

HEARINGS OFFICER'S EXHIBIT LIST
IN THE MATTER OF
CASE FILE # **Z0353-19-D (Appeal)**

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or source</i>	<i>Subject & Date of document</i>
1	8/2/2019	Dan Symons	Land Use Application
2	8/13/2019	Melissa Ahrens	Notice of Incomplete Application
3	9/9/2019	Dan Symons/Larry Shirts	Response to Notice of Incomplete Application
4	9/9/2019	Melissa Ahrens	Determination of Complete Application
5	9/9/2019	Dan Symons/Larry Shirts	Response to Notice of Incomplete Application
6	9/25/2019	Ronald Nelson	Public Comment
7	9/30/2019	Hollis Park	Public Comment
8	10/4/2019	Ben Reed	Public Comment
9	10/6/2019	Tonya Reed	Public Comment
10	10/6/2019	Meagan Babbitt	Public Comment
11	10/8/2019	Nadine Hanahan	Public Comment
12	10/9/2019	Cal Monsrud	Public Comment
13	10/11/2019	Dan Symon/Melissa Ahrens	Email Regarding Pause of Project Review
14	10/16/2019	Crystal Mendiola	Public Comment
15	10/22/2019	Stephanie Wilson	Public Comment
16	10/24/2019	Tonya Reed	Addendum to Public Comment
17	10/24/2019	Peter Finley Fry	Revised Design Review Narrative
18	10/28/2019	John Minto	Public Comment
19	11/4/2019	Nan Knight	Public Comment
20	11/4/2019	Robin Painter	Public Comment
21	11/7/2019	Sean Callaghan	Public Comment
22	11/13/2019	Anthony Riederer	Notice of Rescheduled DRC Meeting
23	11/14/2019	Dan Symons	Alternate Site Plan
24	11/18/2019	Arlene Lanagan	Public Comment
25	11/18/2019	Nadine Hanahan	Public Comment
26	11/18/2019	Lynn Overlin	Public Comment
27	11/19/2019	Nadine Hanahan	Comment to Board of County Commissioners
28	11/20/2019	Tyler Bristow	Public Comment
29	11/20/2019	Anthony Riederer	Staff Recommendation to DRC
30	11/20/2019	Anthony Riederer	DRC Meeting Agenda
31	11/22/2019	Bonnie Bates	Public Comment
32	11/22/2019	Ken Luchini	Public Comment
33	11/22/2019	Samuel Freni-Rothchild	Public Comment

- * Exhibits received during hearing
- ** Exhibits received during open record after hearing
- *** Oversized exhibits

HEARINGS OFFICER'S EXHIBIT LIST
IN THE MATTER OF
CASE FILE # **Z0353-19-D (Appeal)**

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or source</i>	<i>Subject & Date of document</i>
34	11/22/2019	Dhyana Westfall	Public Comment
35	11/23/2019	Jo Hamilton	Public Comment
36	11/24/2019	Tonya Reed	Addendum to Public Comment
37	11/24/2019	Kathy Barnett	Public Comment
38	11/25/2019	Jared Doviak	Public Comment
39	11/26/2019	Melanie Pagan	Public Comment
40	11/26/2019	Anthony Riederer	DRC Meeting Sign-in Sheet
41	11/26/2019	Anthony Riederer	Staff Decision
42	12/9/2019	Southgate CPO	Appeal Application
43	1/2/2020	Anthony Riederer	Notice of Appeal – Public Hearing
44	1/14/2020	Patrick Tangredi	Public Comment
45	1/16/2020	Cal Monsrud	Public Comment
46	1/16/2020	Ben Reed	Public Comment
47	1/16/2020	Tonya Reed	Public Comment
48	1/18/2020	SBPDX (Unknown Citizen)	Public Comment
49	1/20/2020	Nadine Nanhan	Public Comment
50*	1/22/2020	Kenneth Kent	Clackamas County Engineering Comment
51*	1/22/2020	Wendie Kellington	Cover Letter to Hearings Officer
52*	1/22/2020	Wendie Kellington	Applicant Appeal Hearing PowerPoint
53*	1/22/2020	Wendie Kellington	Alternate Site Plan (previously in record)
54*	1/22/2020	Wendie Kellington	Supplemental Traffic Analysis
55*	1/22/2020	Wendie Kellington	Supplemental Drainage Analysis
56*	1/22/2020	Wendie Kellington	Supplemental Noise Modeling/Analysis
57*	1/22/2020	Wendie Kellington	Second Owner Authorization
58*	1/22/2020	Wendie Kellington	News Article
59*	1/22/2020	Wendie Kellington	Letter to Neighborhood Residents
60*	1/22/2020	Wendie Kellington	Letter to Southgate CPO
61*	1/23/2020	Anthony Riederer	Staff Appeal Hearing PowerPoint
62*	1/23/2020	Peter Finley Fry	Proposed Condition re: Wall and Illustration
63*	1/23/2020	Tonya Reed	Spoken Comments
64*	1/23/2020	Ben Reed	Spoken Comments
65*	1/23/2020	Cal Monsrud	Spoken Comments
66*	1/23/2020	Cal Monsrud	Revised/Updated Written Comments

- * Exhibits received during hearing
- ** Exhibits received during open record after hearing
- *** Oversized exhibits

Fred Wilson, Hearings Officer
Rebuttal to Comments
February 5, 2020
Z0353-19-D
Tonya Reed

The County

Comment:

“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).”

Reply:

The County’s condition of a 10-foot CMU wall along the east boundary and around 8220 Cornwell was sincerely appreciated. The reduction of two to four decibels when considering the proximity for these neighbors is significant, as well as the potential to prevent, deflect or redirect vibrations and car exhaust from entering their outdoor space and reaching their windows and doors. I would ask that a ten-foot CMU wall be a condition for either design plan.

Peter Finley Fry

Comment:

“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.”

Reply:

The County cited a sound reduction of two to four decibels when increasing the height of the CMU wall to ten feet. When dealing with sounds such as idling engines, car stereos, loud speakers, vacuums, the car wash equipment, the car wash dryer, and the possibility of a gas station rope bell (driveway bell tubalcain <https://www.youtube.com/watch?v=cK8L6RlxhIs>), a two to four decibel reduction may mean the difference between enjoying your yard and having open windows, or feeling trapped in your own home.

“Never run a motor vehicle, generator, pressure washer, or any gasoline-powered engine less than 20 feet from an open window, door, or vent where exhaust can vent into an enclosed area.”

<https://www.cdc.gov/features/copoisoning/index.html>

Cars will be idling within just a few feet from abutting properties, which is **much less** than the CDCs recommendations. This CMU wall is the only barrier protecting these neighbors. Idling car exhaust will be carried by the air. We cannot predict when or in which direction the wind will blow. But we do know that car exhaust will follow the path of least resistance. The taller the wall height, the greater the area of resistance and protection for these neighbors.

“Benzene is found in the air from emissions from burning coal and oil, gasoline service stations, and motor vehicle exhaust. Acute (short-term) inhalation exposure of humans to benzene may cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, unconsciousness. Chronic (long-term) inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells and aplastic anemia, in occupational settings. Reproductive effects have been reported for women exposed by inhalation to high levels, and adverse effects on the developing fetus have been observed in animal tests. Increased incidence of leukemia (cancer of the tissues that form white blood cells)

have been observed in humans occupationally exposed to benzene. **EPA has classified benzene as known human carcinogen for all routes of exposure.**" <https://www.epa.gov/sites/production/files/2016-09/documents/benzene.pdf>

"If exposed to even a minuscule amount (0.0035%) of carbon monoxide constantly for 6-8 hours, one will start experiencing the initial symptoms of carbon monoxide poisoning, which include lightheadedness, confusion, dizziness, and headache. It increasingly becomes worse as the concentration of the gas in the air rises." <https://www.scienceabc.com/humans/why-are-vehicles-exhaust-fumes-harmful-to-humans.html>

There are countless resources readily available online which describe the components of idling car exhaust and the corresponding health effects to chronic exposure, especially given the proximity. I have not been shy about sharing my concerns, and have cited numerous reputable government websites confirming such. I cannot fathom why the cost differential of a six-foot versus a ten-foot wall, when considering the overall cost of the proposed development, is being prioritized over the health and wellbeing of abutting neighbors.

Comment:

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

Comment:

"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%."

Reply to Both Comments:

The neighbors are not seeking a wall to protect them from car exhaust from traffic coming from 82nd and Lindy. The abutting neighbors' yards, windows, and doors will be within a few feet from the development's queue of idling cars. Allowing 39-100 cars per hour to idle immediately adjacent to residential property is as much as a 99% increase in exposure to car exhaust from any previous developments at this site for these abutting neighbors. Neither of the used car dealerships had queuing lanes with idling cars - the used cars were driven onto the lot where they remained until they were taken for a test drive and/or sold. Both of the previous used car dealerships were destination businesses. The intent of a used car dealership is not to draw unlimited amounts of traffic, and certainly did not have multiple queuing lanes abutting the residential neighbors. Again, the height of the wall will protect the abutting residences from the exhaust of idling cars in the adjacent queuing lanes. The taller the wall, the greater the protection.

If "vapor impacts are not discernible," why would the EPA have incentive programs to reduce idling cars at schools? The EPA specifically states, "Idling vehicles contribute to air pollution and emit **air toxins**, which are pollutants known or suspected to cause cancer or other serious health effects. Monitoring at schools has shown elevated levels of benzene, formaldehyde, acetaldehyde and other air toxics during the afternoon hour coinciding with parents **picking up their children.**" <https://www.epa.gov/schools/idle-free-schools-toolkit-healthy-school-environment>

Comment:

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.

Reply:

Having 39-100 cars per hour, idling for five to ten minutes each, at the property line in your backyard is not a “very small amount.” The effects of idling are in no way di minimus, as I have referenced with citations above, and otherwise previously. This proposed car wash is located two blocks from the Lents Neighborhood, the ninth poorest neighborhood in The State of Oregon. There are very few among us who have been afforded the luxury of purchasing the type of car which would turn itself off while idling. “As of January 1, 2020, Oregon had 29,726 registered electric vehicles.” This is less than 1% of total registered cars.

If this statement is suggesting that the operators of cars turn them off while idling, unfortunately, most drivers still believe that they will waste more gas by turning the engine off than by idling. Being an observant person, it is a very rare occasion when the car in front or behind me in a queuing lane turns off and restarts their engine. This is simply not a common practice. It is also not enforceable if it were to be requested from customers. If the wall were at a lesser height under the presumption that queued cars would observe a request to turn off their engines, and the request was declined by patrons, the abutting homes would be subject to breathing in exhaust over a six-foot fence, as much as 13 hours a day, without any code enforcements to protect them.

Additionally, in my husband’s and my experience with Washman car washes, we anticipate a wait of ten to fifteen minutes, and have waited considerably longer. This is not a “small amount” of idling time. We are not alone in our wait time experience either. Viewing Washman Facebook pages gives insight to others’ experiences. Though some of these locations offer detailing services, it is the queue for the drive-through car wash which can be seen. My apologies for the profanity in the first image - I do not feel comfortable altering their post.



