictures have shown. Any additional wet cars added there will create a well projected and documented roadway hazard, as seen on google earth and web site photo"s. Ray" Auto Wash is at max production of as many as 30 in a hour with an average of 25. The facility cannot grow

that number any farther due to lack of space and the human element of slowness. My experience of 40 Plus years of working @ Ray's Auto Wash would be, any more than 10 more in an hour, the intersection of Lindy Ave. and 82nd Ave. will be a Roadway Hazard. If the I.T.E. manual is going to be the basis for Applicant Project Studies would it not be fair to say Title 7.03.00 Roadway Use Impediments - Prohibited Activity - subsection D states Flow of Water Impeding Safe Use of traveled portion of the roadway. No owner or Lawful occupant of property abutting anyroad shall allow water to overflow, seep or otherwise discharged into the traveled portion of the roadway. **The source of the water flow shall be irrelevant.** I have spent enough time looking for previous legal cases that have been brought forward and documented similar to what is being contested here, and cannot find any. This may be the first case of this sort ? Does that mean we overlook intersection safety? It's time to realize in the year 2020, technology in car wash development and size of mass production have limited where a state of the art 200 ft tunnel wash should be located and laid out. Kaady Facility is a great example of just that .There are multiple other violations which I covered in my previous comments I am not going to spend time re-explaining those violations. Pictures are worth a thousand words here"s " 15,000"

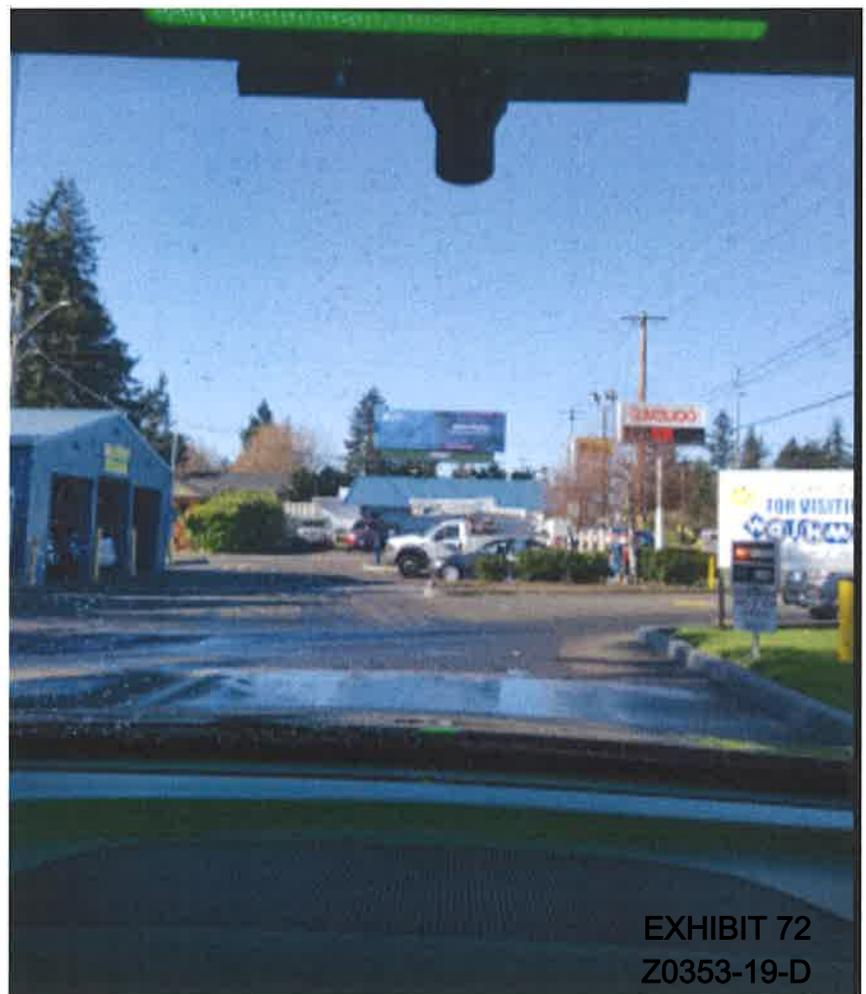


The Division Washman total facility length is 100 ft more than likely not capable of washing 100 cars per hour. Hanna coleman web site shows a 75 ft hybrid will wash up to 90 cars per hour.



This photo shows water track out 91 ft from the Division Washman you cannot see down the Division st. due to Tree shadows.

This photo taken by a customer and added to the Division st. Washman website shows a wet windshield. Looking through the windshield you can see the extensive water trackout making a right turn and going out the exit onto Division st. their regional manager made comments on the record of how the cars are blown 90% dry and don't leave much of a track out. This Division facility was also referenced on a screen that we all read stating " the proposed facility was going to use the same dring blower system." This facility is half the size of the proposed facility and washes at least 40 cars less per hour.

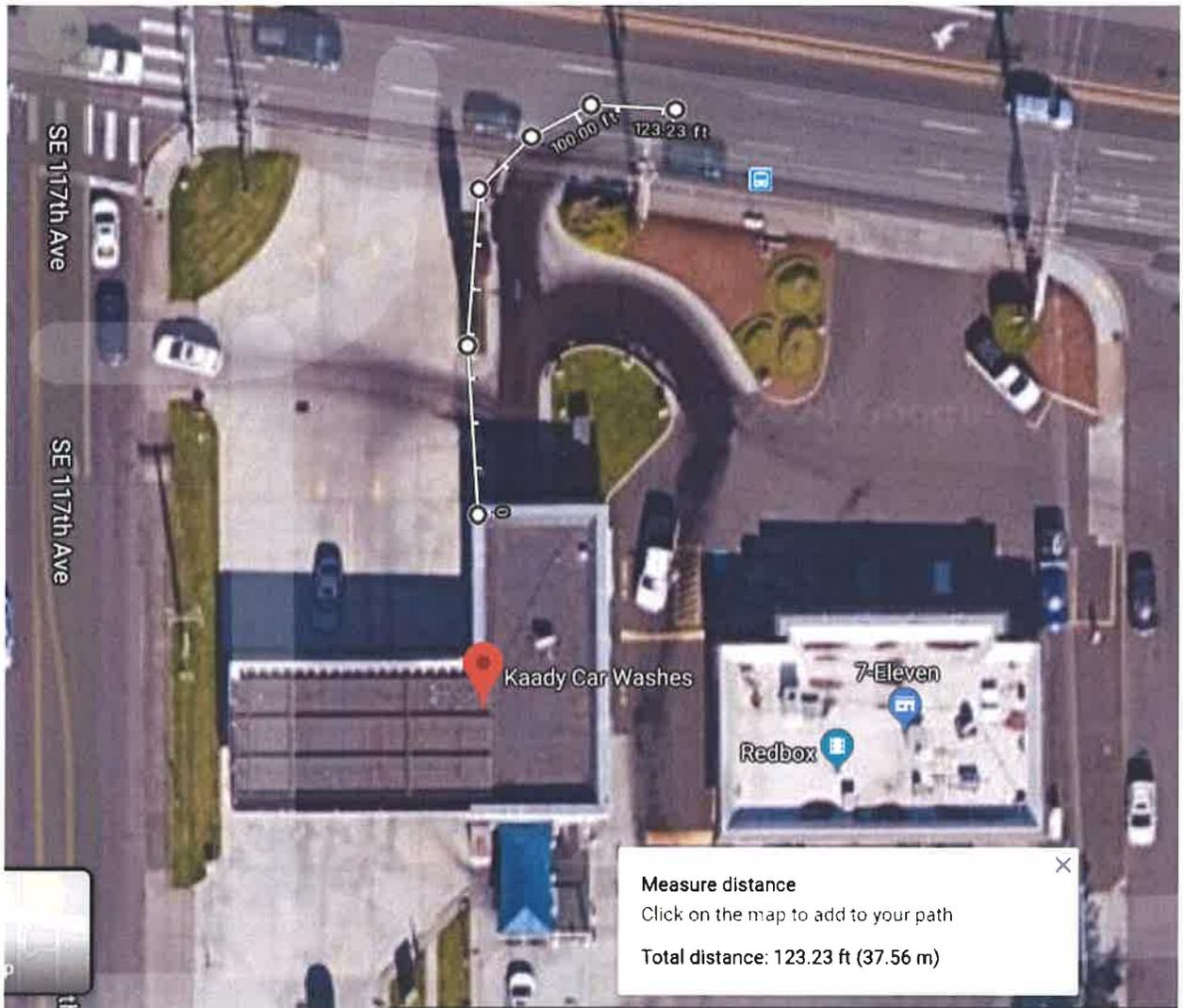


This is the st. Johns facility on Lombard it has the same tunnel length as the Division street facility and on the record as being comparable to the proposed facility. It has a water track out that goes 135 ft. Comparable in what way? it was built over 40 years ago.





This is the washman st johns facility which has a measured 100 ft tunnel length. 1/2 the size of the Proposed 210 ft. tunnel on Lindy. They stated on record that the new facility will have the same conveyor and blower system. Why would you build a State of the Art Car Wash on 1.75 acres with a 4 lane feed, 210 ft structure length and install a 90 ft conveyor? Very deceptive.



Eco Car Wash 11701 SE Mill Plain Blvd, Vancouver, WA 98684. This shows the extensive water track out that is typical of all tunnel car washes.



This car wash same previous has above. 65 ft tunnel. This facility is $\frac{1}{3}$ the size of the proposed facility



This would be representative of the proposed facility. Owned by Kaady and was opened in 2018. Has approx 30 vac stations 200 ft tunnel length and more than likely has a 160 ft.

conveyor capable of 160 cars per hour. Water track out measured 457 ft. plus whatever distance is on 70th Ave. this facility was built and laid out in the correct manner.



This is the new Blue Bird facility 4095 S Santa Fe Dr. sheridan Co. it has a 195 ft tunnel 4 lane feed. Tunnels have an extensive water trackout.



If a picture is worth a thousand words. 3 pictures are of the above facility shows just how wet the water trackout gets and how it is not possible to get cars dry by blow drying alone. This facility would be representative of the proposed facility. Together with what Ray's Auto Wash is already adding to Lindy Ave. makes it unacceptable for the proposed facility to exit onto Lindy Ave. I have added examples of 3 from different Car Wash companies. BlueBird facilities are all new car washes within the last 4 years. The Kaady facility was opened in 2018. The below Pictures are taken at Approx 120 ft. from the tunnel exit and go out several hundred feet.

#1. Water dragout its obvious and well documented.

#2 short queueing on Lindy Ave. allows cars to sit for an extended period of time

#3 Sharing an exit on Lindy Ave. with the busiest Self Service Car Wash in Clackamas County with a documented water trackout on record that goes up to the Lindy Ave./82nd intersection.

#4 up to 120 cars per hour 2 way traffic on a dead end street with 7 residential properties.