Like Comment

EXHIBIT 81
Z0353-19-D

Samuel Ellis checked in to **Washman**.
December 28, 2019 · Milwaukie · 🌐

Everyone came to wash there cars to day 🚗🚗 45min wait

Address 1039 15th Ave
Longview, Washington 98632

Phone (360) 636-2985

Website <http://www.washmanusa.com>

Status Closed until tomorrow 10:00 AM - 7:00 PM

Hours Mon - Sun:10:00 AM - 7:00 PM

👍 24 likes 📍 356 visits

Washman
Car Wash · Milwaukie
1,086 people checked in here

👍 Like

Photos

Near Washman Auto Spas

Anyway, I asked if i got it washed if they'd wax, detail it. Was told YES. So, I spent 2hrs washing truck to make sure it was good and cl...
[See More](#)

👍 1 1 Comment

👍 Like 💬 Comment ➦ Share

[View 1 comment](#)

Nakiesha Hinzman doesn't recommend **Washman Auto Spas**.
December 3, 2019 · 🌐

Horrible customer service. They line up cars after cars on busy days with no room in between which has caused cars to come off he tracks and bump into other cars causing damage . Worst part is the Washman company doesn't care. Not worth the car wash to be done there when it scratches your car up so bad.

👍 Like 💬 Comment ➦ Share

Comment:

“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.”

Reply:

Yes. Car exhaust will be carried by the wind. It's easier for the wind to carry exhaust over a six-foot wall than a ten-foot wall. Again, the path of least resistance will allow the exhaust to flow more readily over a shorter wall. This is precisely why smoking cigarettes is not allowed within a certain distance of the entrance to businesses. The smoke may be carried into establishments, and is a known carcinogen. It was already established that the effects of car exhaust contain known carcinogens, and is significantly more dangerous than that of smoking cigarettes.

Clemow & Associates, LLC

Comment:

“The subject development has de minimus transportation system impacts and there will be few to no impacts to Lindy east of the car wash 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.”

Reply:

Statements like this are easy to make when simply looking at a map and not understanding the nuances of local businesses, easement roads and other streets. SE Augusta National Drive is the street which provides the primary access from 82nd to Augusta 76 Gas Station, Augusta Unocal Smoker Friendly Mini-Mart, Columbia Bank, and Black Rock Coffee. There is also Augusta easement road which provides a secondary access to and from these businesses using a short and narrow road with access to Lindy (as indicated in the photo).

With the allure of a car wash, especially near a gas station, mini-mart, bank, and coffee shop, the Augusta easement road will become the primary connector between these existing businesses and the car wash. The line of sight to the car wash driveway and queue is obscured from these businesses until the point of no return on Augusta easement road (as indicated in the photos below). Though the likelihood of drivers turning east on Lindy is low, those neighbors have explained to me that it does happen often. The increase in traffic via the Augusta easement road and inability to view the car wash queue will only increase those odds.

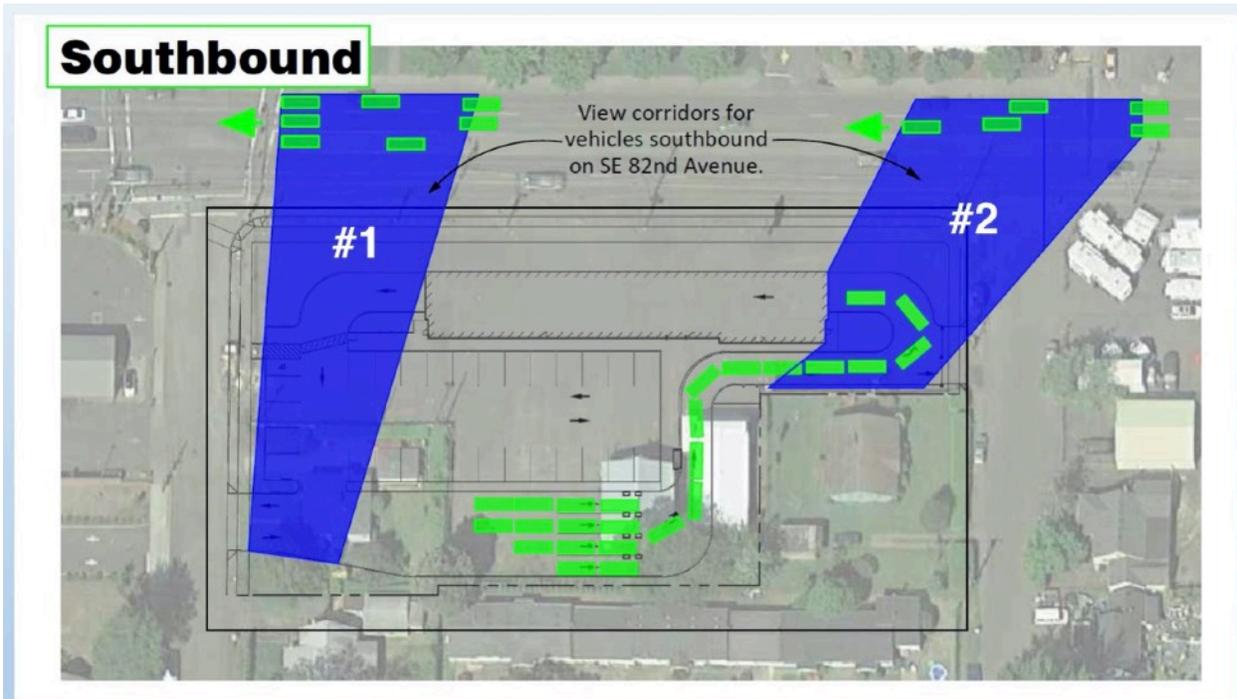




As mentioned in my previously submitted comments, the line of sight from 82nd southbound left (SB L) will also be obscured. The following image is the Applicant's exhibit and provides the southbound line of sight for onsite car wash queuing. I have placed a #1 and #2 on their exhibit in the blue shapes which indicate the line of sight (for discussion purposes). With respect to #2, southbound traffic on 82nd will not be able to see more than five or six cars according to blue shading in the diagram. This is not a good indicator as to the **actual** queuing which is obscured behind the 210-foot building. If these drivers assume that there are only five to six cars in the queue (as illustrated by the green "cars" in the blue shading), they will probably not be deterred from entering the SB L queue to turn east on Lindy from 82nd. Between line of sight #2 and #1, the driver will have to commit to entering the SB L turn lane to enter Lindy.

Even with the line of sight indicated from #1, these drivers still do not have a good representation of the **actual** queue and wait time. From #1 line of sight, these drivers will only be able to see if the queue **completely full**. Yet, they are already committed to turning onto Lindy. The actual queue length will only become evident once they are driving east on Lindy. At this point, the driver has to decide whether they have allotted enough time in their schedule to wait in line for their car to be washed. If they cannot afford to wait in line, they will have to find a way to turn around on Lindy and return to 82nd. Even a smaller onsite queue of ten to twelve cars (which cannot be seen until driving **on** Lindy) may be a deterrent. Given the Augusta easement road is practically across the street from car wash driveway, there will not be enough reaction time for those drivers to use the easement as a way to return to 82nd, nor would they be expected to know that the easement is an outlet to 82nd. They will be looking to the left to gauge the car wash wait time. The only other means of turning around will be in residential driveways on Lindy.

To state that "there will be no increase in traffic on Lindy east of the car wash driveway, as a result of the car wash" is not realistic given the design plans and limited line of sight prior to entering Lindy.





This image is just a reminder that drivers will only be able to see five to six cars waiting in the onsite car wash queue, prior to slowing as they enter the SB L queue on 82nd. And at no point will any of these drivers on 82nd be able to gauge whether they have allotted enough time to have their car washed **until they are on Lindy**.

Other comments from Clemow & Associates, LLC, further support this logic, "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."

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.

This ordinance becomes even more relevant with the exhibits showing the limited line of sight from southbound traffic on 82nd. The line-of-sight exhibit does not account for the "generous attractive landscape,"

either. There will be trees and shrubs, as per County requirements and illustrated in the design plan. The height and width of trees and landscaping are an added consideration which may further impair the line of sight, further preventing drivers from making an informed decision as to whether they have enough time to have their car washed prior to turning onto Lindy.



Comment:

“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.”

Reply:

The Rosewood Apartments on Otty were not taken into account and have been underway during this entire process. This was mentioned as a response to the initial application before the County as it relates to the TIS. The Rosewood Apartments are equal distance from the proposed development as the Heirloom Apartments.

Comment:

“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 above comment ties in with another previous comment from the Applicant.

“7,367 sq. ft drive through car wash building – washed, rinsed, dried in 210’ tunnel – one of longest in region.”

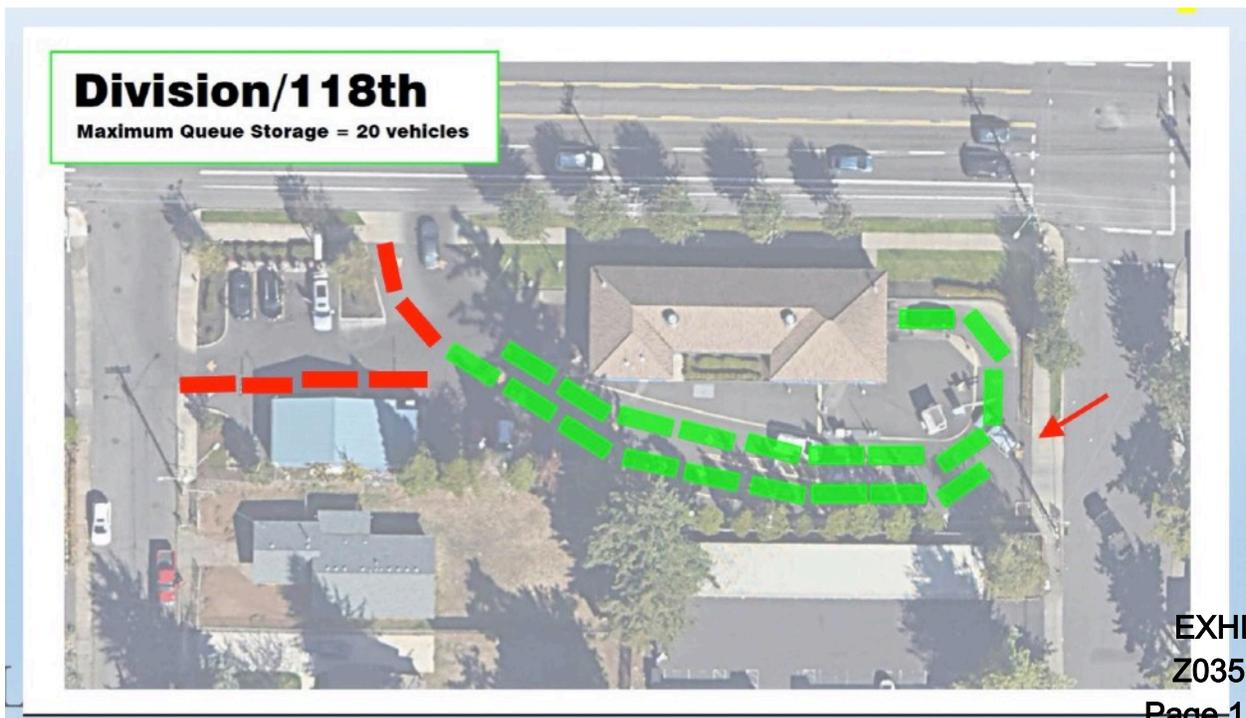


Reply:

This image is the 118th and Division location. Google Maps measures the building length at 97 feet. Yet, it is being compared to a 210 foot tunnel. As my previously submitted comments state, the longer the car wash tunnel, the greater the capacity. This is supported by Sonny's Car Wash Factory online at <https://www.sonnysdirect.com>. It only stands to reason that the capacity of these two car washes differ greatly, hence the design for additional queuing space at the proposed 82nd location.

Using the Applicants mark up of an aerial image which depicts queuing with green rectangles, I have filled the remaining queue using red rectangles and one red arrow where one additional car is queued. The approximate total queuing space for 118th and Division would be 27. Yet, the Applicants states, "Enough vehicle storage for 42 vehicles to queue under proposal or 35 vehicles if alternative site plan is approved, as requested," for the 82nd and Lindy location. The 210 foot building at 82nd and Lindy is more than doubling from the 97 foot length of the 118th and Division location, yet the onsite queuing is not increasing proportionally. Since the proposed 210 foot tunnel will be one of the longest in the region, longer than any of their other locations, it is safe to assume that the equipment within the tunnel will be longer than any of their other locations. All this to say that these top numbers of "100-120 cars per hour" on those "10-15 days a year," are coming from their existing locations which are simply not comparable.

Please remember that two out of two neighbors we approached at the 118th and Division Washman stated that the onsite queuing fails.



Deon VanZee

Comment:

“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.”

Reply:

In all facets of life, communication is key. The neighbors at 82nd and Lindy were blindsided by this proposed development. It was at least one year and eleven months after Washman initiated the development of this site before any representative from Washman went out to meet the neighbors. It is disheartening to read the suggestion that we are drumming up opponents. I implore Washman to actually get out and talk to your neighbors at your existing locations. They are not happy. They do not need prompting to share their legitimate frustrations and concerns over the impacts created by the car wash and its proximity to their homes. If you take the time to meet your neighbors, it is likely that you will both benefit from the experience. You have the option to be a trendsetter among your field. Your neighbors may have innovative ideas and suggestions, which will improve not only your relationships with these neighbors, but your overall business practices.

The Washman locations at Ross Island, Clay Street, Grand Avenue, Convention Center, Airport Way, Rockwood, Burnside, Sandy, Market Street, Lancaster Drive, and Commercial Street are completely surrounded by commercial property. Montavilla and Troutdale are across the street from residential. And the Milwaukie, Lombard, Powellhurst and Longview locations appear to abut residential. I would encourage Washman to get to know the non-commercial neighbors.

Comment:

“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).”

Reply:

Unfortunately, this may be true. But it would **only** true because of the removal of two fences as a result of this proposed development. One fence ran along the east portion of the site between the six-plex of homes and the used car dealership, and was removed after the Applicant began leasing this property. The other fence surrounded the property at 8220 SE Cornwell. The removal of these fences has increased the noise from 82nd which can be heard at the six-plex. It is my understanding that one fence stood on the property line which is in dispute, and hence no fence has been rebuilt until a decision is made. It is not an accurate assessment as to the level of noise had the original fences remained in place. These neighbors have been waiting patiently for the dispute to be resolved so they can determine if they need to replace the fence, or if one will be built if the application were to be approved. Both of these fences were buffers which had been removed as a result of this proposed development.

From Table-6

R3	Owned by Washman	-8	-10	-12
----	------------------	----	-----	-----

Reply:

It is hard to follow which homes are which in this table. However, I believe the reference to “R3 Owned by Washman,” refers to 8220 Cornwell. This property and the six-plex both abut the proposed car wash. Simply because it is in Washman’s ownership today, does not discount the fact that it may not be in their ownership a year from today. It is zoned R5 residential. Rezoning was denied and this property should be treated accordingly as residential property.

Comment:

“Therefore, it is respectfully submitted that it is unfair and unjustified to require the applicant to insure 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.”

Reply:

When considering the overall cost of this proposed car wash, the difference between a six-foot and ten-foot fence is miniscule. The two homes purchased were more than \$250,000 each. The lease for the 82nd property has been more than \$10,000 per month for 23 months. The estimated cost of construction (labor and materials) listed in the “Application for Design Review” is \$1,500,000. The total of these figures is \$2.23 million. Even if the added cost of a ten-foot fence were as much as \$60,000, that would only account for 2.6% of the above mentioned costs. This total does not include what the Applicant has paid and will pay for the County’s permits, the demolition of the two homes, etc. The added cost of a ten-foot CMU wall compared to the overall cost of this project is minuscule.

This wall is the only protection for the **eight** abutting homes, not to mention all the nearby homes. This wall is the only buffer to mitigate noise, pollution, car exhaust, light, and vibrations caused by this development. It’s a shame to think that the neighbors’ health and livability are less important than the relatively small cost differential between a six-foot and ten-foot CMU wall. Further, many car washes employ sound abatement material sandwiched in their CMU walls, and add baffles along the top to redirect car exhaust and noise. We are simply asking for the maximum height of a ten-foot CMU wall.

Comment:

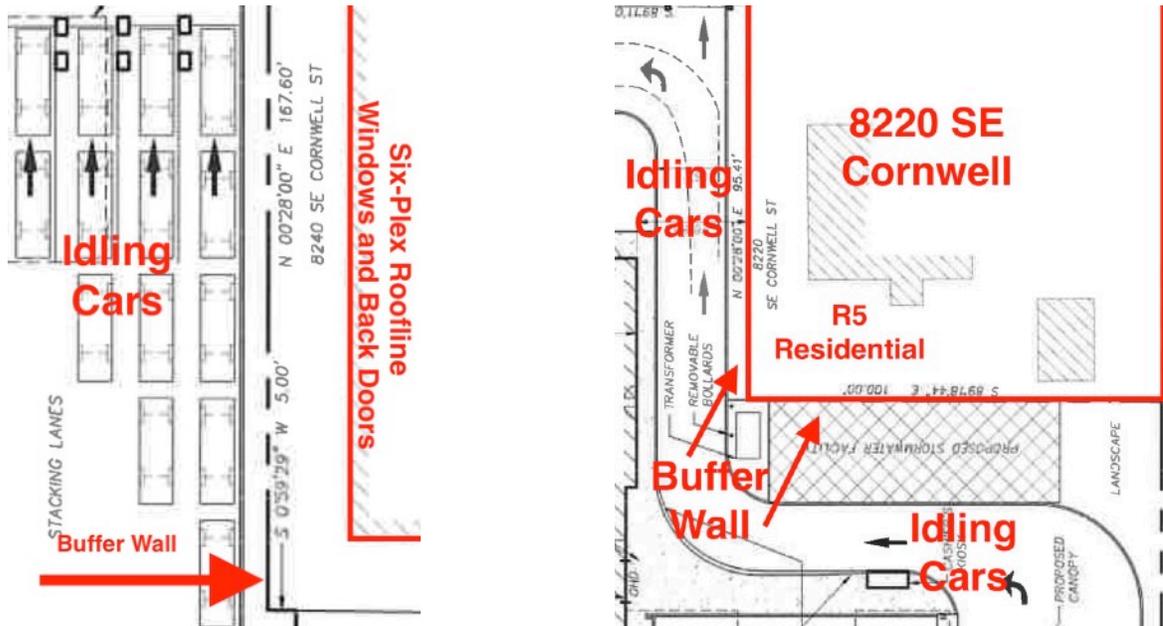
“Again, and with the greatest of respect, it seems unfair that we would have to install an 8’ or 10’ wall to mitigate for background noise levels when the car wash across the street seems to do just fine with a 7’ wall.”

Reply:

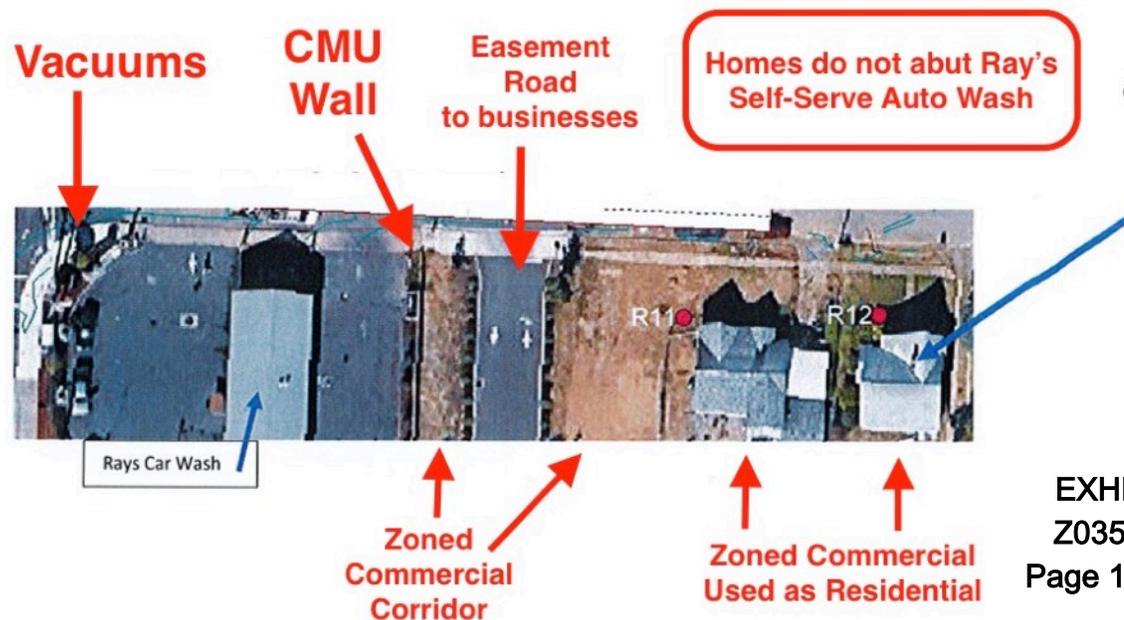
Ray’s Auto Wash had existed for more than fifty years. It is my understanding that his CMU wall was placed as a courtesy, not a requirement. It has been well established that Ray’s Auto Wash is a self-serve car wash. Cars pull into one of the stalls, and use a wand to wash their cars. The five vacuums run along the 82nd side of the property. This is comparing apples and oranges. The proposed car wash has countless sprayers, conveyer belts, car wash dryers, a loud speaker, possibly a gas station rope bell, 29 vacuum stations, car stereos blaring to be heard over the vacuums, people talking loudly over the ambient noise, and the perpetual roar of idling cars abutting homes. And most importantly, Ray’s Auto Wash does not abut residential

property. The nearest home from Ray's Auto Wash is approximately 100 feet. This home does not abut Ray's Auto Wash. This home will not abut the proposed car wash either.

The proposed car wash is **zero** feet from residential properties. The property lines between the proposed car wash and the nearest homes literally abut. These images show that the proposed car wash abuts residential property.



This is the Applicant's photo below. I have placed writing in red to indicate that the homes mentioned in this comment do not abut Ray's Auto Wash. Again, this is comparing apples to oranges. Ray's self-serve business is not comparable to the proposed drive-through car wash both in services, scale, and proximity to residential property.