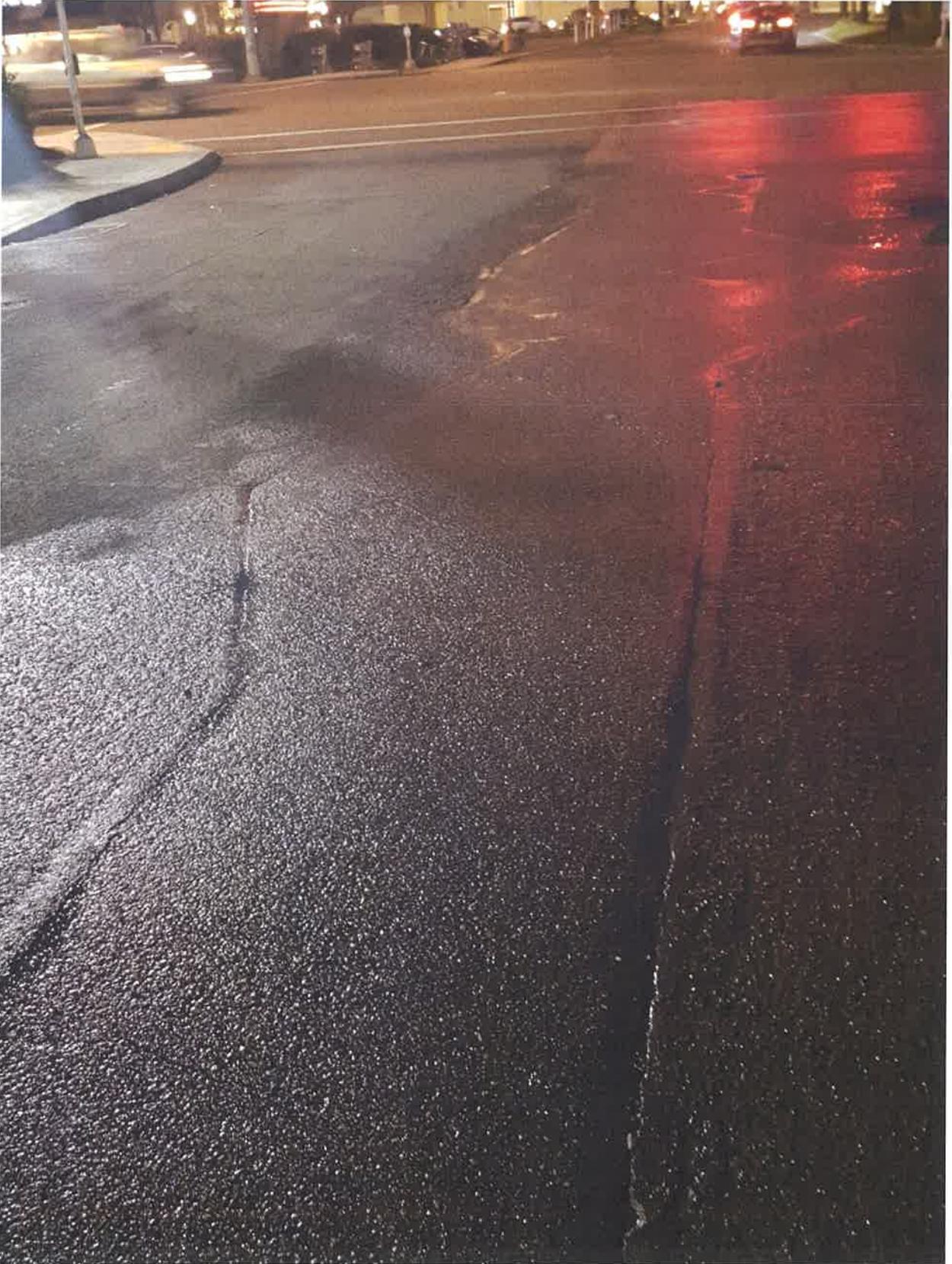
#5 multiple violations to county codes, County Roadway Standards, Regional Center Area Design Plans and Comprehensive Plan System Policies.

Owner Operator of Ray's Auto Wash
Cal Ray Monsrud



Rays Auto Wash Exit 01-25-2020 water trackout





January 30, 2020

Via Electronic Mail
Clackamas County Hearings Officer
Fred Wilson
c/o Anthony Riederer
Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045

RE: Washman LLC Design Review
Casefile # Z0353-D

Dear Mr. Wilson:

Thank you for your consideration of the above referenced application concerning a carwash in the county Corridor Commercial zone on SE 82nd Ave. Please include this letter and its attachments into the record of this matter. This letter transmits the following:

1. Letter from Peter Fry regarding vapor impacts from the proposal;
2. Supplemental analysis from Chris Clemow regarding transportation impacts
3. Washman Letter signed by Deon VanZee, Regional Manager.

With all due respect, we wish to add the following regarding the opponents' mistaken characterization of the proposed car wash as being or having a "drive-thru window service."

ZDO 510 lists "Drive-Thru Window Services" as a permitted "accessory" use in the subject Commercial Corridor zone. ZDO 510 lists "Services, Commercial – Car Washes" as a permitted primary use in the subject Corridor Commercial zone. Being specifically listed, means the car wash is required to be reviewed as a car wash. There is nothing about the proposed car wash that requires it or any listed use for that matter, to include a car wash, to be reviewed as a "drive-thru window service." The service provided by the proposed car wash is not provided at a drive through window. The service provided by the proposed car wash is to wash cars. That service happens in a car wash tunnel, not a drive through window. Services that occur at a drive through window are exchanging money for hamburgers.

The truism example opponents cite from ZDO 510.03(C) that says if a car wash is expressly listed as an allowable use, that it should not be reviewed under a more general use category like "commercial services", does not aid their position. Rather, it reinforces that the county properly reviewed the proposed car wash as a car wash and not as a Jack-in-the-Box.

Neither does the dictionary definition of “drive thru” help opponents’ position. The dictionary (Merriam-Webster online dictionary) defines “car wash” to include exactly what is proposed here “an area or structure equipped with facilities for washing automobiles.”

As the hearings officer well knows, the quest in interpreting a statute or here the county’s ZDO is to ascertain the intent of the legislature. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610-12, 859 P2d 1143 (1993), *as modified by State v. Gaines*, 346 Or 160, 171-72, 206 P3d 1042 (2009). The legislature – the Clackamas County Board of Commissions -- would be surprised indeed to discover that their express allowance of car washes in the corridor commercial zone required review under drive-thru window services. Nothing suggests such was intended and to get there requires violating the ORS 174.010 maximum not to add what the legislature has omitted.

It is respectfully submitted that the county did not err in reviewing the proposed car was as a car wash and not under standards that apply to drive-thru windows. Thank you for your consideration.

Very truly yours,



Wendie L. Kellington

WLK:wlk
CC: Client team

January 30, 2020

MEMORANDUM

TO: Wendie Kellington, Attorney at Law
FROM: Peter Finley Fry
RE: Planning Director decision: LU# Z0353-19-D.
Impact of car fumes

As a certified and trained professional land use planner, I have had the opportunity to guide the mitigation findings and approach to address environmental externalities that would trespass property lines.

Environmental externalities raised by the neighbors, in this case, include noise and vapor. Noise and vapor function very differently. The noise impact has been carefully studied and mitigated.

The vapor impact is not discernable. And there is no difference between a six foot versus ten-foot wall.

Environmental externalities are the affects, in addition to, the existing conditions (the ambient condition).

The intersection at 82nd and Lindy processes an estimated 2,911 cars at peak hour. The car wash could process 100 (39 more likely) at peak hour. 100 idling cars is 3.4% of the intersection's affect. Typically, on an average day with 39 cars, the affect would be less than 1%.

Vapor is functionally different from sound as vapor is a field not a wave. Vapor will seek paths to escape no matter how small the opening is (osmosis). Any vapor from the site, as well as any other in the area -the intersection, restaurant exhaust, other idling- would disperse all around the source to include spilling over the wall. The wall's height would not be relevant.

A model of the "vapor affect" of this car wash would not be accurate due to the very small amount any car wash idling would create. This is particularly evident given the di minimus effect of any such idling and the fact than many cars are turned off while waiting to be washed.

Vapor is extremely manipulated by wind and atmospheric conditions. These affects make it impossible for the car wash to be a consistent source of external vapor pollution on any nearby property.



January 30, 2020

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Attention: Hearings Officer
150 Beaver Creek Road
Oregon City, Oregon

Re: **Washman Carwash – SE 82nd Avenue/SE Lindy Street – Clackamas County, Oregon**
Technical Letter #2 – Response to Testimony Presented at the January 23, 2020 Hearing

Clackamas County File Number Z0353-19 Design Review, Appeal of Planning Director Decision
C&A Project Number 20180601.00

Dear Hearings Officer,

This technical letter supplements the applicant's transportation materials submitted into the public record, including the July 31, 2019 Washman Carwash Transportation Impact Study (2019 Washman TIS), the January 23, 2020 Technical Letter #1 – Response to Appeal of Planning Director Approval, and applicant testimony presented at the January 23, 2020 public hearing.

Testimony was presented at the January 23, 2020 hearing in oral and written formats. An underlined summary of the hearing testimony specific to transportation is presented below. It is followed by the Applicant's response.

Testimony: There is insufficient queue storage on the public roadway system for vehicles exiting the carwash.

Applicant Response: Based on trip generation data from the 2019 Washman TIS, the carwash is anticipated to generate 39 exiting trips during the PM peak hour. This wash rate is consistent with detailed data provided by Washman for a similar facility located at 11838 SE Division Street in Portland. It is further noted the Washman data identifies a maximum wash rate of 97 vehicles per hour during the peak wash month (March 2019) which is the worst-case scenario that is anticipated to occur at the proposed carwash up to 10 days per year during peak wash hours from 10 AM to 2 PM.

Notwithstanding the fact the 2019 Washman TIS addresses the relevant County and ODOT analysis standards in terms of trip generation assumptions, if a wash rate of 100 vehicles per hour is assumed, vehicles will exit the carwash at a metered rate of one vehicle every 36 seconds. The 82nd/Lindy traffic signal cycle length is 90 seconds; therefore, the carwash will discharge approximately 3 vehicles per signal cycle.

As identified in the 2019 Washman TIS, the westbound 2020 Pre-Development PM peak hour traffic volume at the 82nd/Lindy intersection is 34 vehicles per hour; i.e., this is the westbound traffic volume on Lindy prior to the development. For this volume, the TIS queuing analysis found the westbound 95th percentile queue length to be 50 feet (2 vehicles) and the average to be 25 feet (1 vehicle). Noting the proposed carwash access to Lindy is more than 150 feet (6 vehicles) from the 82nd/Lindy intersection, there is sufficient queue storage on Lindy to accommodate a 100 vehicle per hour wash rate. Further, while it is not anticipated to be necessary, additional exiting vehicle queue storage of approximately 125 feet (5 vehicles) is available in the carwash site itself.

Testimony: The Applicant's carwash trip generation assumptions are too low, and the Applicant should use observed trip generation rates at other carwashes in the Portland area. Specific carwashes were not identified; however, it was generally argued that trip generation should be based on peak wash operations during peak periods at local facilities versus using generic Institute of Transportation Engineers (ITE) data.

Applicant Response: 2019 Washman TIS trip generation conforms to Clackamas County Roadway Standards Section 295.14 – *Trip Generation*, which states,

"a. Trip generation shall be based upon the latest edition of ITE's Trip Generation Manual and Trip Generation Handbook.

b. The traffic impact study shall include an estimate of site-generated trips, pass-by trips, diverted-linked trips, and internal capture trips during each study period.

c. If a trip generation rate similar to the proposed use is not available within Trip Generation Manual, then the procedures of the Trip Generation Handbook regarding obtaining local rates shall generally be required unless local trip data is unavailable for the proposed use or as approved by Engineering.

d. Trip generation shall be based upon an average weekday unless otherwise specified by Engineering."