Comment:

“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”

Reply:

This is idealistic. This is not enforceable. There are no enforcement codes to protect the abutting neighbors’ backyards and opened windows or doors from idling exhaust. There are no state or county laws to ensure that drivers turn off their engines while using a drive-through business. If the onsite queue had 20 cars, the attendant would have to stop directing cars into the tunnel and stop scrubbing cars at the entrance to the car wash tunnel in order to ask drivers to turn off their engines.

As it stands, the neighbors we met at the 118th and Division location said there are onsite signs asking for car stereos to be turned off. Yet, this was among the neighbors biggest complaints, meaning the staff does not enforce posted signs.

Comment:

“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.”

Reply:

In addition to my replies above, the evidence is obvious. A six-foot wall only deflects car exhaust up to six-feet. So, if a home owner standing in their own yard happens to be six-feet tall or taller, a six-foot wall does not protect the air they are breathing from the car exhaust just over the wall. This also applies to noise. When a six-foot tall or taller person is in their abutting yard, their ears will not be sheltered from the noise.

Comment:

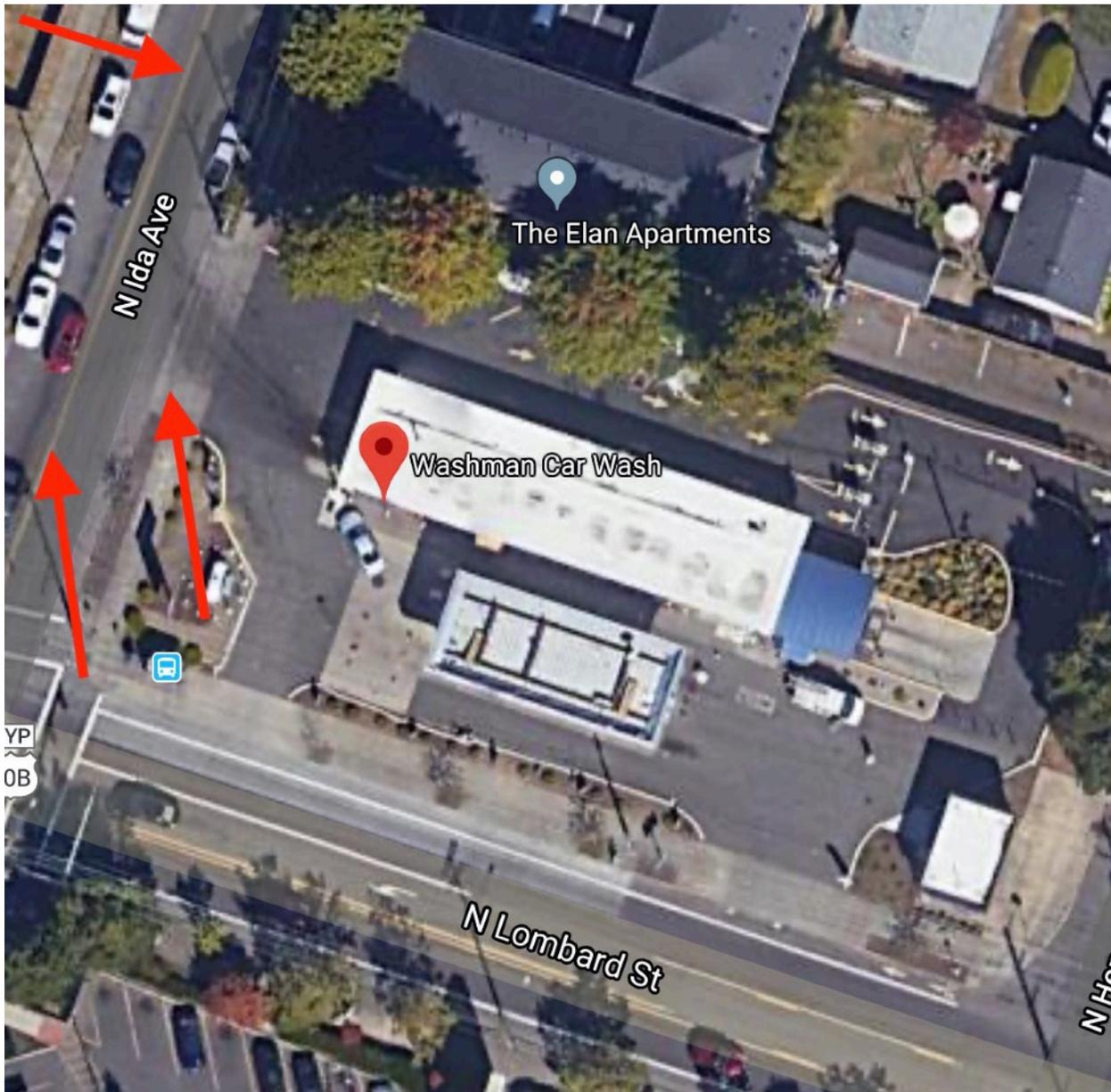
“Our Facility Will Not Track Out More Than a Negligible Amount of Water Onto Lindy. The Advanced Efficiency Drying System and the 190 feet from he car wash exit to the street will result in negligible freshwater car runoff.”

This comment couples nicely with previous comments from the Applicant,
“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.”

Reply:

This is a Google image of the Lombard location with the identical dryer. It is plain to see this is more than a negligible amount of car runoff, seepage/discharge/overflow.



It is apparent that an email submitted from a neighbor who was not present at the hearing is included as an exhibit. Yet, other emailed comments from neighbors sent the week prior to the hearing were not included. I mentioned my concern over this previously, as their voices are no less important than others.

It is also apparent that the ZDO requirements have changed from the time of the application submittal to the time of the appeal. The initial requirements before The County included the 1000 series, not select components.

I hope you can forgive my inadequacies in my comments and presentations. Jumping into an unknown world of County zoning and planning has definitely put my neighbors and me to the test. This is by no means my forte, and has been an unexpected learning experience. There is much I've yet to fully comprehend, but I do understand the ramifications of traffic to neighboring streets and intersections, and definitely understand the harm that will come from wet streets, frozen streets, noise, vibrations and pollution.

Thank you for your time,

Tonya Reed



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

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

February 6, 2020

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

Re: Washman LLC
Case File Number Z0353-19-D

Dear Mr. Wilson:

Thank you for your consideration of the above referenced application concerning an appeal of staff's approval of Washman LLC's application for carwash in the County's 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 engineer Larry Shirts, Dan Symons Engineering, regarding the cost of a sound mitigation wall, at varying heights;
2. Additional supplemental analysis from Chris Clemow, Clemow Associates LLC regarding transportation issues raised by opponents on January 30, 2020;
3. Supplemental Washman Letter signed by Deon VanZee, Regional Manager.

An additional supplemental noise analysis by Martha Moore, Moore Noise LLC, will be submitted under separate cover.

The previous and additional noise analyses should make clear, and it is not undermined by any other evidence, that a 6' wall plus the proposed design, fully mitigates Washman LLC noise to what are essentially background noise levels.¹ A wall at 8' or 10' height does nothing

¹ Because the previous noise reports only assumed and modeled noise coming from SE 82nd and Lindy, it was well known to be extremely conservative by omitting other significant noise generators in the area. Because opponents continued to complain in their July 30, 2020 submittals about possible noise from the proposal, additional actual noise measurements were taken at R11 on February 3, 2020. As suspected, those measurements showed area noise to be 4 dBA higher than the previous model had assumed. Properly accounting for actual noise in the area demonstrates that a 6' wall on the east property line plus the design of the proposed facility, will adequately mitigate sound from the proposal so that it not only meets the only applicable standard – DEQ's daytime standard – but also when the Washman facility is developed, sound experienced at R 1 – R12 will be consistent with the sound levels that those receptors *now experience – without Washman being developed*. An 8 or 10' wall only serves to mitigate existing background noise in the area and to take the sound profile of the area to one that is lower than is now experienced.

other than mitigate existing area noise levels – noise levels having nothing to do with Washman. It seems really unfair (and not consistent with any applicable county approval standard), to force the applicant to construct a wall that does not even mitigate for the applicant's impacts but rather for existing conditions. It is our sincere hope that you will impose only a condition of approval requiring the applicant to construct a 6' sound barrier wall on its east property line. Thank you.

Very truly yours,



Wendie L. Kellington

WLK/wlk

Enclosures

CC: Mark Hannah
David Tarlow



February 6, 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:

This letter is prepared in response to both county staff and opponent comments submitted on Jan 30, 2020 request the CMU wall along the east property line, to be constructed to a height of 10'. The applicant requests that the wall be 6' in height.

The purpose of this letter is to demonstrate that there are significant cost and engineering difficulties between establishing a 6' wall (as the applicant requests) and a wall of a taller height.

The estimated costs and footing sizes for the varied wall heights are as follows:

- 10' wall = \$114,250; 36" wide footing
- 8' wall = \$91,400; 31" footing
- 6' wall = \$68,550; 30" footing

The proposed site plan and the alternative site plan need not change with any of these wall sizes – there is room for both the wall and footings whether the wall is 6', 8' or 10'.

Larry Shirts
Symons Engineering Consultants, Inc.



February 6, 2020

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Attention: Fred Wilson, Hearings Officer
150 Beaver Creek Road
Oregon City, Oregon 97045

Re: **Washman Carwash – SE 82nd Avenue/SE Lindy Street – Clackamas County, Oregon**
Technical Letter #3 – Response to Public Record Testimony Received as of February 6, 2020

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

Dear Mr. Wilson,

This technical letter supplements the applicant's transportation materials previously 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*,
- Applicant testimony presented at the January 23, 2020 public hearing, and
- The January 30, 2020 *Technical Letter #2 – Response to Testimony Presented at the January 23, 2020 Hearing*.

Materials in this letter specifically respond to Clackamas County file number Z0353-19-D, Exhibit 78 which is a January 30, 2020 letter from Tonya Reed. The following is an underlined summary of Exhibit 78 testimony materials followed by the Applicant's response.

Testimony: The letter references issues related to the direct, private (Chase Bank) development access (Clackamas County file number Z0332-19) on the west side to 82nd. The letter also references issues related to southbound queue lengths at the 82nd/Lindy intersection. While testimony materials do not address approval criteria specific to the Washman land use application, it is generally argued the increased queuing on 82nd negatively affects traffic operations at the 82nd/Cornwell intersection and results in unsafe operating conditions.

Applicant Response: Unlike the Chase Bank development referenced in file number Z0332-19, the subject Washman development proposes no direct private development access to 82nd and is dedicating additional right-of-way to widen 82nd to better accommodate all transportation system users.

In determining the Washman 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. Noting the Washman development has *de minimus* transportation system impacts at these intersections, and also at the 82nd/Cornwell intersection, neither ODOT or the County are recommending mitigating 82nd corridor improvements in addition to eliminating direct access and roadway widening, and none are warranted.

Testimony references the queuing analysis presented in the 2019 Washman TIS and specifically highlights the increased southbound left-turn queue lengths at the 82nd/Lindy intersection. As identified in TIS analysis, southbound left-turn queue lengths are anticipated to increase from 75 feet to 150 feet. The TIS analysis also identifies that there is 175 feet of dedicated (striped) queue storage available to accommodate the queues. There is also a 200-foot long, center two-way left-turn lane on 82nd extending from the end of the dedicated southbound left-turn lane at Lindy north to the Cornwell intersection. This lane is available for use by all left-turning motorists.

Testimony: The letter references issues related to the 82nd corridor crash history and safety, and the lack of dedicated public funding to construct corridor safety improvements.