Materials in the ITE *Trip Generation Handbook*, 3rd Edition state,

"Chapter 4 presents a recommended process for assessing the appropriateness of Trip Generation Manual data for estimating trip generation at a particular study site. The procedure states that local data should be collected and used to estimate trip generation under the following circumstances:

- If the characteristics or setting of a study site are not covered by a land use description and the individual data points presented in the Trip Generation Manual data volumes, OR*
- If the size of a study site is not within the range of data points presented in the Manual data volumes, OR*
- If the Manual database has an insufficient number of data points, OR*

- *If the Manual database produces weighted average rates or fitted curves for which standard deviation or regression coefficients are not appropriate for use, OR*
- *If local circumstances (such as the site setting or context, age of residents, worker shifts, area type, parking conditions, or business activity) indicate a study site may have different trip-making characteristics than the baseline sites for which data were collected and reported in the Manual.”*

ITE *Trip Generation Handbook*, 3rd Edition *Cautionary Notes* further state,

“While many analysts and local officials feel their area is somehow unique, this can lead to a conclusion that this uniqueness means vehicle trip generation characteristics in their area are different from those in the national database. However, it is the experience of the professionals who prepared the guidance contained in this Handbook that differences in trip generation between sites have more to do with the site context and setting than exclusively with geography.

A development site in one metropolitan area will generally have trip generation characteristics comparable to those of a development site in another metropolitan area if the site settings are similar. In contrast, two development sites in the same state or same local jurisdiction may have different trip generation characteristics because of significant differences in their settings. For example, the analyst should expect vehicle trip generation characteristics to be different between sites located in a downtown setting versus sites located in a suburban setting. Likewise, a site located near and with accessibility to major transit service can exhibit a lower vehicle trip generation rate than a similarly located site with no transit service.

It is recommended that the geography of data points not be the primary focus of concern with the national database when deciding whether to collect or use local trip generation data. Rather, the analyst should understand that site context is the overriding factor influencing trip generation, not the state or local jurisdiction.

Collection of Local Trip Generation Data The decision to establish a stand-alone local trip generation rate or equation should start with the development of a hypothesis for why the national Trip Generation Manual data might not be appropriate for local application. For example, the rationale could involve the age of residents, or the supply and price of parking, or market area characteristics for a retail site. It is critical that the analyst document a common-sense rationale for the local trip generation characteristics to be significantly different from that presented in the Manual. Clearly, the absence of any data covering a particular land use or a data deficiency in the existing database (for example, in the range of site sizes) is a sufficient rationale.”

The Applicant’s use of ITE data in the 2019 Washman TIS is appropriate because it is required by County standards. It is also appropriate as a practical matter because the setting of the proposed carwash; i.e., an urban environment, it is similar to ITE-surveyed facilities, the size is similar, there is sufficient ITE data, the ITE data produces weighted average rates with an appropriate standard deviation, and there are no local circumstances indicating the proposed carwash has different trip-making characteristics than the baseline ITE sites. Further, detailed data provided by Washman for a similar carwash facility located at 11838 SE Division Street in Portland is consistent with the ITE data indicating the proposed carwash is not unique.

Testimony: The Applicant's TIS assumed background traffic growth rate is too low and does not account for the Heirloom 350 apartment complex currently under construction.

Applicant Response: Clackamas County Roadway Standards Section 295.12(a) states, “For short term analysis of five years or less, growth rates shall not typically be less than 2% per year unless verifiable evidence is submitted or known which indicates that the local growth rate is less than 2% per year.” Consistent with this requirement, the 2019 Washman TIS background traffic growth is assumed to be 2% per year.

Clackamas County Roadway Standards Section 295.12(c) states, “In process traffic, or developments that have been approved yet are not yet occupied, shall be included in addition to growth projections...” Consistent with this requirement, the 2019 Washman TIS included in-process traffic volumes from the SE Luther Road Multi-Family Development (the above-referenced Heirloom 350 apartment complex) (Clackamas County File Number Z0625-18).

Overall, the background traffic growth rate and in-process traffic assumptions contained in the 2019 Washman TIS accurately account for all background traffic growth, meeting County standards. These assumptions are consistent with standard engineering practice.

Testimony: The Applicant's TIS study area is too small and does not evaluate impacts on Cornwell or the 82nd/Cornwell intersection.

Applicant Response: Primary access to the proposed carwash will be to Lindy and secondary, gated emergency/limited use access to Cornwell. All access to 82nd will be eliminated. It is further noted Cornwell access use will be limited to approximately one delivery vehicle per week and the occasional disqualified vehicle (less than 1%) exiting from the car wash.

In determining the TIS scope of work, a June 11, 2019 Transportation Impact Study (TIS) – Preliminary Analysis and Proposed Scope of Work letter was reviewed and approved by Clackamas County staff identifying the 82nd/Lindy and 82nd/Johnson Creek intersections for analysis. A copy of this letter and the County review response is included in the 2019 Washman TIS, Appendix B.

As identified in the 2019 Washman TIS, the subject development causes a <2% traffic volume increase at the 82nd/Lindy intersection and a <1% increase at the 82nd/Johnson Creek intersection. Given the TIS-assumed trip distribution, there is also a 1% impact to traffic volumes at the 82nd/Cornwell intersection.

Overall, intersection traffic volume increases resulting from the development are less than 2% and essentially unmeasurable. It is further noted that daily traffic fluctuations at these same intersections are typically greater than 2%. As such, the subject development has *de minimus* transportation system impacts, the County is not recommending any mitigating improvements, and none are warranted.

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer



CARWASH • Shell  • Autotoystore • detailMAN

P.O. Box 4124
Portland, OR 97208
503-255-9111
Fax 503-257-9790
www.washmanusa.com

January 30, 2020

Via Electronic Mail

Clackamas County Hearings Officer
Fred Wilson
c/o Anthony Riederer
Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045

RE: Washman LLC Design Review
Casefile # Z0353-D

Thank you for your consideration of our application to establish a carwash in the county Corridor Commercial zone. At the January 23, 2020 hearing several issues were raised to which we felt a response was warranted. In that spirit, we offer the below.

Cars Exiting the Car Wash Will Not Cause Queue backups onto Lindy

Cars exiting the car wash will not cause congestion on Lindy. The normal, average, anticipated wash rate is 39 cars per hour during our peak hours. Thus, on a normal summer day (when we get our normal average days – winter days are much less), .65 cars will exit the car wash onto Lindy per hour. The worst-case scenario, which will happen perhaps up to 10 days per year, is that 100 cars will exit during our peak hours, which is 10am to 2pm. That amounts to 1.7 cars per minute. The light at 82nd & Lindy changes every minute. This means that up to 2 cars will be waiting at the light if they choose to turn left. Please note that a fair percentage of our customers will wish to turn right (and not left) and that a right turning movement at Lindy and SE 82nd will happen without any need to wait for the light. Accordingly, no congestion can reasonably be expected.

Our Car Wash Will Have Relatively Minor Impacts Compared to Other Uses Permitted in the Corridor Commercial Zone

Our proposed carwash is a low impact business. Please note that car wash volume is very seasonal in the northwest. The rainy months have low volumes of people who wish to wash their cars, for obvious reasons. The relatively few dry months we have, result in obviously higher volumes of people interested in washing their cars. As compared to other allowed commercial uses in the CC zone, ours probably has the fewest traffic and other impacts of almost any.

Our proposed facility will vastly improve the aesthetics of the subject property and proposes to include more landscaping than is required by the ZDO.

Our proposed car wash has a design that puts the noise producing machines inside of our building and puts the car dryers 40-feet inside that building, away from the exit, also minimizing noise.

A 6’ or an 8’ Wall on the East Property Line Adequately Mitigates Impacts to Meet All Standards

We have lots of car washes with the same proximity to neighbors and have not had complaints. We run a good operation. That is not to say that an opponent cannot now go out and drum up opponents. But our decades long history reveals that we simply do not get complaints from adjoining neighbors.

The proposed 6’ wall adequately mitigates our noise such that our noise **in all cases** meets the **only applicable noise standard** – the DEQ commercial and industrial standard for existing noise sources. In fact, of the 12 noise receptors measured, the proposed 6’ wall means half of the residences will experience **less noise than they do now** (yellow highlighted below):

Comparison of Existing and Future Modeled Sound Levels Changes Around the Site (dBA)		
ID	Description of Receiver	Proposal with 6' wall versus Existing Modeled Sound
R1	North of site, north of Cornwell	-1
R2	Northeast of site, north of Cornwell	-1
R3	Owned by Washman	-8
R4	Apartment north	1
R5	Apartment center	-2
R6	Apartment center	-6
R7	Apartment south	-8
R8	East of site, south of Cornwell	1
R9	Southeast of site, north of Lindy	1
R10	Southeast of site, north of Lindy	1
R11	Southeast of site, south of Lindy	3
R12	Southeast of site, south of Lindy	4

Negative numbers are a sound level decrease relative to existing conditions. Positive numbers are a sound level increase relative to existing conditions.

Five residences will experience the most minimal of sound increases that still meet all DEQ standards and that are well-documented to be “barely perceptible” (green highlighted below):

Comparison of Existing and Future Modeled Sound Levels Changes Around the Site (dBA)		
ID	Description of Receiver	Proposal with 6' wall versus Existing Modeled Sound
R1	North of site, north of Cornwell	-1
R2	Northeast of site, north of Cornwell	-1
R3	Owned by Washman	-8
R4	Apartment north	1
R5	Apartment center	-2
R6	Apartment center	-6
R7	Apartment south	-8
R8	East of site, south of Cornwell	1
R9	Southeast of site, north of Lindy	1
R10	Southeast of site, north of Lindy	1
R11	Southeast of site, south of Lindy	3
R12	Southeast of site, south of Lindy	4

Negative numbers are a sound level decrease relative to existing conditions. Positive numbers are a sound level increase relative to existing conditions.

That leaves one residence at R12 that the wall has no effect upon whatsoever. Please understand this point. The wall is on the east side of the subject property. R12 is across the street to the north. The mitigation for that residence is the design of the project with the noisy machinery inside the noise tunnel and especially the dryer being 40 feet from the exit. A 6' or a 10' wall makes zero difference to R11 and R12.

The owner of this residence and the residence at R11 have written in support of the project. See Exhibit 1 Email from Everett and Sherri Twilleager, the owner of both R11 and R12.

R12 will have just a 4 dBA modeled increase over the sound that residence experiences now from sound from Lindy and 82nd, which were the only modeled sound inputs for that residence and all residences studied. A 4 dBA increase will be barely noticeable. Further, it is important to put that 4dBA increase at R12 into perspective; the sound at R12 goes from 43 dBA to 47 dBA, which is below the DEQ nighttime standard.

 OAR 340-035-0035 Table 7 Existing Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour		
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
	L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
	L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
	L ₁ – 75 dBA	L ₁ – 60 dBA

The 47 dBA modeled noise levels at R12, do not justify any further mitigation and certainly do not justify a 10' wall.

We wish to also point out that 47 dBA includes only the proposal and the modeled sound of 82nd and Lindy. That modeled 47 dBA ignores the fact that R12 is closer to the open air “Ray’s car wash,” than the proposed facility:



Distance from R12 to proposed facility:



All that an 8’ or a 10’ wall achieves is, at significant expense to the applicant and engineering difficulty, further decrease sound over existing background levels – it has zero effect on decreasing sound from the proposed facility. A 6’ wall fully mitigates our sound to the residences at R1-R10. As noted, the residences at R-11 and R-12 are not concerned and have expressed their support of the proposal as an improvement to the area. The noise impacts to R11 and R12 are minor and maintain a noise level well below applicable DEQ limits.

The table below demonstrates that a 6’ wall adequate mitigates the proposal’s noise:

ID	Description of Receiver	6-foot to Modeled Background	8-foot to Modeled Background	10-foot to Modeled Background
R1	North of site, north of Cornwell	-1	-1	-1
R2	Northeast of site, north of Cornwell	-1	-1	-1
R3	Owned by Washman	-8	-10	-12
R4	Apartment north	1	1	-2
R5	Apartment center	-2	-5	-8
R6	Apartment center	-6	-9	-11
R7	Apartment south	-8	-10	-12
R8	East of site, south of Cornwell	1	0	-1
R9	Southeast of site, north of Lindy	1	-1	-3
R10	Southeast of site, north of Lindy	1	0	0
R11	Southeast of site, south of Lindy	3	3	3
R12	Southeast of site, south of Lindy	4	4	4

R11 and R12 are **completely unaffected by any wall**, let alone one that is 8' or 10' in height.

We hope it is clear that there is no difference in the mitigation of noise from **the proposal that happens with an 8' or a 10' wall, that does not happen with a 6' wall**. The **only noise that an 8' or 10' wall mitigates** is to further reduce **existing noise levels**; not those from the proposed facility. Therefore, it is respectfully submitted that it is unfair and unjustified to require the applicant to incur the significant expense and engineering difficulty (a 10' wall adds enormous cost and we are advised required 36" footings) to construct an 8' or a 10' wall to mitigate for impacts that have nothing to do with our proposal.

Accordingly, we request that the condition of approval require only that a 6' wall be constructed. It is noted that Ray's Car Wash has a 7' wall¹ on its east property boundary and Ray's has outdoor (unenclosed) vacuum stations that are just one house away from R12. The owner in Exhibit 1 has explained that Ray's car wash does not cause negative impacts to his residence that he reports the closest home he owns, is just 100' away from Ray's. Again, and with the greatest of respect, it seems unfair that we would have to install an 8' or 10' wall to mitigate for background noise levels when the car wash across the street seems to do just fine with a 7' wall. Because our car wash has enclosed machinery, we believe the evidence establishes that a 6' wall is appropriate; however, if there is a parity reason, we would accept a condition for a 7' wall so ours is like Rays across the street. We do wish to reinforce here that the owner of the one affected house (R12) supports our project and a wall of any height does not improve his low 47 dBA noise profile in any case (rather our design does). This makes putting a requirement on us for an 8' or 10' wall particularly unwarranted and unfair.

As staff correctly pointed out, ZDO 1009.040(D) requires "buffering" to "mitigate adverse visual effects, dust, noise or pollution and to provide for compatibility between dissimilar adjoining uses." That ZDO provision goes on to explain that "special consideration" should be given to buffering residential and commercial uses. We take that requirement

¹ I personally went out to measure this wall after the hearing and discovered it is 7'. At the hearing we were of the understanding that the wall was 6'. We apologize for the error.

seriously and believe the evidence demonstrates that our innovative design (vacuum machinery inside wash tunnel and dryers 40 feet inside tunnel from exit, among others), together with a 6' wall, achieves the stated goals of that code section.

A 6' wall eliminates visual impacts of the car wash on adjoining residences. The only residences with a line of sight support the project (R11 and R12). Exhibit 1. And as we hope you observed at the hearing, and elsewhere (to include Exhibit 1), the condition of the property with the proposal is a great improvement over its current appearance.

The car wash does not create dust. Therefore, there is no mitigation to consider for dust.

The only possible "pollution" is from idling cars waiting to be washed. As the explanation from Peter Fry also submitted this date points out, even if you assume that all cars visiting our facility are running as they queue, pay, go through and exit the car wash and vacuum their cars, the fumes' impact from our customers' cars is insignificant and is lost among the automobile fumes from I-205, 82nd avenue, the Fred Meyer parking lot and others. Further, it is noted, that the cars that will come to our car wash are by and large already on 82nd anyway. An 8' or 10' wall does not better mitigate for car fumes, than a 6' wall and there is no evidence to support a contrary conclusion.

One final consideration is that Washman posts signs asking customers to turn off their cars while they wait and while going through the car wash. Most of our customers do that. In fact, modern cars turn themselves off when they stop. Exhaust from the proposal is simply not fairly raised as an issue.

It is respectfully submitted that the evidence and approval standard bases for conditions support a condition of approval requiring a 6' wall on our eastern property boundary and not an 8' wall or a 10' wall along the east property line.

Our Operating Hours

The proposed facility's operating hours will be as follows:

10/16 to 2/28 7:30am to 6:30pm
3/1 to 4/30 7:30am to 7:30pm
5/1 to 9/15 7:30am to 8:30pm
9/16 to 10/15 7:30am to 7:30pm

We do not object to a condition of approval to that effect.

Our Facility Will Not Track Out More Than a Negligible Amount of Water Onto Lindy

The Advanced Efficiency Drying System and the 190 ft from the car wash exit to the street will result in negligible freshwater car runoff.

No Blaring Music

There will be no loudspeakers on the lot. There will be an instructional speaker in the car wash tunnel 35 ft from the entrance the sound of a normal voice, will not be heard in the neighborhood. The facility will have signs posted and enforced that people must turn off their music systems so that they are not audible outside of their vehicle.

Numbers of Cars Processed at the Facility

Contrary to opponent assertions, the car wash will not be able to process, wash and dry 180 cars per hour, as it is physically impossible. The car wash tunnel is designed 210 ft to accommodate a 140 to 150 ft conveyor with maximum capacity of 120 cars per hour. The extra length provided is to mitigate sound and provide a friendlier wash experience to our customers. Further, the 140 to 150 ft conveyor length is to provide customers a clean dry car, which is the business we are in. Historically, at the max and very infrequently, we have washed up to 100 cars per hour. On most days we will process just 39 cars per hour. By way of analogy, my car speedometer goes to 160 MPH, but I never drive anywhere near that fast.

Cornwell Traffic

The Cornwell entrance will not be used in the normal course of business as it is not feasible or allowed per the plan approval. It is an emergency access only including on the infrequent basis where after paying a customer has to get out of the queue (I can recall it happening twice in my twenty years).

Outdoor Lighting Will be Directional and Shielded

Outdoor lights will be directed downwards towards the car wash premises and not the neighbors. It will be shielded to avoid spillover.

Washman LLC does not have Drive Through Windows

We understand that opponents contend that our car wash will have a drive through window. That is incorrect. There are no drive through windows at the proposed car wash or any car wash that I know about. The proposed car wash is an automated car wash where customers pay at a pay station, and drive to the tunnel; the machinery in the tunnel then automatically moves their car through the wash process, and the car then exists to either vacuum or to leave the facility.

It is respectfully requested that you approve the proposal. Thank you.



Deon VanZee
Washman LLC
Regional Manager

Enclosure

CC: David Tarlow
Wendie Kellington

Response to Appeal Meeting Z0353-19-D (01/23/2020)

January 30, 2020

Mr. Fred Wilson, Hearings Officer:

Noise

What remedy do the neighbors have if noise complaints arise?

- At hearing, Washman's attorney stated no noise complaints from Rays Auto Wash with a six foot wall.
 - Cars don't idle in queue at Ray's
 - After 6 foot wall behind Ray's is, 10 feet of dirt, an easement road, another patch of dirt then another patch of dirt. It is 94 feet to the nearest house.
 - Washman's would be 5 feet to the apartments

Clackamas County Noise Code, Section 6.05.050 Exceptions:

- *F. Sounds caused by industrial, commercial, timber-harvesting, or utility organizations or workers during their normal operations;*
 - *Commercial business' are exempt "during normal operations"*
 - *Sound measurements must be taken with a sound level meter meeting ANSI standards*
- *Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed. C. Measurements may only be made at, or within, three (3) feet of a window or door of a noise sensitive unit, occupied by a person making a complaint under this chapter*
- The County Board Meeting of 11/27/2018 does not appear to resolve or amend this particular issue.
- The County Board Meeting appears to meet some of these issues 07/02/2019 but I cannot find a finalized resolution.

One of my noise concerns are music playing loudly from customers cars along with loud car engines. Other concerns are from the noise generated from the act of the business itself. Additionally, the neighbors at 118th and Division sited the bell that rings every time a car drives in. They state that the bell can be heard 50 yards away. Please, no bell!

- Neighbors do not have access to Sound measuring equipment meeting ANSI standards, nor would neighbors be trained in the use of such equipment. This is not reasonable. Neither is the (3) feet rule to truly be “excessive noise.”
- It appears that noise complaints would go to the County Sherriff’s Office. Will that Department be responsible for compiling complaint data?
- Who will notify the County and what Department, if the noise complaints become “excessive?”
- How many complaints would be allowed before it becomes a nuisance?
- Would complaints be compiled on a rolling calendar year?
- What remedy will the neighbors have at that time?
 - It does not appear that any type of recourse is available based on current County Noise Code. The company may continue to have excessive noise without any recourse or remedy available to the neighbors. This is not reasonable.

Traffic

The Supplemental Letter from Washman’s dated 01/23/2020.

- *On page one, the letter sites 100-120 cars only occurs 5-10 times a year*
- I would like to see the data from Washman’s to support this statement.
 - Have Washman’s submit hourly / monthly counts for the past three years
 - From two locations: Glisan / 82nd and 118th / Division
- *Page 1, sites PM peak of 39 cars per hour*
- I believe that 39 cars per hour is national data from the ITE manual, not specific to either 82nd and Lindy or to Washman’s in general
 - *Page 3:”Because a large portion*
 - *of car wash activity is spontaneous, versus customers making a specific trip to the carwash, if wait times become excessive customers will go elsewhere.”*
 - If this is the case, why does 100-120 cars an hour occur 5-10 times a year? Is it higher? Please have Washman’s supply hourly / daily / monthly counts for the past three years.
 - My own traffic count at the Glisan location, on January 8, 2020, a Wednesday, at 11:30 AM, count 31 cars entering / exiting the lot in just 15 minutes. That equates to over 120

cars per hour, in January on a Wednesday not at peak travel times.

- *“Off-site queue impacts at the proposed carwash are not reasonably expected to occur and certainly are not anticipated to limit adjacent business access.”*
 - According to neighbors that live closely to the 118th and Division location.
 - *“The traffic is outrageous. People entering through exit only, blocking the entrance on 119th. Traffic backs up onto Division near the entrance.”*
 - Other neighbors sited traffic and noise as an issue to them.

What remedy will neighbors have if traffic and or noise affect livability? What standards must be met? Who will assess this?

From Supplemental Letter dates 01/23/2020: *“Additionally, Lindy to the east is already gated to prevent non-resident access to the Holly Acres Mobile Court.”*

- The dead end street of Lindy is only “gated” in that there is a fence with a pedestrian gate.
- It is not “gated” in the sense of a “gated road” access.

From Supplemental Letter dates 01/23/2020:

- Supplemental states that Augusta does not have access to 82nd
 - Page 2 of letter dated 1/23/2020

“Consistent with this, it is noted that when the properties south of Lindy redeveloped, access to 82nd was eliminated and was relocated, in part, to Lindy.”
 - I’m not clear on what they mean by “eliminated” SE Augusta National Drive connects and has access to 82nd

Hours of Operation

- At Appeal, Washman’s posted Hours of operation as a mitigation

- What happens if they change / alter hours
- Remedy

Cornwell Emergency Exit

- Who will monitor abuse
- What remedy if they do abuse
- What criteria equals abuse

Property Values

- What is remedy if property values fall as a direct result of the carwash
- How will this be measured
- What remedy do homeowners have

Site Design

The design on 82nd and Lindy has only one entrance and exit driveway. Most of the other Washman's locations have multiple entrances / exits or the entire length of the lot to enter /exit.