Applicant Response: Regarding the 82nd corridor, the applicant performed an in-depth safety analysis consistent with ODOT and County requirements as highlighted in the applicant's January 23, 2020 *Technical Letter #1 – Response to Appeal of Planning Director Approval*. Those materials noted the section of 82nd between Cornwell and Johnson Creek has a 2017 SPIS score is 87.12 which is in the top 5% for ODOT Region 1. Accordingly, the applicant requested additional information from ODOT who provided 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. All affected transportation systems have adequate capacity to accommodate the proposal and the proposal does not cause safety issues. It is noted that its only access 82nd is via the signalized intersection at Lindy meaning the flow of vehicles entering and exiting the site is regulated by the traffic signal.

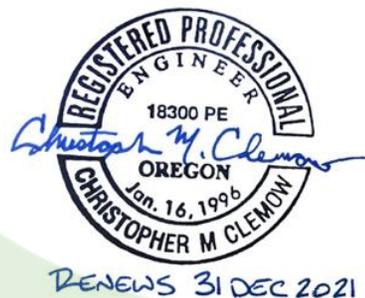
Overall, large scale agency-initiated corridor improvements are necessary to improve corridor safety, the magnitude of which greatly exceeds individual development impacts of the proposal at issue here. ODOT and Clackamas County are working on funded Johnson Creek Corridor channelization and median improvements that include the 82nd intersection and are intended to improve intersection safety.

While it is recognized there are existing 82nd corridor safety deficiencies and there is a lack of dedicated public funding to construct safety improvements beyond those noted above, the proposed Washman development is an allowed use in the Clackamas County Corridor Commercial (CC) zone designation. This development and its associated transportation system impacts have generally been contemplated in agency land use and transportation plans and the carwash traffic is typical of existing/background roadway traffic already on the system. As such, there is no reason to believe the carwash will have an atypical or abnormal effect on corridor safety and the applicant has addressed all relevant land use approval criteria.

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

February 6, 2020

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

RE: Washman LLC Design Review
Casefile # Z0353-D

Dear Mr. Wilson:

This letter responds to evidence submitted by various persons on January 30, 2020. Please include this letter in the record of the above matter.

Complaint that Because Ray's Self-Serve Car Wash and Others Track Water onto Streets and are Noisy, Washman Will be the Same

We are not sure how allegations about whether water from wet cars track onto adjacent streets are relevant to any approval standard and believe that the allegations to that effect, have no relevance. After all, it rains in Oregon. It rains on cars in Oregon. Cars are on the streets when it rains, in Oregon. Puddles are created in Oregon through which cars drive whether rainy or not. Cars that are rained on or that become wet from driving through a puddle, are not necessarily clean and so all of the dirty debris sloughs off onto the streets as a matter of course. Without any doubt such wet cars on the streets, drip water and dirt and pollutants onto the street system they traverse. A car wash – whether Rays or any other – does not change this dynamic other than the cars that have been washed, slough off cleaner water. We reserve the right to argue this position that the issue of vehicle water slough-age post-wash, is wholly irrelevant. Reserving that, we respond below.

The assertion is mistaken. First, it fails to appreciate the facts above stated. It also fails to appreciate that the physical layout and operations at a car wash, completely determine whether and how much water sloughs off post-wash.

In this regard, the assertion fails to appreciate the significant differences between Rays Self Service Car Wash and the proposed Washman facility. Ray's (situated across Lindy from the proposed facility), is an open air, tunnel-less, wholly self-serve, car wash, with only about 5-10 ft. of distance between the car wash area and Lindy. See image below



Ray's has no dryer, rather cars dry by evaporation only. Rays customers slough off water onto Lindy St. because Rays' facility has no dryers and as noted above, the wash area is situated a short distance from Lindy St. Further, its vacuums are not housed in any particular noise shielding structure.

Washman on the other hand is completely different. It will use effective state of the art noise suppression air dryers (situated 40 ft. inside the wash tunnel from the exit) to remove fresh water. Thus, any negligible amount of water left on the vehicle will be discharged on the 150' travel from the end of the tunnel to the end of the driveway at Lindy. Further, some number of customers will stop to vacuum their cars before exiting, further diminishing the possibility of water slough-age. No or negligible water is reasonably expected to slough off of cars from the proposed new Washman facility onto Lindy St. As you are aware, the machine engine that works the vacuums is housed within the tunnel building – another very significant distinction between the proposal and Rays.

The aerial photos of car washes presented in complaints do not show water tracking but they do show car traffic patterns from tire rubber tracking, the same as any other stop & go related businesses, like coffee shops, gas stations & fast food. The claim that those aerial photos depict water tracking from car washes is false.

We have received no complaints from neighbors related to our facilities at 82nd & Glisan and at 118th & Division. The alleged verbal complaints were apparently solicited door to door. The fact is that before opponents went out to gin up complaints, it is the case that no one cared enough to mention to us (or the county), any concerns.

There is no entrance or exit on 119th & Division St., so there is zero traffic impact or congestion caused by the Division car wash., and as previously submitted, the proposal has a longer queue length than our facility on 118th and Division.

Washman has been a good neighbor in all neighborhoods in which we do business , and that is why we haven't received complaints formally or informally. Our car wash employees, managers & supervisors will be responsive to any neighbors concerns if there are any ever expressed to us about the proposed facility. We note that only a handful of neighbors oppose the proposed car wash. By visiting our neighbors personally, I found that most of them were positive and some elated about the development of the property, the landscaping and the street improvements.

The picture of the puddle on 82nd at the Washman on 82nd & Glisan, depicts previous rainfall, but has nothing to do with our facility located there. The facility at 82nd and Glisan has no car exit on 82nd . Rather, the photo depicts an entrance only, not an exit. These photos and descriptions therefore start from an erroneous premise (they show existing consequences) and so draw erroneous conclusions.

Further, it rained 29 out of 31 days in January 2020, and there was standing water from rainfall all over the city of Portland and our own lots the entire month. Our wash & dry process does not cause standing water on the streets because we use effective air dryers, Washman is not a self-service car wash operation, like Rays', that does not employ automatic air dryers.

The International Car Wash Association study of Water Carryout & Evaporation, referred to by one of the opponents, was contracted specifically to determine the amount of fresh water used in a sample size of 6 car washes in Northern California to determine the amount of fresh water used per car and the amount of fresh water that was not discharged into the sanitary sewer system specifically to lower sewer charges to car wash operators. The 6.3 gallons of carryout & evaporation per car **Does Not** refer to water carried out onto the street, but rather to the water that is absorbed into the car wash system for rewash & evaporation that does not go into the sanitary sewer system in order to reduce sewer system charges. Automatic car washes generally employ air dryers to dry cars and true water carryout is negligible onto adjoining streets, not enough to create standing water. This report does not add to or prove anything about opponents' concern about water "track out."

The proposed Washman car wash development on 82nd & Lindy, will help eliminate existing standing water caused by rain fall and Rays Car Wash by improving the streets and drainage, it will not create any standing water!

Allegation of a "Delivery Bell" or other Loud Sounds at the Proposed Facility

These allegations are mistaken. No “delivery bell” will be used as automatic gates will be employed at the auto pay cashiers. There will be no loud sounds emanating from the premises, the car wash tunnel or the vacuum system per the noise study using the same electrically operated variable frequency drive motored equipment that will manage and limit the use of motor drive to reduce power, air and sound. The noise levels referred to at other car washes are not comparable to the noise levels specified and tested at the proposed site because the equipment being installed is different than the equipment at locations referred to by the opponents and the noise decibel’s and pitch are substantially lower and are within DEQ sound limits.

The Proposal Will Not Compete With Rays’ Self-Serve Car Wash

Rays Car Wash is opposed to our proposal for anticompetitive reasons. The owner fears that Washman Car Wash will negatively affect his business. This is irrelevant to any approval standard. And is also likely mistaken. Our proposed green automatic car wash and Ray’s self-service car wash serve two different and distinct markets. Green automatic car washes like what we propose will be in even more demand when the local, state & federal environmental agencies start enforcing current laws prohibiting home washing that results in discharging liquids into the storm drains which pollutes the rivers & streams and mandating automatic green car wash use during droughts like Clackamas County did in 2015.

Wash Volume

The length of a car wash is not based on car wash volume as suggested, it is just one of many variables. Vehicles get heavily soiled in the fall, winter & early spring requiring time for prepping the vehicle for washing, washing the vehicle, extra services and drying the vehicle on line in the tunnel. The longer the tunnel the more time there is to accomplish the washing & drying of the vehicle. Even though you could turn up a car wash conveyor to 150 cars per hour, you cannot force customers driving a car to drive, load and exit a car wash that fast. The building was designed longer for customer convenience for loading and unloading, anti-freezing, cleaning, extra services and drying time and noise suppression.

The maximum expected car wash volume is about 100 cars per hour a few times a year as weather permits and the average volume during peak hours is about 39 cars per hour, which will have no traffic impact, as explained by our traffic engineer.

The Wall

The noise study (also submitted today) essentially explains that:

“when the Washman proposal is developed, a 6’ wall reduces the noise levels experienced by the residences in the area to essentially the level of noise that they now experience without the Washman facility. An 8’ or a 10’ wall does not further reduce the contribution to overall sound levels from the Washman facility, but merely reduces the existing levels of noise that the neighborhood now experiences. In all, a 6’ wall essentially reduces noise from the proposed facility to the levels now experienced in the neighborhood. Noise at R11 goes up by 2 decibels (not a perceptible change in overall noise levels). Neither R11 nor R12 are affected in any way by the proposed wall whether it is 6’ or 8’ or

experienced and R11 goes up by 2 decibels (not a perceptible change in overall noise levels). Neither R11 nor R12 are affected in any way by the proposed wall whether it is 6' or 8' or 10'. The evidence shows that a 6' wall mitigates for Washman's noise, so that the noise experienced by the neighbors benefitted by the wall, will hear the same level of sound that they do right now within normal perception. An increased wall height (8, or 10 feet) only serves to mitigate noise (and even then, by small amounts) from existing noise sources not associated with the Washman facility. "

It seems unfair to force us to pay \$45,700 more (cost difference between 6 and 10' wall) just to mitigate sound to a level that is below what the neighborhood now hears.

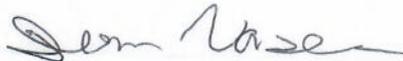
Request for Approval

The proposal represents a three year substantial investment in time, rent and development cost that has been made to provide the city, county & neighborhood a stunningly beautiful building and landscaping plan with state of the art noise suppression equipment and a traffic plan specifically designed to eliminate customer traffic on Cornwell, where the vast majority of the neighborhood resides, We will do so and also meet the local consumer demand for an environmentally friendly car wash that will be an asset to the community, instead of the eyesore used car lot that it has been and is otherwise destined to be. This aesthetic development will be the gateway to redevelopment of the blighted north corridor on 82nd which is so desperately needed by the entire area to improve the standard of living of the entire community.

Nadine Hanhan in her comments stated that Tonya Reed is speaking for herself in her complaints and not the Southgate CPO. That is telling. As you can see from the record, there are a number of people who live nearby who support the proposal and hope for its approval.