Make the entrance/exit along 82nd, not on a dead end residential street.

In Supplemental Letter, Washman states that residents of Lindy will not be affected by traffic entering /exiting the car wash on Lindy. No, cars will not generally be driving directly in front of their houses, but just getting to and from their house will be a challenge.

Thank you for your time,

Ben Reed

Garden Lane

Hearings Officer
Z0353-19-D
Tonya Reed
January 30, 2020

Traffic Impact Analysis

Our neighborhood is not in a financial position to hire a traffic engineer for an independent study. In lieu of providing our own study, I have extrapolated pertinent information from two other applications submitted to Clackamas County, and a matter of public record. Both of these applications are currently active, and include traffic analyses from the same time period. Because of their proximity to the proposed car wash, portions of these two studies become relevant for use in elaborating on the current traffic analysis for the proposed car wash.

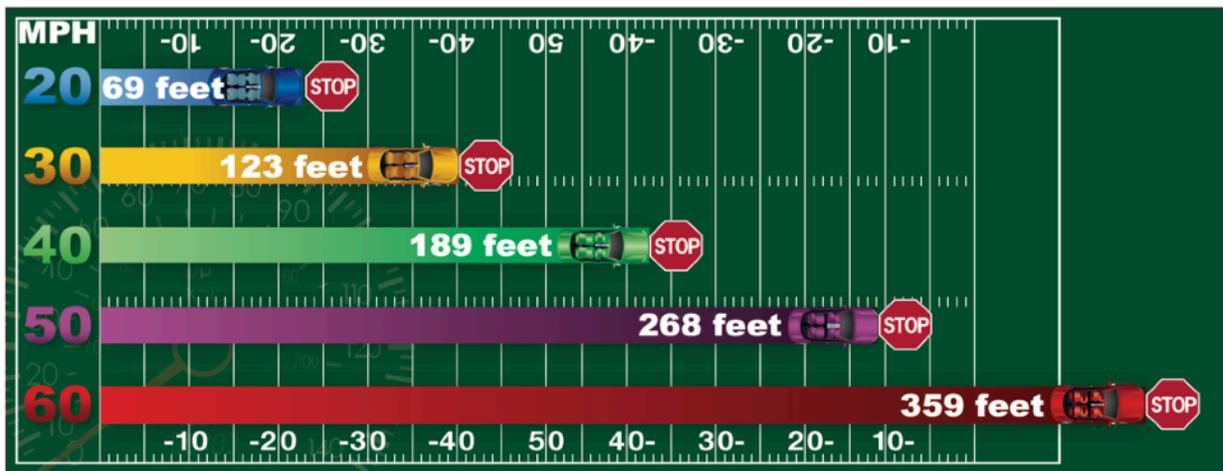
In Z0332-19, Chase Bank application, Kittelson & Associates provided a "Traffic and Safety Analysis." Within the report it states, "ODOT issued a response letter to Clackamas County indicating staff had determined that the proposed Chase Bank development is considered to be a 'change of use.' One of the two reasons cited was "a preliminary review of the crash history for this section of OR Highway 213 which is a top 10% SPIS (Safety Priority Index System) corridor in the State..." Further, "The agency also indicated there is a crash history of reported crashes associated with left-turn movements at the northern site access, and recommended that the access be restricted to a right-turn only. All of these concerns were expressed again by ODOT staff at a July 16, 2019 pre-application meeting with the development team."



The area described by ODOT is on 82nd between Cornwell and Lindy, and most certainly impacts the intersection of Lindy and 82nd, as well as the intersection of 82nd and Cornwell. The above photo illustrates the Fred Meyer north site driveway mentioned in the analysis, and the movement of traffic causing the type of crashes described by ODOT. Google Maps measured the distance to the north driveway at 251.39 feet from the beginning of the southbound left queue at the intersection of Lindy. This is approximately 100 feet beyond the Washman post-development SB L queue of 150 feet on 82nd, as determined by the Washman’s analysis. Post-development SB L queue on 82nd is listed to be 150 feet.

The **conclusion** for Kittelson & Associates analysis reads: “Based on our initial findings, the proposed development does not trigger ODOT’s “change of use” criteria specified in OAR 734-051-3020(a), (b), (c), or (e) for the north site driveway to 82nd Avenue. Therefore, ODOT’s suggested mitigation measures to restrict or limit turn movements at the access do not appear necessary or warranted at this time from a safety standpoint.”

It is evident from Z0332-19 Kittelson & Associates analysis discussion that the section of 82nd between Cornwell and Lindy, where cars will begin queueing to enter SB L 82nd/Lindy, has a **reported crash history, and is in the top 10% Safety Priority Index System**. Because the Chase Bank development did not trigger ODOT’s change of use, no mitigation will be required. It seems relevant to include this information since the proposed car wash will be drawing traffic into this exact same space between Cornwell and Lindy, as seen in the photo above.



Source: American Association of Motor Vehicle Administrators, 2014

There are other factors to consider in addition to the proximity of the Fred Meyer north driveway to the post-development SB L queue length. One of these is the time it takes to stop.

2020-2021 Oregon Driver Manual: necessary stopping distances based on driving speed. Posted speed on 82nd is 35 mph. Post-development queue SB L 82nd is 150 feet per Washman. Google states the average car length is 15 feet, and the average space between queued cars on a highway is three feet.

150’ queue divided by 18 feet (15 foot car + 3 foot queue) = 8 cars

150’ minus the length of one car and queue distance (18 feet) is 132 feet, which should be the approximate placement of the seventh car in the SB L queue on 82nd.

If the eighth car entering the post-development queue is driving **30 mph** and requires **123 feet** to stop, and the approximate location of the seventh car in the queue is **132 feet** ($123' + 132' = 255'$), this means the eighth car will begin slowing at 255 feet or approximately five feet **north** of the reported crash area - further complicating the north driveway access to 82nd.

If the eighth car in the post-development queue happens to be driving **40 mph**, the car will need to begin stopping at 321 feet - **well beyond** Fred Meyer north driveway where no mitigation is anticipated.

When driving the posted speed of 35 mph on 82nd, the eighth car to enter the SB L queue would need to start slowing somewhere between the 255' and 321', as indicated in the photo below. These slowing cars entering the SB L queue will reduce the line of sight for the cars leaving Fred Meyer's north driveway.



If the SB L queue (depicted in the photo above), exceeds the predicted 150 feet queue during PM peak hours, this will **significantly impair the use of Cornwell** at 82nd. The streets of Cornwell and Lindy are already boxed in. We use Cornwell to access 82nd both north and southbound. This neighborhood has **only** two access points to reach our homes. Because of the limited access and the concrete islands at the intersection of Johnson Creek and Fuller, **we**



are highly dependent on access at 82nd and Cornwell. If the eighth car entering the post-development queue is slowing and entering the SB L queue between 255 and 321 feet as shown in the previous image, this will not allow us to safely turn from Cornwell onto 82nd northbound. If the SB L queue exceeds the post-development estimate, we will not be able to access 82nd via Cornwell **at all**. This photo illustrates the only options we have to access Cornwell and Garden Lane. Please zoom in to see Cornwell and Garden Lane, if you can.

Given that the SB L queue will be adding approximately four cars to the queue, it will **reciprocally** increase traffic

at the WB T/R at Lindy and 82nd as these cars leave the car wash and return the direction they came. Washman does not estimate an increase in queue length for WB T/R, and that is possible only because they will be able to make a right-hand turn without waiting for the signal light to change. However, this also means that during PM peak hours, drivers on Cornwell entering 82nd, will have to contend with **both traffic slowing to enter the SB L queue and an additional four cars** traveling north on 82nd NB during each stoplight cycle. The rationale is that four additional cars entered the car wash traveling SB on 82nd, thus they will return the same direction they came. How will Cornwell and Garden Lane residents safely cross 82nd traffic from Cornwell heading south on 82nd? Because the Lindy and 82nd intersection and offsite queuing was studied in the Washman analysis, and the portion of 82nd between Lindy and Cornwell was discussed in the Kittelson & Associates analysis, it becomes necessary determine if the SB L queue will limit or preclude use of the primary access to both Cornwell and Garden Lane where Cornwell intersects 82nd.

TABLE 6 – INTERSECTION QUEUING ANALYSIS – PM PEAK HOUR					
Intersection	Critical Movement Lane Group	Available Storage (Feet) ¹	95 th Percentile Queue (Feet)		
			2019 30HV	2020 Pre-Development	2020 Post-Development
SE 82nd Avenue/SE Lindy Street	NB L	175	150	175	150
	NB T/R	200	150	175	175
	SB L	175	75	75	150
	SB T/R	250+	225	225	225
	EB L	125	175	175	175
SE 82nd Avenue/SE Johnson Creek Boulevard	EB T/R	125	125	125	125
	WB L/T/R	100	50	50	75
	NB L	350	425	450	500
	NB T	500	475	575	650
	NB R	225	50	100	125
	SB L	350	125	125	125
	SB T	400	125	125	125
	SB R	225	100	75	75
	EB L	150	250	275	275
	EB T	250	375	375	400
EBR	275	75	75	75	
WB L	210	350	375	375	
WB T/R	950	700	900	900	

¹ Storage is measured to the upstream intersection for continuous lanes between intersections and to the end of full-width storage for turn lanes.

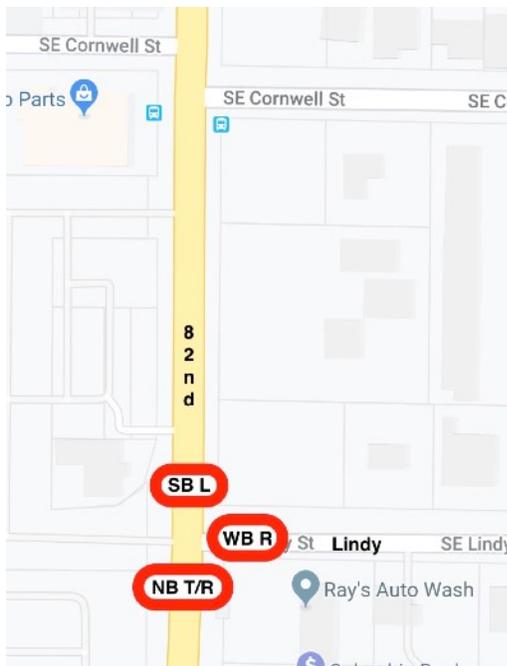


Table 6 from Clemow Traffic Analysis for Washman, page 6, (shown here) the most sizable “2020 Post-Development” increase in queue length will happen in the southbound left lane of 82nd as they wait to enter Lindy to access the car wash. This is the same lane mentioned above and illustrated in the previous photo. The queue length is expected to **double**, further complicating the known reported crash history as customers cross traffic on 82nd when leaving via the north Fred Meyer driveway between Cornwell and Lindy. Below the table is a reference image for the queuing descriptions.

Additionally, the Applicant’s “Queuing Analysis Discussion” “SE 82nd/Lindy St” also on page 6, leaves me questioning two things. The first sentence states, “**Development traffic increases primarily on the east intersection leg** which is compensated by the signal controller shifting a small amount of green time from SE 82nd Avenue to SE Lindy Street.” (Bolded for emphasis.) This is either a misstatement or I am misreading something. Based on Table 6 shown here, I have placed a red outline in the table around the leg with the **primary increase**. The queue “SB L” will **increase 100%** - this is the greatest increase in queuing at 82nd and Lindy - meaning the **SB L is the primary increase**. The WB L/T/R will have the second most increase at 50%. This correction is consequential given the now established reported crashes between Cornwell and Lindy where the flow of 82nd traffic is impacted by these crashes. SB L queuing is the primary increase post-development.

The second concern within that same sentence referring to the east leg, “Development traffic increases primarily on the east intersection leg **which is compensated by the signal controller shifting a small amount of green time from SE 82nd Avenue to**

SE Lindy Street.” (Bolded for emphasis.) This “shift” will further increase the queuing SB L, which is doubling according to the table. This seems like the traffic version of Robin Hood. An analogy - allowing more cars per minute from an onramp onto the freeway at rush hour only makes traffic on the freeway worse. This “shift” further congests 82nd, and complicates pedestrian traffic at the crosswalks. I walk at a normal, adult rate and it is challenging to cross both Lindy and 82nd within the allotted crosswalk time. Fewer cars will be let through with the green light on 82nd, which will make drivers more impatient than they already are and more likely to be distracted and blind to pedestrians.

What this means for the neighbors who live on Cornwell and Garden Lane is that during peak hours we will be playing frogger as we try to leave our homes to run errands, get groceries, or go to dinner. In addition to the traffic we already face, we will now have to contend with cars slowing to enter the SB L queue, and have an additional four cars per light cycle driving north to contend with. Just last night, January 28th, there was a crash in front of Cornwell on 82nd.

NB T/R queue at Lindy will be nearing capacity according to Table 6, shown above. This is also significant. The table shows a 17% increase in this queue length “2020 Post Development.” On one hand, I understand the change in **queue length** may be minimal because this queue would simply be making a right-hand turn onto Lindy (to access the car wash) which is permitted on a red light. However, it is safe to say that northbound, right-hand turns onto Lindy will increase **more than estimated 17% increase** in queue length. Keep in mind that Lindy/82nd is the third most used TriMet stop on 82nd in Clackamas County (428 passenger ons/offers during weekdays), and the second most used TriMet Lift/Disabled stop on 82nd in Clackamas County (88 passenger ons/offers during weekdays). [https://trimet.org/about/pdf/census/2019fall/stop_level_passenger_census_sorted_by_bus_stop_name_\(weekday\).pdf](https://trimet.org/about/pdf/census/2019fall/stop_level_passenger_census_sorted_by_bus_stop_name_(weekday).pdf)



It is important to keep in mind that the Applicant is now wishing to have two different design plans approved: the original design plan submitted before the Planning Department, and a second plan should they not prevail in the land dispute over a five-foot discrepancy on the east property line. Should the Applicant lose this five-foot section, it was stated at the hearing that the backup design plan would omit an entire onsite queuing lane. As it is with the original design, the onsite queue at some point will fail, as with their other locations. This will impact access on Lindy to residential homes. The increase of 17% at NB T/R, 50% WB L/T/R, and 100% at SB L will impact access to TriMet, and put both pedestrians and our disabled community at unnecessary risk.

As reported in the Applicant’s TIS, page 5, Table 3 - Intersection Crash Rates, Johnson Creek and 82nd is at **1.147** MEV, well above the 90th percentile crash rate of **0.860**. Using the data in Table 3, crashes at Johnson Creek and 82nd have increased 30% from 2012 to 2016. Crashes at Lindy and 82nd have increased **133%** in this same time frame. These traffic studies do not depict traffic in 2020. The closure of Foster Fred Meyer has drastically increased traffic at 82nd and Lindy.

“Crash data only include reported crashes to the Department of Motor Vehicles (DMV). Many crashes are not reported because they fall under the \$2,500 reporting threshold or are just not reported.” https://www.oregon.gov/ODOT/Planning/Documents/APMv2_Ch4.pdf

Heirloom Traffic Analysis

It appears that funding to mitigate increased traffic for the proposed Heirloom Apartments Z0625-18 for all five of its site access streets is also unavailable. As it reads, there is funding to create a through road from Luther to Johnson Creek Blvd west of Fred Meyer and add a signal at that intersection. However, it is easy to predict the rationale for routes taken, once we have these new neighbors. For most purposes in our neighborhood, they will head straight to 82nd instead of Johnson Creek. First, it will be the shortest route to 82nd. Second, the majority of retail stores are south of Luther on 82nd, which means they will simply make a right-hand turn onto 82nd where there is no stoplight. Third, access to 82nd from Luther access #5 and the other Cornwell (west of 82nd) access #4 will not have a stoplight to sit through.

The Heirloom Apartment traffic analysis also states, "For the SE 82nd Avenue/SE Johnson Creek Boulevard (4SG) intersection the crash rate exceeds the APM (v2) published rate indicating safety concerns at the intersection."



In summary of the three traffic analyses, 82nd is a high-crash corridor in the top 10% Safety Priority Index System, 82nd and Johnson Creek is nearing, at capacity and exceeding capacity, 82nd and Lindy is nearing and at capacity (using data from 2016), there are reported crashes in SB L 82nd between Cornwell and Lindy, funding to improve safety on 82nd is not available, there is limited funding to improve safety from the apartment development, and the bank development did not trigger a change of use to improve the Fred Meyer north driveway.

The State of Oregon does not have funds to make improvements along 82nd. The ODOT website was updated November 21, 2019. It reads: "We have completed a transportation planning effort to create a list of feasible projects to improve safety, mobility, and access for people using 82nd Avenue (in the 7 mile segment between NE Killingsworth Street and SE Johnson Creek Boulevard). The projects in the plan could be feasibly funded and constructed within 10 years; however, no funds have been set aside at this time." I mentioned this at the hearing and wanted to ensure you have access to the source: <https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=17PF120>

The Applicant's post-development queue projection is for 2020. Our local population will continue to grow, which means our local streets will have increasingly more traffic. How will the residents of Lindy, Cornwell and Garden Lane be able to access their homes as we become boxed out and boxed in?

1007 ROADS AND CONNECTIVITY

1007.01 GENERAL PROVISIONS

E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. **Development-related** roadway adequacy and **safety impacts to roadways** shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

1006.06 B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.

230.8 Driveway Drainage)

Surface water runoff shall not be allowed to flow along or across an access or entrance from private property onto the travel surface of the roadway.

Title 7.03 Road Use

7.03.090 Road Use Impediments - **Prohibited Activity**

E, Flow of Water Impeding Safe Use of traveled portion of the roadway. No owner or lawful occupant of property abutting any road shall allow water to overflow, seep or otherwise discharge into the traveled portion of the roadway that abuts their property, if the water creates a nuisance condition or impedes the safe use of the traveled portion of the roadway. The source of the water flow shall be irrelevant to liability under this subsection.

“Otherwise” defined: Otherwise adverb, entry 2, 1: in a different way or manner
<https://www.merriam-webster.com/dictionary/otherwise>

“Discharged” defined: Discharge, transitive verb, entry 1, d: to give outlet or vent to: EMIT
<https://www.merriam-webster.com/dictionary/discharge>

“Seep” defined: Seep, intransitive verb. 1 : to flow or pass slowly through fine pores or small openings : ooze water seeped in through a crack. 2. b: to become diffuse or spread.
<https://www.merriam-webster.com/dictionary/seep>

“Overflow” defined: Overflow, intransitive verb. 1 :to cover with or as if with water: INUNDATE
<https://www.merriam-webster.com/dictionary/overflow>

The water that will be “otherwise” “discharged, seep, or overflow” and drip from the cars onto abutting roads will cause both nuisance and safety issues, which is **prohibited activity**. Additionally, the onsite water will be otherwise discharged, seep, and or overflow from the onsite property to the abutting street via the downslope of the driveway and will create a nuisance and safety issues, which is **prohibited activity**. And, another point is that the water within the car wash pools on the floor and drips from the cars as they exit the site but are still onsite. As cars’ tires drive over the water, the water becomes otherwise discharged to abutting streets via the cars tires.

I spoke with Bryan Hage at Sonny’s The CarWash Factory. He works in equipment sales and can be reached at (954) 260-7465. I inquired how as to how much water is left on a car after using a 140-foot tunnel car wash with a dryer, as this is how the Applicant described the equipment at the hearing before you. Bryan at Sonny’s said that cars have many “nooks and crannies which hold water,” citing the “door jams, roof racks, the side view mirrors, the undercarriage, wheel wells” etc. I was shocked to learn from him that cars retain approximately

four to six gallons of water from a tunnel car wash of this length, after going through the dryer.

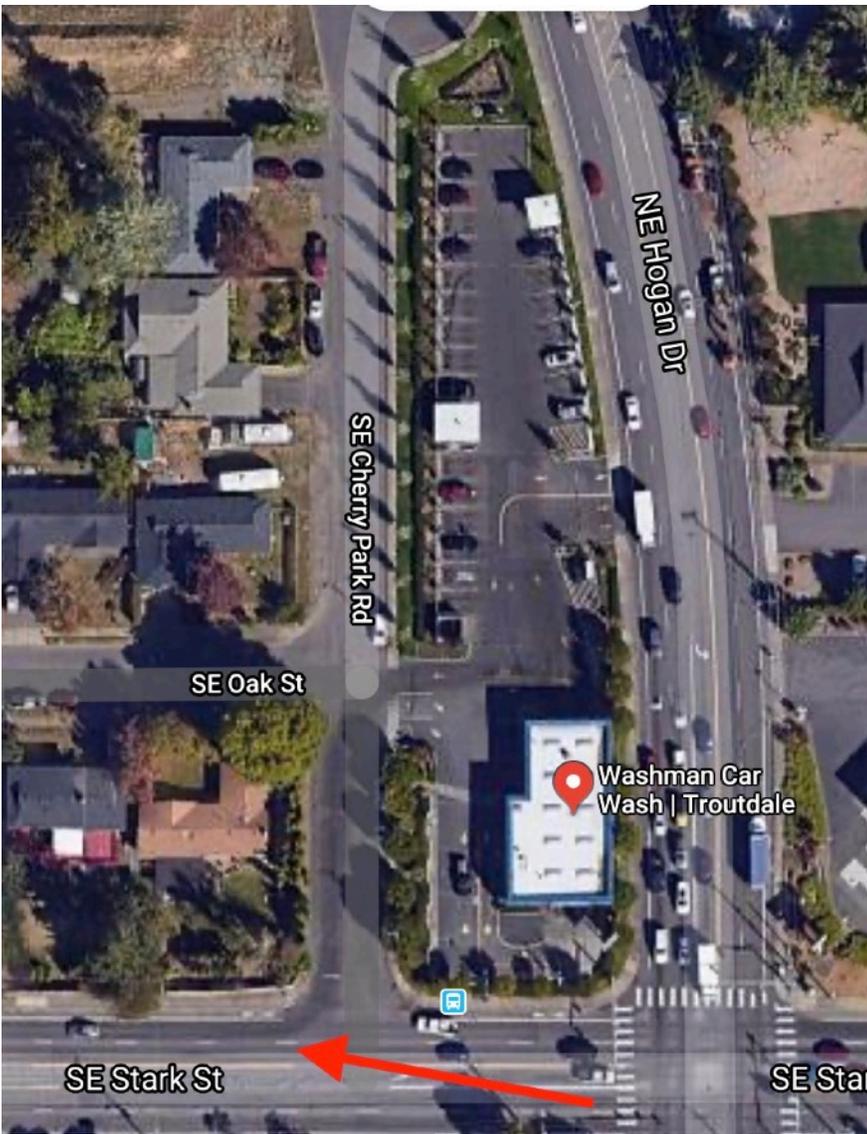
Initially, I thought this had to be an exaggeration. How many gallons of water does it take to wash a car in a drive-through car wash? Four to six gallons of retained water per car is a considerable amount. However, [CarWashMag.com](http://www.carwashmag.com) states the total volume of water it takes to wash a car: “A tunnel car wash with a moderate amount of high-pressure applications could use **120 gallons of water** per vehicle.” <http://www.carwashmag.com/issues/mar-2011/environment.cfm>