There is really no reason for the neighborhood not to support the proposal. No one can dispute that it represents a significant improvement over the current situation of the property or its previous service as a used car lot. With the greatest of respect, we have met all standards and ask that you support your staff and approve the proposal. Thank you

Sincerely



Deon Vanzee

Moore Noise, LLC

February 6, 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**
Noise Analysis Technical Letter – 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,

The conclusions of this letter, prepared in response to comments received on January 30, 2020 are as follows:

- Noise measurements collected on February 3, 2020 demonstrate the contributions from the many complex noise sources in the neighborhood. These new data show the previous measurements taken on July 4th, 2019 were representative, and that previously modeled existing conditions cannot be validated against measured levels without an upward adjustment in sound levels to account for the noise from area sources such as I-205, SE Johnson Creek Boulevard, the light rail, and commercial operations in the area. These many sources cannot be effectively modeled for a single facility development application.
- A 6-foot sound wall along the eastern property boundary effectively mitigates sound from the Washman facility to existing levels within normal perception (no change to a 1 dBA increase).
- Once the overall existing sound environment is accounted for, the change in cumulative sound levels (existing plus the Washman facility) with an 8-foot or 10-foot wall do not change from the levels predicted with a 6-foot wall.
- As was demonstrated in previous submittals, the wall would reduce overall sound levels at increasing heights primarily by reducing the contribution of existing sources.

Information in this letter supplements the applicant's technical noise analysis materials submitted into the public record, including the July 10, 2019 *Final Noise Evaluation, Proposed SE 82nd Avenue Self-Serve Car Wash*, the November 18, 2019 *Proposed SE 82nd Avenue Car Wash Noise Evaluation* letter clarifying the Final Noise Evaluation in response to public comments, and the January 22, 2020 *Enhanced Noise Modeling for the SE 82nd Avenue Proposed Site – Final Memorandum*.

Testimony was presented at the January 23, 2020 hearing in oral format and on January 30, 2020 in written responses. A summary of the testimony and comments specific to the noise analysis is presented below, organized by subject matter. It is followed by the Applicant's response.

1) Comments Related to Noise from the Vacuum System and Other Facilities

- a. The vacuum motor is not the only noisy part
- b. Clearly describe the noise at the vacuum
- c. Sounds from the Eco Car Wash vacuums have a high-pitched whine, concern that Washman will have a whine
- d. Can hear vacuums and music from cars inside of homes near Eco Car Wash on 82nd Ave
- e. The noise from the Washman 118th and Division facility is loud – driveway bell
- f. Other comments regarding noise around car wash facilities in Portland area

Response

Sound levels from different car washes will vary substantially based on the specific type of equipment used, the age of the equipment, and the overall design of the facility. The proposed automatic Washman Car Wash will be a new, modern facility and incorporates design features specifically to reduce noise levels below those typical of an older, or less well designed, automatic car wash. Some of the features incorporated into the design are:

- The dryer section of the car wash is recessed into the tunnel by 40 feet. The dryer is typically the loudest onsite noise source at an automatic car wash. This design feature will substantially reduce noise levels at the proposed Washman site. Note that both the dryer equipment and the facility design are substantially different than the 118th and Division Washman facility. The 118th and Division facility is not comparable for noise.
- There will be a weather door on the dryer end of the wash tunnel. In addition to recessing the dryers into the tunnel, an automatic door will close during periods when a car is not exiting the tunnel. This noise reducing feature was not considered in the sound model of the facility.
- The vacuum system will be a central system with the vacuum motor inside the concrete wash building and will use variable frequency motor drives. This will substantially reduce noise from the vacuum system and eliminates high frequency whine.
- The site design is configured to move the vacuum wands away from adjacent property lines, and to direct the open ends of the tunnel away from noise sensitive residential areas.

The initial methods used to predict the sound from the vacuum system, as installed at the propose location was robust and very conservative. The initial equipment measurements were taken of the vacuum wand stations at the Washman facility located at 24161 SE Stark Street, Gresham, Oregon. This facility has identical equipment for the vacuum system as that at the proposed Washman facility. The sound from the wand sections of the vacuum system was measured at close range during normal operations. Normal operations included the sound of hard objects being collected by the vacuum wand. Frequency data were collected for the vacuum wand operations to determine if discrete frequency sounds would be an issue. The vacuum wands have primarily mid-frequency noise characteristics and do not "whine". The initial equipment measurements for the dryer system were taken inside the tunnel at the N Lombard Washman facility. This facility has identical dryer equipment to that specified for the proposed SE 82nd Avenue facility. However, the dryers are located near the open end of the tunnel. At the proposed facility, the dryers will be recessed into the tunnel by 40 feet.

The measured equipment data from the initial methodology were used in the CadnaA™ sound model to calculate expected sound levels around the proposed Washman facility at particular noise receivers (R-1 to R-12). For the noise predictions, it was assumed that 26 on-site vacuum wand stations would all operate simultaneously and continuously.

2) Comment stating that there will be many noise sources at the facility including the dryer, vacuum, and idling cars.

Response

The noise model of the facility used to calculate the expected noise levels at the adjacent residential areas included the noise sources mentioned – the totality of the facility was assumed to be in operation including the dryer, vacuum wand stations, and idling cars. In addition, the model included cars moving on the site, mechanical sounds and the instruction panel voice at the wash tunnel entrance. The modeled sound levels from the facility assumed, very conservatively, that all the on-site sources would operate continuously at full capacity. As an added, unrealistically high estimate of the sound levels, it was assumed 180 cars per hour would be processed through the car wash (the maximum expected capacity is 100 to 120 cars per hour). The resulting sound levels calculated for the adjacent residential areas will be higher than expected to occur and much higher than expected normal operations.

3) Comments Related to the Sound Wall Height and the Standards Applicable to the facility

- a. The “maximum noise abatement” was requested by opponents of the proposal**
- b. A 10’ wall provides some benefit (2-4 decibel reduction)**
- c. No recourse on noise issues is available based on Clackamas County Noise Code**
- d. the measured sound levels will be low because the measurements were performed on the 4th of July**

The Clackamas County Noise Code does not apply to the proposed facility. The Washman facility will be subject to the Oregon Administrative Rules under the Oregon Department of Environmental Quality (DEQ) discussed further in the following paragraphs.

“Maximum Noise Abatement” is not a defined concept. Noise abatement is analyzed for effectiveness at reducing sound levels below standards considered protective of sensitive uses, and for reducing the impacts, or effects of a proposed facility. A 10-foot sound wall along the east property boundary has been requested by members of the neighborhood.

Existing sound levels were measure on the east side of the proposed Washman site on July 4th, 2019. Because the neighborhood questioned the validity of measured data taken on a holiday as representative of the sound environment, the data were not used to adjust the model results for existing conditions. Subsequently, additional sound measurements were taken at 8302 SE Lindy Street on February 3, 2020. The Lindy Street data confirmed the results of the measurements from July 4th as generally 4 to 5 dBA above modeled existing conditions. Note that the Lindy Street measurement location is further from SE 82nd Avenue and behind the Ray’s Car Wash sound wall.

Tables 1 and 2 show a summary of the measured sound levels. Table 3 shows the modeled versus measured results for both locations. The L₅₀ is the most restrictive DEQ standard applicable to the facility and is used to evaluate impacts.

Table 1: Measured Existing Daytime Noise Levels Near the East Side of the Proposed Site (dBA)			
	L₁	L₁₀	L₅₀
Average	71	64	60
DEQ Standards	75	60	55

Noise measurements made July 4th, 2019

Table 2: Measured Existing Daytime Noise Levels At 8302 SE Lindy Street (dBA)			
	L₁	L₁₀	L₅₀
Average	64	59	56
DEQ Standards	75	60	55

Noise measurements made February 3, 2020.

Table 3: Comparison of Measured Existing Daytime Noise Levels to Modeled Existing Noise Levels (dBA)			
	Modeled L_{eq}	Average Measured L₅₀	Reasonable Adjustment to Existing Modeled
On-Site Location	56	60	+4
SE Lindy Street Location	51	56	+5

For steady sound sources the L₅₀ and L_{eq} are equal.

Based on the measured data, the modeled existing conditions were adjusted for comparison to Washman facility effects. The adjusted existing levels are shown in Table 4. The measurement of higher levels than modeled is expected because the existing model includes only SE 82nd Avenue and Lindy Street. Other noise sources in the area such as the I-205 freeway, the light rail, SE Johnston Creek Boulevard, and commercial operations are accounted for by the adjustment. When the existing conditions are adjusted to account for all of the actual noise sources in the existing sound environment, the louder existing levels provide more masking of the proposed facility, as expected.

Table 4: Comparison of Existing and Future Modeled Sound Levels Around the Washman Site (dBA)

ID	Description of Receiver	Existing Modeled	Existing Adjusted for Measurements
R1	North of site, north of Cornwell	54	58
R2	Northeast of site, north of Cornwell	43	57
R3	Owned by Washman	57	61
R4	Apartment north	51	55
R5	Apartment center	48	52
R6	Apartment center	51	55
R7	Apartment south	53	57
R8	East of site, south of Cornwell	41	45
R9	Southeast of site, north of Lindy	50	54
R10	Southeast of site, north of Lindy	46	50
R11	Southeast of site, south of Lindy	51	55
R12	Southeast of site, south of Lindy	43	47

Sound levels between 40 and 50 dBA are common in quiet residential areas, or inside a quiet home. These sound levels align with the allowable noise levels from OAR 340-035 for existing industrial or commercial noise sources (Table 5).

Table 5: Existing DEQ Industrial and Commercial Noise Source Standards

Statistical Descriptor	Daytime Level (dBA)	Nighttime Level (dBA)
L50	55	50
L10	60	55
L1	75	60

The DEQ daytime period is 7:00 a.m. to 10:00 p.m. and the DEQ nighttime period is 10:00 p.m. to 7:00 a.m.

The nighttime L50 standard of 50 dBA is designed to maintain appropriate sound levels in quiet residential areas at night. The Washman facility will operate only during daytime hours when sensitive receivers are not as sensitive to sound. Where modeled sound levels from a future source are in the 40s, sound levels are not generally considered impacted even if a facility has an effect, and particularly not if a facility has a minor effect (less than 3 dBA).

Table 6 shows a comparison of existing sound levels with the cumulative future sound levels calculated as the existing plus the proposed Washman facility operations with a 6-foot sound wall on the east property line. Note that the Washman facility includes only the facility noise sources and does not include any existing sources since these are now accounted for in the data that has been adjusted based on measurements.

Table 6: Comparison of Existing and Future Modeled Sound Levels Around the Washman Site with 6-Foot Sound Wall (dBA)

ID	Description of Receiver	Existing	Washman (facility only, no existing sources) with 6-foot wall Modeled	Cumulative Levels (Existing plus Washman)	Change (Cumulative vs. Existing)
R1	North of site, north of Cornwell	58	44	58	0
R2	Northeast of site, north of Cornwell	47	32	47	0
R3	Owned by Washman	61	45	61	0
R4	Apartment north	55	44	55	0
R5	Apartment center	52	43	52	0
R6	Apartment center	55	43	55	0
R7	Apartment south	57	43	57	0
R8	East of site, south of Cornwell	45	34	46	0
R9	Southeast of site, north of Lindy	54	49	55	1
R10	Southeast of site, north of Lindy	50	45	51	1
R11	Southeast of site, south of Lindy	55	51	56	1
R12	Southeast of site, south of Lindy	47	44	49	2

Refer to the attached Figure 1 for Receiver locations.