Each car retaining four to six gallons of water as it exits a drive-through car wash no longer seems like an exaggeration, but rather a reality. Reading a comprehensive scientific car wash study by International Carwash Association, Inc. shows that 34.93 gallons per vehicle of fluid used is “fresh water,” the remainder of fluid is reclaimed water. This is what will be “otherwise discharged, seeping, and/or overflowing” onto our streets. It further demonstrated in this study, “The fact that average and median values are tightly grouped suggests that the true value of Evaporation and Carryout losses for professional car washes should lie close to 20%.” <https://www.carwash.org/docs/default-document-library/Water-Use-in-the-Professional-Car-Wash-Industry.pdf>

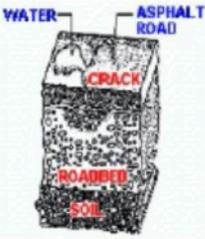
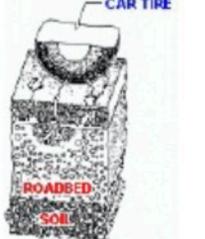
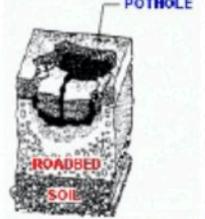
The photos below show all of the Washman locations. Every single one of the Washman locations shows this same pattern of water discharged into the traveled portion of the roadway. Additionally, it is safe to say that the “otherwise discharged” fluid is staining the street with residue once the water evaporates.

The applicant has not demonstrated how they plan to keep these fluids off of abutting roadways. At the other Washman locations which offer free vacuum services, there is still water otherwise discharged, seepage, and/or overflow as seen in Google images.





The life of a pothole

Description	Illustration
<p>Rainwater sinks through cracks in old or weakened asphalt. The water saturates the road's aggregate base - the mixture of rock, gravel, and sand that makes up the asphalt's roadbed and supports the road.</p>	
<p>Vehicles passing over the road force fine particles of the roadbed up and out of cracks in the asphalt (called pumping). Loss of fine particles from the aggregate base results in voids.</p>	
<p>These voids cause the aggregate base and the asphalt layer above it to sink. As the asphalt sinks into these eroded portions of the roadbed, it eventually cracks under the continued impact of vehicle tires. Chunks come loose.</p>	
<p>Holes may be patched with cold patch or hot patch material, depending on weather or other conditions.</p>	

This “otherwise discharged/seeping/overflowing” water becomes both a “nuisance” and a “safety issue” when Lindy, 82nd, and Johnson Creek show premature deterioration related to the constant saturation with water, fluid, detergent, car oil, wax, and grease. Portland Bureau of Transportation explains how potholes are formed in this image. 82nd cannot afford additional potholes. As mentioned above, ODOT does not have the necessary funds for safety improvements on 82nd. The increased cost from fixing additional nuisance potholes created from this car wash will take away from any funding which could have been more appropriately directed to improving safety on this high-

crash corridor. Potholes cause erratic driving when cars slow quickly or swerve to avoid them. Potholes and road deterioration cause uneven walking surfaces. <https://www.portlandoregon.gov/transportation/article/319627>

Water otherwise discharged/seeping/overflowing is also known to create “safety issues” when our temperatures drop below freezing in the absence of precipitation. This make our sidewalks and streets unsafe for pedestrians, which is **prohibited**. Kathy Barnett is a recently retired Trimet driver for the 72 line which runs along 82nd. She said that the sidewalk and street outside the Washman at Glisan is known to freeze in the absence of precipitation when the temperatures dropped below 32 degrees Fahrenheit. She stated, “Had nothing to do with rain. When it was freezing temperatures outdoors as the cars exited the car wash, they would be idling to get out onto Glisan and 82nd. Water would be dripping from undercarriage, would freeze on the sidewalk and street. Had not a thing to do with rain.” She reiterated a story about a man who fell on the Glisan driveway ice, “I did stop my bus and assist a gentleman along with a couple men who stopped to help. It was not raining, just frozen ground.” She can be reached at (503) 509-9924.

220.7 Driveway Access to Local Roadways

Access for proposed single family residential driveways is allowed. No driveway shall be allowed within 25 feet of the right-of-way lines at an intersection.

Commercial, industrial and institutional developments proposing access to roadways with a local road functional classification that serve existing urban residential neighborhoods shall evaluate and quantify any anticipated adverse impact upon the livability of these neighborhoods and mitigate those impacts proportionately.

<https://dochub.clackamas.us/documents/drupal/fc5951b3-7eab-424c-a4d2-b484220a3ffb>

This application is for a commercial business proposing access to a local roads that serve existing urban residential neighborhoods, and has not been evaluated nor quantified adverse impact upon livability of these neighborhoods.

Hours of Operation

It was very encouraging to hear the Applicant state they would add their own condition for the hours of operation. I would ask that this condition be applied. Though it will not help ease traffic during peak AM and PM hours, this will allow the abutting homes and the neighbors and their children in closest proximity the opportunity to sleep with less noise pollution, and allow them an opportunity to safely open their windows after hours with less air pollution. Sunday closing hours were not listed. If Sunday closing hours are conditioned similarly to the weekly hours, I believe this could alleviate warranted concerns from some neighbors.

“Hours of Operation:

Fall and winter - 7:30 am until 6:30 pm (M-Sa)

Spring - 7:30 am until 7:30 pm (M-Sa)

Summer 7:30 am until 8:30 pm (M-Sa)

All seasons - Sundays opens at 8 am

These are DEQ daytime hours”

I do not understand what “DEQ daytime hours” represent. It is safe to say the neighbors would prefer DEQ hours as they are listed in Google, but I do not believe that is the intent of that statement.



Hours ▾

A Clackamas DEQ Test Station Clackamas, OR 8:30AM-5:30PM · (503) 229-5066	WEBSITE	DIRECTIONS
B Gresham DEQ Test Station Gresham, OR 8:30AM-5:30PM · (503) 229-5066	WEBSITE	DIRECTIONS
C NE Portland DEQ Test Station Portland, OR 8:30AM-5:30PM · (503) 229-5066	WEBSITE	DIRECTIONS

[More locations](#)

The Wall

It is very concerning that we are still talking about the height of the buffer wall. This wall is necessary try to mitigate noise, vibration, car wash pollutants, and car exhaust. Cost and aesthetics were mentioned as a potential reasons for not being amenable to a ten-foot wall.

This is disheartening. The neighbors are much more concerned about mitigation of the wide-spread harmful impacts this development will bring than its aesthetics. A buffer wall is the primary aid to reduce car exhaust, noise, and other pollutants from reaching abutting homes and spreading throughout the neighborhood. It is widely know throughout sources like the EPA, the DEQ, and the most prominent health organizations that car exhaust emits benzene, and is shown to cause cancer, most notably, leukemias. <https://www.cancer.org/cancer/cancer-causes/benzene.html> It is also well established that car exhaust harms the heart, lungs, and brain (neurological function). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5559575/>

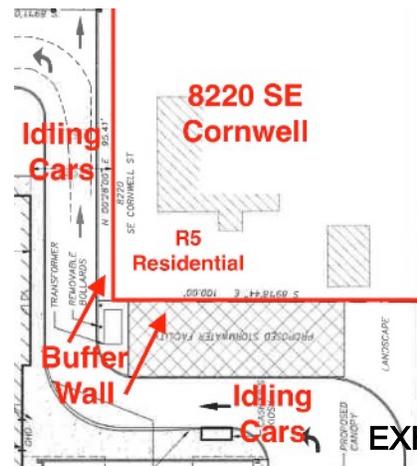
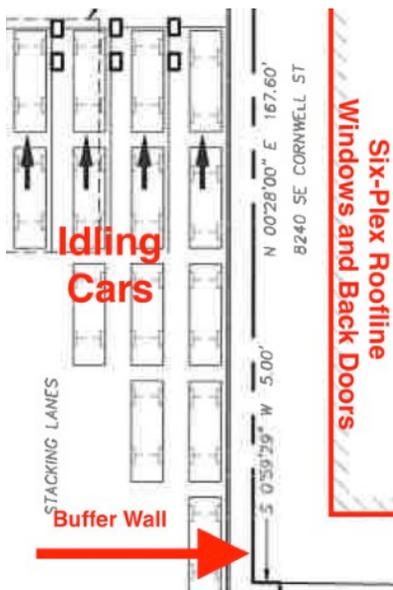
Taking into consideration the overall cost of this proposed development, the difference in cost of a six-foot CMU wall versus a ten-foot CMU wall is inconsequential. This image shows the cost of a 135-foot tunnel system.

After doing a quick search on building a CMU wall, it appears another plausible reason for the Applicant wanting to keep the wall shorter may have to do with the footing required to support

its height and weight. There is no way for me to know what the constraints of developing a CMU wall along the east portion of the lot line and the constraints along the R5 property at 8220 Cornwell are. Until we know the real reason for the Applicant wanting the minimum wall height, it should be assumed that protecting the abutting homes from car exhaust, noise, and other pollutants outweigh such reasoning.

For some reason the height of the buffer wall at Ray's Auto Wash was used as comparison by the Applicant during the hearing before you. Ray's Auto Wash is abutting commercial property in all four directions. Ray's

Auto Wash is approximately 100 feet from the nearest residentially used CC home, and approximately 150 feet from the nearest R5 residential home. Washman's design plan (above) shows queuing for idling cars abutting R5 residential homes on both the east side, and the



northeast corner. The CMU buffer wall at Ray's Auto Wash is taller than the minimum height - standing at eight-feet high, despite its distance to residential, despite the rare occurrence of idling cars, despite vacuums being located along 82nd, and despite the absence of drive-through equipment and dryers. After researching other noise studies for car washes, it is apparent that other developers utilize more beneficial mitigations in their walls - including sound proofing barrier materials and baffles along the top of the wall. It seems asking for the maximum height buffer is not an extreme request. This wall should encompass the R5 property at 8220 as well.

Location, Location, Location

I asked during the hearing if the Applicant had ever visited any of their neighbors at their existing Washman locations, and encouraged them to do so if they had not. The 118th and Division Washman location was mentioned repeatedly by the Applicant before the Hearings Officer in reference to similarities to the proposed development. My neighbor and I visited this Washman on January 26th, 2020. We arrived at approximately 12:30 PM. First, we noted this location is both similar and dissimilar to the proposed design plan on 82nd and Lindy. The



118th and Division location has **three driveways**: one on 118th, one on Division, and one on 119th. Both of the side streets for this car wash are **through** streets. There is one set of vacuum stations located on the Division side of the property (opposite residential). In addition to the “open” vacuums on the Division side, there are additional vacuums in a covered area (carport style) enclosure on the side abutting a residential home. There was a six-foot, chainlink fence with privacy slats along posterior portion of the lot. There was a covered parking lot for the condos situated in between the car wash and the condominium complexes.

The similarities: the development abuts residential property, the tunnel is parallel to the highway, the entry and exit to the car wash tunnel are positioned in the same direction, the queuing wraps around the car wash in a similar fashion, and it has self-serve vacuums.