From Table 6, sound levels modeled for the proposed Washman facility only (with no existing noise sources) are below the DEQ nighttime standard at all locations except R11. This indicates that all areas north of Lindy Street are either not expected to be impacted or are well mitigated by the Washman facility with a 6-foot sound wall. A further consideration of increased wall height is not warranted even if sound levels increase somewhat.

Tables 7 and 8 show a comparison of existing sound levels to the cumulative future sound levels calculated as the existing plus the proposed Washman facility operations with an 8-foot and 10-foot sound wall respectively. Receivers R1, R2, R11, and R12 are not included in Tables 7 and 8 because these receivers are not benefitted by a wall on the east property boundary as the wall does not block the line-of-sight from the noise sources to the receivers.

Table 7: Comparison of Existing and Future Modeled Sound Levels Around the Washman Site with 8-Foot Sound Wall (dBA)

ID	Description of Receiver	Existing	Washman (facility only, no existing sources) with 8-foot wall Modeled	Cumulative Levels (Existing plus Washman)	Change (Cumulative vs. Existing)
R3	Owned by Washman	61	43	61	0
R4	Apartment north	55	44	55	0
R5	Apartment center	52	40	52	0
R6	Apartment center	55	40	55	0
R7	Apartment south	57	41	57	0
R8	East of site, south of Cornwell	45	33	46	0
R9	Southeast of site, north of Lindy	54	47	55	1
R10	Southeast of site, north of Lindy	50	44	51	1

Table 8: Comparison of Existing and Future Modeled Sound Levels Around the Washman Site with 10-Foot Sound Wall (dBA)

ID	Description of Receiver	Existing	Washman (facility only, no existing sources) with 10-foot wall Modeled	Cumulative Levels (Existing plus Washman)	Change (Cumulative vs. Existing)
R3	Owned by Washman	61	41	61	0
R4	Apartment north	55	43	55	0
R5	Apartment center	52	38	52	0
R6	Apartment center	55	39	55	0
R7	Apartment south	57	39	57	0
R8	East of site, south of Cornwell	45	32	46	0
R9	Southeast of site, north of Lindy	54	46	55	1
R10	Southeast of site, north of Lindy	50	43	51	1

Although increasing the wall height from 6 feet to 10 feet does reduce the contribution from the proposed Washman facility, it is not expected to reduce cumulative sound levels from existing levels. This result is expected. The addition of decibels is logarithmic. Consequently, adding two sources with equal sound levels increases the cumulative level by 3 dBA. And, to not add to the cumulative level, a new source must be 10 dBA quieter than existing levels.

Note that when the overall sound levels are considered, the wall will also reduce sound from existing noise sources (particularly SE 82nd Avenue) for the receivers behind the wall. As a result, the overall cumulative levels will decrease because sound contributions from existing sound sources will be reduced. This benefit was included in previous reports and was shown to be between 3 to 4 dBA at most locations behind the wall.

Once the existing sound environment is properly accounted for based on measurement data, there does not appear to be any benefit to cumulative sound levels attributable to the Washman facility by increasing the sound wall height from 6 feet to 8 or 10 feet.

Sincerely,
Moore Noise, LLC

A handwritten signature in black ink that reads "Martha Moore". The signature is written in a cursive, flowing style.

Martha Moore, PE
Principal Engineer/Member

Attachment: Figure 1



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

Noise Model Receiver Locations

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

On 0119-2020 Ray's Auto Wash washed 143 cars over a 5 hr period for an average of 24 cars per hour. Peak hour performance was 31 cars exiting. This is from a 5 bay Self Service Car Wash. It is by far the busiest Self Service Car Wash in Clackamas County. It has a unique slowness because of the fact customers decide how fast or slow they are going to get it done. If Ray's Auto Wash had 5 more or 10 more bays they would also be full. Ray's Auto Wash and the Proposed Washman facility share the same busy pattern and sit in a non stop supply of dirty cars stimulated by dry pavement and when the sun comes out it goes to another level. How could anybody not be misled by this, a 25,000 sq ft 2 lane feed 90 ft conveyor with a drying system that clearly leaves a water track out of over 130 ft..(believe it or not there is a picture of the track out on their website). A Comparison to the the proposed facility of 55,000 sq ft 4 lane feed State of the Art 210 ft conveyor wash. That's just the size and equipment. Let's bring out the general appearance of a 30 year old small Car Wash to A state of the Art Car Wash with modern new architecture. You're probably wondering why I question the I.T.E. manual. This is the very reason why, it's very misleading. I believe the I.T.E. number of 39 cars per hour is about rite for the Division St Powell Hurst location. Everything about the new facility is twice as big as the Division St. location. As far as water track out there is overwhelming evidence as it's been shown on google earth that you cannot get a car dry by blow drying over a 33 LF. grated water trap. Some of the measurements show track outs go for several hundred feet. 400 to 700 ft at the comparable Kaddy Facility. That is water that was left over after the drying process and is finally dripping off. As so stated by sales staff that sell that equipment. The following is rebuttal to on the record statements from the following.

1. Wendie Kellington Exhibit 52 pg 38. 33 LF of drip grates in the tunnel to capture any remaining water after forced air dryers have removed most of the water? RB-- Most of the water you are rite and the google earth photos show where the remaining water is discharged.

2. Washman Regional Manager Deon VanZee Exhibit 52 pg. 41 car wash customers spend an average of 5 to 6 min on site start to finish. Exhibit 52 pg.43 Air dryer system has identical dryer manufacturer and hardware setup.RB-- The quickness of passing cars through the car wash is why you can see the water track out, as seen on their web site and shown in my last letter exhibit 72 pg.4. Not sure that same dryer system is going to do the Lindy Ave. track out any favors as Ray's Auto Wash already has trackout going on there, exhibit 66 pg.16. Exhibit 52 pg. 45 Air dryers blow off, conservatively 95% of rinse water?RB-- You can easily see where the other 5% of the rinse water lands on google earth. Same exhibit same pg. There is approximately 150 ft to Lindy exit.RB-- Estimate would be approximately 45 ft. to Lindy Ave with 160 to the intersection of Lindy/82nd. For a total of 205ft. Exhibit 52 pg.44 average of 30 cars per hour. RB--At the Division or St Johns facility location I would suspect that it is close to reality. Can you apply those numbers to a State of the Art Facility that is twice the size in every fashion with modern architecture? Common sense would say an astounding NO. Same Exhibit same pg. Not going to pass more than 120 cars per hour max that is a peak and very unusual day that might happen a few times a year.RB-- 4 lanes of queuing, a State of The Art conveyor and verifiable track out by industry comparables, it would be advisable to not go above 25 as Lindy Ave. has another Car Wash that has a known track out and has been there for 55 plus years.

3. Clemow Associates LLC. Exhibit 54 pg.1 I.T.E. manual data is

consistent with existing washman facility data. RB--I believe you are rite in using Washman data. Its misleading because of the fact it is compared to facility that is more than twice the size of your comparison data and of the State of The Art design. Its just not appropriate data for the proposed facility coupled with the fact Division st. is not even close to the capacity of 82nd across from Johnson Creek Fred Meyer main entrance .The appellants comment stating"for an intersection already exceeding maximum capacity".RB-- The 2019 T.I.S. study states in the conclusion item 8. Queue length all study intersections during peak P.M. hour are at , or exceed, storage capacity indicating the 82nd Ave corridor is nearing saturated/capacity conditions. Exhibit 66 pg. 20.

4. Dan E Symons Exhibit 55 pg.3 the facility uses 33 LF of drip grates within the tunnel after forced air dryer remove the majority of the water. RB-- stand by my previous statement as I can and have shown on Google Earth where the minority of the water ends up. The same satellite imagery shows how wet vacuum stations get. That water from the Vacuum stations, as shown @ the Kaddy facility, actually joins in on the water track out. Most of the track out does go past the 206ft mark for facilities that come not even close to the production capability of the proposed facility. The closest comparable is the Kaddy facility that track out goes 400ft. To 700ft. Exhibit 55 pg.4 tracking of water does not translate to discharge.RB-- What about overflow or seep? It certainly came from somewhere and it will be considered a nuisance if it causes a repeated fouling of a busy intersection. Nobody wants to be legally responsible for a fatality or injury accident caused by loss of traction. In that same exhibit it is stated that subfreezing days are not consistent with peak volume days. That could be misleading as most of those close to freezing days are clear and cold which does constitute a busy day. Even with that water does not evaporate on a cold day so water track out stays wet longer.

5. Exhibit 75 pg 3. Collection of local trip generation data, the decision to establish a stand alone trip generation rate or equation should start with the development of a hypothesis for why the national trip generation data might not be appropriate for the local application. 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. For example the range of site sizes to be sufficient rationale. I would suspect if the Division street location is known to average 30 cars per hour and is 50% the size of the proposed facility that would be a sizable size difference. More importantly is the mention of using common sense. I met with Kenith Kent in September 2019 stressing exactly this common sense about capabilities not misleading numbers.

6. Exhibit 76 pg.1 Our Car Wash is a low impact business please note car wash business is very seasonal in the northwest.RB-- Very misleading as the amount of dirty cars from the accumulation of wet days makes this a roller coaster ride of extremely busy days. Most of the busiest days happen after a few days of rain followed by sunshine and has nothing to do with the season. RB-- Low impact is also misleading as you have read for days on all the problems that are being commented on. Pg.6 our facility will track out a negligible fresh water out onto Lindy.RB-- Not to mention the tire shine, double polish, carnauba wax or paint sealant all known to be slippery substances. Pg.7 by the way of analogy my car speedometer goes to 160 mph but I never drive anywhere near that fast.RB-- Bad analogy, got to figure John Q Public will be pushing the accelerator and I rather doubt Washman will turn away the business.

Conclusion Nobody wants to be responsible for an

unfortunate intersection accident caused by loss of traction and certainly not any litigation that can be imposed by a legal maneuver to compensate for such a tragedy. I really think that litigation could go to the state level if a permit to build is given. Could it be possible nobody will notice a wet intersection after a loss of traction accident on a dry day? chapter 7 24 E should be applied as it is written for the reason it was written, I really do not like putting my own business in the line of negativity but Ray's Auto Wash does push the water track out to the intersection. Together with the short queueing, Washman really could not have found a worse street to attempt to exit wet cars onto. They started out with the rite idea in their original plans as they were able to utilize Cornwell st. for an exit. When they lost property to a failure to convert to commercial usage it forced the exit onto Lindy. I have stated in all my rebuttals to be honest and noteworthy. I have never seen so many verifiable misleading statements. This is what drives me the hardest to oppose this facility. I think it is absolutely misleading to compare the 30 year old Division facility in any manner to the proposed Lindy Ave. facility for obvious reasons. I Really think the I.T.E. manual needs to take into consideration the size and technology gains in Car Washing production or maybe we need to imply some common sense analogy as stated in exhibit 75 pg.3.

Ray's Auto Wash owner operator.
Cal Ray Monsrud
Rebuttal to z0353-19-D
02-06-2020

February 6, 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 these comments in response to additional statements submitted by Washman, LLC (“the applicant” or “Washman”) last week.