Point of note: the dryer to the car wash can easily be heard as far away as the home at 2658 SE 118th, and across 119th at the

Tranquility Court Apartments, as illustrated with Xs in the image above. Unfortunately, it was easy to distinguish the car wash dryer sounds from surrounding noises such as heavy Sunday traffic on Division. However, we also walked along 119th, the street where you **enter** the car wash (the dryer opens to 118th). The dryer from the car wash can easily be heard walking away from the car wash on 119th to the point of the Tranquility Court Apartments shown with an X in the image. This was shocking. The dryer is enclosed in the car wash building, facing away from our location, has the building as a buffer, has the buffer fence, the covered carport parking for the condos, **two** two-story condo buildings, and another four-foot wood fence between the condos and apartments **all as a buffer**, and we can still clearly hear the car wash dryer standing out from the ambient traffic noise including a strip mall with access on 119th.

Regardless of the noise study, the car wash sounds travel great distances.

We approached one of the condo neighbors who was heading to the trash bin. She lives two condominium buildings away from the car wash on the *entry* side of the tunnel on 119th. We asked her what it was like living next to a car wash. Wow. I am even more worried than I was before. She lives in the second complex away from the car wash. She did not hesitate in sharing her grievances, and all we asked, "A car wash is moving into our neighborhood; can you tell us what it's like living near a car wash?" She said that the traffic backs up onto her street (119th). In the spring and summer, the driveway to the car wash on 119th changes from an "exit only" to an "entry/exit" driveway, and inadequate queuing blocks access to her home. The dryer from the car wash was definitely an irritant to her, in addition to the noise from idling cars and car radios, and the **high-pitched gas station style driveway rope bell** (driveway bell tubalcain) makes her want to move to a new home. YouTube video of the rope bell: <https://www.youtube.com/watch?v=3IH3On2-GNo> She added that the attendants do not enforce the posted signs which ask for music to be turned off. Most presumably because the attendants cannot hear these nuisances as they wear protective devices in their ears.

She wrote a short summary of her experience: "The traffic is outrageous. People entering through an exit only, blocking entrance on 119th. The noise level is super loud. Traffic backs up onto Division, near the entrance. Dryer noise can be heard approximately 50 yards away." Signed by Amy Freed.

The other neighbor we spoke with lived in the first set of condominiums beyond the parking lot for the condos. She, too, had no reluctance sharing her experiences. She said that the traffic and noise is intolerable. She shared in the same complaints as her other neighbor - traffic backing up onto the street, idling car noise, stereo noise, pollution, trash on their streets, noise from the dryer, loud noise from the vacuums, and the incessant noise from the driveway bell tubalcain. She also complained that the lights left on in the PM hours emit a loud high-pitch noise that is hard to sleep through.

She also wrote a comment, "I Kamil Sen has had enough of Washman car wash. Not a friendly neighbor. They never monitor loud music playing in their lot. The traffic is outrageous. I have complained to city of Portland in the past. Haven't seen much results." Signed by Kamil Sen.

The driveway bell appeared to "dinged" five times for each car, and there was no point on our walk where we could not hear it. There has been no mention of such a bell being used in the 82nd design plan, but it will definitely be an added source of noise pollution if it is implemented. **I would highly recommend a condition to exclude the use of any type of loud notification system, when other soundless notifications systems are readily available.**

I was reluctant to share this initially, but Washman suggested the Division location would be similar to the proposed 82nd one. **If the queue is known to fail at Division on both the Division and 119th driveways, and there are a total of three driveways at the Division Washman, the queue will certainly fail at 82nd with its one driveway.**

Stephanie Wilson, a neighbor near us also shared her experience living near the Glisan Washman. She lived about ten blocks away, but stated it affected her daily commute. I asked her how many days a week it was backed up. “Every weekday. I didn’t drive that direction too often on the weekends.” I asked specifically if it was cars blocking Glisan as they tried to get into the car wash? She said, “yep.” I asked if it was only traffic heading east, or if it affected the westbound traffic too? She stated, “Only east.” Last, I asked what time of day? She said, “4:30ish is when I would typically drive past, but I imagine it was that way doing the entire rush hour time.”

The Glisan location has multiple driveways as well. It is established that queuing at their current locations fails, and it will fail at the proposed location.

Expanded Comments from SEC

“The ‘tracking’ of water by the tires after the rinse process is primarily fresh rinse water and does occur at every car wash.”

“Additionally, the egress path from the exit of the tunnel to the exit of the site is one of the longest in the region at approximately 206’ and will be longer when the free vacuum stations are utilized by the patrons.”



Just because it is a known occurrence to track water does not mean that it does not cause safety concerns or a nuisance. When our roads prematurely deteriorate, it will be at the expense of The County and The State of Oregon to repair them. It will also be at the expense of drivers and pedestrians who have to travel on

these roads.

The Troutdale location (in the photo above) shows water on the roadway at a much greater distance than 206 feet. The Troutdale location also offers free vacuum services.

The expanded comments also state, "Moreover, all proposals have been for a car wash and the statements of feasibility have made clear that it is feasible to provide service for a car wash. Nothing more is required and respectfully this is a form over substance objection."

This may be form over substance, however, the future of 8220 Cornwell and its potential incorporation into future plans must be stated. The Clackamas County Board of Commissioners denied rezoning from R5 residential to CC Corridor Commercial. Since that time the home has been demolished. It may not be significant to others involved, but it is important to the neighbors. 8220 is also of relevance when speaking of the CMU buffer wall. Thank you for following through, and know that the exclusion of 8220 Cornwell from said documents is sincerely appreciated.

Additionally, if it is 100% clean water that leaves the lot, why do areas with little precipitation show stains on the roads near car washes?

Mr Fry mentioned at the hearing that Lindy street traffic is a commercial zone. Please visit Clackamas County cmaps at <https://cmap.clackamas.us/maps/cmap> to verify that indeed there are R5 homes on both the north and south side of the dead end street, Lindy. Additionally, the remainder of homes on Lindy which are zoned CC are lived in residentially.

These folks already see drivers turning the wrong direction, despite directional street signage, and having to turn around in the driveways to their homes.

It was also mentioned that there is a street gate at the end of Lindy. Included in my previous comments was a photo of the gate, which is a pedestrian only gate. It is not large enough to accommodate even a small car. It is only a few feet wide. I'm not sure why it was mentioned, but would like for you to understand that Lindy is a dead end, and these neighbors are going to be significantly impacted by this development.

At the end of the day, this application is for a drive-through car wash which seeks to abut residential property. It will negatively impact the neighbors, and those who use our streets, in countless ways.

Thank you for your time.

Respectfully,

Tonya Reed



Staff Memorandum

Thursday, January 30, 2020

To: Land Use Hearings Officer Wilson
From: Anthony Riederer, Senior Planner
Re: Appeal of Z0353-19 – Washman Car Wash

Mr. Wilson,

This memo addresses issues raised at the appeal hearing for Z0353-19 (Washman Car Wash) on January 23rd 2020,

Drive-thru Window Service (ZDO 827)

The proposal is for a car wash, which is a permitted primary use in the underlying zoning. (ZDO Table 510-1)

The appellant has suggested that because the car washes are provided without patrons exiting the car, the development should be additionally evaluated as a “Drive-Thru Window Service”, an allowed accessory use in the Corridor Commercial zone, and therefore county staff erred in not analyzing the development proposal against Section 827 which imposes special requirements for that use. The County’s position is that the proposal does not contain a “Drive-Thru Window Service”, and so this section of the ZDO does not apply to the proposal.

Note that commonly, this section has been used to evaluate businesses where passengers receive food, banking, pharmacy or other goods or services through a window as an accessory to a primary permitted land use. In this case, the code makes no distinction between any form of car wash, whether it be automatic, manual, or a hybrid thereof. There is not a history of car washes being evaluated against the requirements of ZDO Section 827, because simply put, that is not the intention of this code provision.

Furthermore, there are also examples of land uses where customers are served from within their vehicles, but which do not qualify as “Drive-Thru Window Services”. For example, the vast majority of fueling of passenger vehicles in Oregon is completed with the passengers driving up to and along the fuel pump, receiving service from the staff, without the passenger exiting the vehicle – yet this is not evaluated as a “Drive-Thru Window Service”.

Staff Support of Approving Alternate Proposed Site Plan

The site plan as approved in the previously issued Design Review decision, follows the property boundaries on file with the Clackamas County Assessor's office and illustrated through the county's tax maps and GIS mapping. However, through the design review process, an alternate site plan was presented in order to address questions as to whether the site could still be developed regardless of the outcome of a boundary dispute between the applicant and a neighboring property owner.

The applicant has requested that this alternate site plan be approved through the appeal as an accepted alternative to the previously approved site plan. In the analysis of staff, the alternate site plan could be approved as complying with the ZDO, subject to the same conditions as originally submitted site plan, and supports its approval as an accepted alternative.

Condition Related to Hours of Operation

During the Appeal Hearing, the applicant consented to having the hours of operation on the site restricted as a condition of approval. Hours of operation are not something regulated by the Clackamas County Zoning and Development Ordinance. Conditions outside of the elements regulated by the Clackamas County ZDO may be imposed, on the finding that the applicant has consented to the condition.

Conditions Related to Implementation and Development Engineering

The applicant proposed modification to a number of conditions of approval related to the implementation of the land use approval and clarifications to several engineering conditions of approval. The County supports the modification of those conditions.

Condition Related to Buffering Between Car Wash and Adjacent Residential Uses

The applicant proposed the modification of the condition of approval for a 10-foot CMU wall and evergreen landscaping to help mitigate adverse impacts on nearby residences. Per ZDO 1009.04(D), "Special consideration shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas."

The County maintains that the information submitted by the applicant, which shows that the 10-foot CMU wall creates some benefit (sound reduction of 2-4 decibels) to those residents living nearest to the proposed car wash. This demonstrates that it is justified as a method that provides an adequate buffer considering the nature of the impacts to be mitigated, per ZDO 1009.04(E)(4).

Riederer, Anthony

From: Larry Shirts <larrys@symonsengineering.com>
Sent: Thursday, January 30, 2020 4:17 PM
To: Riederer, Anthony; Wendie Kellington
Cc: 'Mark Hanna'; David Tarlow (davidt@washmanusa.com); 'Peter Fry'; Chris Clemow; martha@moorenoise.com
Subject: RE: Washman LLC First open record submittal

Anthony,

This information came in later than we anticipated so do with it what you will.

This is what our contractor gave me as a ballpark estimate for the varied wall heights.

- 10' wall = \$114,250; 36" wide footing
- 8' wall = \$91,400; 31" footing
- 6' wall = \$68,550; footing size not yet engineered - TBD

Thanks,

Larry Shirts

Symons Engineering Consultants, Inc.
phone: 503 760 1353

www.symonsengineering.com
Integrity & Strength in Design



Note: Received
after 4 pm on
1/31/2020

- AR

From: Riederer, Anthony <ARiederer@clackamas.us>
Sent: Thursday, January 30, 2020 3:17 PM
To: Wendie Kellington <>wk@klgpc.com>
Cc: 'Mark Hanna' <markh@washmanusa.com>; David Tarlow (davidt@washmanusa.com); 'Peter Fry' <peter@finleyfry.com>; Chris Clemow <clemow@clackamas.us>; Larry Shirts <larrys@symonsengineering.com>
Subject: RE: Washman LLC First open record submittal

Wendie,

Confirming receipt of the attached materials. Will log them into the exhibits list.

I anticipate materials submitted by 4 pm being send out before COB today.