The Applicant’s Rebuttals Are Unconvincing

Exhibit 73 is a letter from the applicant defending Staff’s application of County ordinances. The applicant implements a dictionary definition of “car wash” to contend that the correct ordinances were applied in evaluating Washman’s project. Confusingly, the applicant argues that its proposed *drive-thru* car wash should not be evaluated as a drive-thru service.

Is the car wash a drive thru, or isn’t it? The applicant interprets the drive thru language to mean that the service provided by the applicant will not be carried out via a drive thru “window.” But customers will be paying through a window. The function of the service is identical to a Starbucks drive thru or a Burger King drive thru. Customers will never need to leave their cars to receive a service, which means that the applicant’s project will be a drive-thru service. The same concepts—traffic generation, heavy queuing, high volumes, speedy delivery, etc. that characterize a fast-food or other drive thru service, all apply to a drive thru car wash. These conveniences constitute the appeal of a drive thru service. It is why the applicant is not opting to build a traditional, stationary car wash.

In contrast, Staff primarily cites lack of precedent in applying 827 because it believes that is not the intention of the code. Yet, the code was written to mitigate traffic impacts and to optimize urban planning. These are the purposes of the ordinances. As Staff notes, distinguishing a drive thru car wash from a stationary car wash is not explicitly defined in the code, but lack of precedent does not preclude such a determination. It is not unheard of for County and local ordinances to consider carwash “drive thru” services under the same standards as other “drive thru” services (e.g., fast food).

Many Oregon cities and county ordinances require “special considerations” or “conditional use” when permitting a drive through of any kind, including car washes. Additionally, many Oregon cities and counties have overlay zoning to protect neighbors from drive throughs, which include car washes. Many of these ordinances are in Clackamas County and are close to the subject site (i.e., Milwaukie). There is thus a thoroughly established precedent for applying 827 to a drive thru car wash. Please see the Appendix attached to these comments for a list of cities where carwashes are designated as drive throughs and are therefore subject to additional restrictions.

”Drive thru” should be interpreted exactly as it is written—as a drive thru. It is about the traffic volume and the function, not the jargon. Once again, this is a loophole that the applicant is exploiting. It cannot be denied that the very language of the project name – “drive thru car wash” – merits a close look at the correct application of the ordinance.

Traffic Study is Also Unconvincing

The applicant maintains that because it followed County protocol in applying the ITE standards, its traffic study is sufficient: “The Applicant’s use of ITE data in the 2019 Washman TIS is appropriate because it is required by County standards.”¹ The applicant goes on to argue that the subject site 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.”² The applicant fails to provide examples, however, of the ITE data and how it is “similar” to the subject site, other than the fact that it is within an urban growth boundary. The applicant points to its Division carwash, but again, that site is smaller and as Mrs. Tonya Reed points out in her January 30 comments (Exhibit 78, pages 16 and 17), queuing commonly fails. It is likely that site design in the Division case failed to take into account exploding development. The applicant is correct that it included the Heirloom apartments in its traffic study. But it failed to include the Waterleaf apartment development,³ a 6-story, 100-unit apartment complex, that is equidistant from the Heirloom development.

Further, the applicant quotes the following ITE Manual Guidance:

“...site context is the overriding factor influencing trip generation, not the state or local jurisdiction. 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.”⁴

As I have stated in previous comments in this case, there is ample evidence to demonstrate that there is sufficient nuance surrounding the subject site area to justify a more concrete traffic study based on actual numbers, not broad estimates from the traffic manual. Mr. Cal Monsrud has produced prolific evidence given his experience as a car wash operator *across the street from the subject site*, that queuing failure is inevitable. The numbers estimated by the ITE manual for this specific site context, do not suffice as reasonable predictors of traffic flow.

Applicant’s Site Design Application is Premature

Finally, as a cautionary note, earlier in this proceeding, comments were submitted explaining that the applicant is still in a land dispute with certain property owners abutting the subject site. If the applicant does not prevail in the land dispute, the applicant will not be able to move forward with the originally submitted site design plan. The applicant submitted an alternative site design plan (see Exhibit 52, page 20 of 55) that would remove about five feet from the east side of the subject site and subsequently eliminate an entire lane of queueing space. It is unknown

¹ Exhibit 75, page 3 of 4.

² *Ibid.*

³ See County Staff report. <https://dochub.clackamas.us/documents/drupal/84f01943-8c77-43e8-bc42-dc15cb5872a5>.

⁴ Exhibit 75, page 3 of 4.

February 6, 2020
Case Z0353-19
Nadine Hanhan

what the impacts of the eliminated queue would be, as the entire focus of this site design plan has been under the assumption of the four-lane plan. Therefore, any decision approving this project is premature.

This concludes my comments.

Respectfully Submitted,

Nadine Hanhan

Appendix

All of the following cities designate car wash facilities as drive-throughs. Some of these are in Clackamas County and are thus consistent with county ordinances.

Happy Valley

https://qcode.us/codes/happyvalley/?view=desktop&topic=16-16_1-16_12-16_12_030

Drive-through/drive-up facility is defined in the code as: A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; *car wash facilities*; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Portland

https://www.oregon.gov/lcd/Publications/ModelCode_Vol2_2015.pdf

Drive-Through/Drive-Up Facility is defined in the code as: A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; *car wash facilities*; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Portland

https://www.portlandoregon.gov/bps/article/53308_33.224

Drive-Through Facilities Requirements Regarding Off-Site Impacts: Drive-through facilities must meet the off-site impact standards of Chapter 33.262, Off-Site Impacts. When abutting R zoned land, drive-through facilities with noise generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

Eugene

<https://www.eugene-or.gov/DocumentCenter/View/16206/E--I-Zone-Changes-and-Code-Amendments---Final-Ordinance-20528>

February 6, 2020
Case Z0353-19
Nadine Hanhan

Code 9.6415 Considers all Drive Through Facilities Under a Single Standard: In connection with drive-through establishments, there shall be a specially designed area for vehicle stacking located on private property between the public right-of-way and the *pick-up window or service area*. For a single row of vehicles, the specially designed area shall be at least 200 feet in length to allow for stacking of up to 10 cars. For a double row of vehicles, the specially designed area shall be at least 100 feet in length to allow for stacking of up to 5 cars. This area shall not interfere with safe and efficient circulation on the development site or abutting public right-of-way, nor shall the location of stacking lanes prevent access to and exit from parking spaces.

McMinnville

<https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1341/zoningordinance.pdf>

The Code defines a Drive-Through Facility As: A facility that provides services directly to patrons in motor vehicles. These types of facilities typically rely on a long driveway or lane that provides adequate room for vehicle stacking at a drive-up service window.

Talent

http://www.cityoftalent.org/SIB/files/Planning/Current_Planning_Projects/ORDINANCE%20876_exhibit%20c.pdf

Article 8-3d.350, buildings and uses permitted subject to conditional use review was amended to read as follows: Drive-in, drive-up and drive-through facilities. It lumps all three together.

Estacada

https://www.cityofestacada.org/sites/default/files/fileattachments/property/6231/ch_16_-_development_code.pdf

Drive-through facilities, including car wash, drive-up window, coffee/food kiosk, automatic teller machine, and similar uses not otherwise listed, provided such uses shall conform to subsection 16.26.040(H).

Astoria

https://www.astoria.or.us/assets/dept_1/pm/pdf/devcode%20article.2.pdf

Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.

Tualatin

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH57MIUSCOOVDI_TDC_57.005DE

February 6, 2020
Case Z0353-19
Nadine Hanhan

Definitions: Drive-through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Milwaukie

http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_200-19_201&frames=on

“Drive-through facility” means a business activity involving buying or selling of goods, or the provision of services, where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive-through are queuing lanes, service windows, service islands, and service bays for vehicular use.

Oregon City Drive-through facilities (drive-through car washes are prohibited)

Wilsonville

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/96165/draft_code_and_design_guidelines_pc_edits_3.18.19_clean.pdf

Uses with drive-through facilities – New uses with drive-through facilities (e.g. fast food, banks, car wash)

Cottage Grove

https://www.cottagegrove.org/sites/default/files/fileattachments/community_development/page/416/1.0_introduction_10-13-09.pdf

Drive-through/Drive-up facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Baker City

<https://www.bakercity.com/DocumentCenter/View/1102/Baker-City-Development-Code-with-Approved-IAMP-Material?bidId=>

February 6, 2020
Case Z0353-19
Nadine Hanhan

Drive-through/Drive-up facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Creswell, OR

https://www.ci.creswell.or.us/sites/default/files/fileattachments/planning/page/731/d_art3_creswell_preview_052306.pdf

Applicability. Uses that involve queuing of vehicles, loading and unloading of goods, materials, or people are required to have an area for vehicle stacking to prevent or minimize congestion of public streets. Examples of uses include but are not limited to schools and drive-through services such as banks, car washes, and coffee stands.

Veneta, OR

https://www.venetaoregon.gov/sites/default/files/fileattachments/planning/page/1252/land_development_ordinance_493_effective_may_11_2017.pdf

Stacking and Queuing Areas. Apply to all developments that involve queuing of vehicles, loading and unloading of goods, materials, or people. All queuing areas are required to have an area for vehicle stacking to prevent or minimize congestion of public streets. Examples of uses include but are not limited to schools and drive-through services such as banks, car washes, and coffee stands.

Mertle Point, OR

<https://www.ci.myrtlepoint.or.us/sites/default/files/fileattachments/general/page/1706/myrtleptdevcode.pdf>

Drive-through/Drive-up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Dallas, OR

<https://www.ci.dallas.or.us/DocumentCenter/View/830/Development-Code-Article-6?bidId=>

Drive-through/Drive-up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use, as defined by Section 6.1. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Molalla

https://qcode.us/codes/molalla/?view=desktop&topic=17-v-17_5_1-17_5_1_020_1

Drive-Through/Drive-Up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Coquille http://www.cityofcoquille.org/document/docs/OR_Coquille_T17.pdf

“Drive-through/drive-up facility” means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or a retail sales and service use, as defined by Chapter 17.12. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting

February 6, 2020
Case Z0353-19
Nadine Hanhan

areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility. V. This language is not unique to Oregon. when I copy and paste the paragraph above,

Ordinances in Oregon who prohibit/condition drive-through car wash adjacent to neighborhoods:

Aurora –

https://library.municode.com/or/aurora/codes/code_of_ordinances?nodeId=TIT16LADE_C H16.14CCOZO

Chapter 16.14 - C COMMERCIAL ZONE Permitted: Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.

Riederer, Anthony

From: Sean Callaghan <seanigans7@gmail.com>
Sent: Thursday, February 06, 2020 7:15 PM
To: Riederer, Anthony; johnpaul767
Subject: County Plot Map

Received after
open record
period.
-AR

Hello Anthony,

Hope this email finds you well.

In the meeting for appeal of the Washman Car Wash project on January 23, when asked which maps staff used in their evaluation of the Washman project in regards to property boundary lines and the dispute with Paul Properties, you indicated county assessors tax map were used. Could you please let me know if this is the correct county map used when evaluating Washman's site plans?

I am also attaching a copy of the survey that was commissioned by the law firm representing Mr. & Mrs. Paul and First American Title in the property dispute with Rogers and Washman Car Wash LLC. I have not attached the applicants Preliminary and Alternate site plans due to email size constraints and confident you have both plans readily available to reference as it pertains to this email.

I would like to reference page 30 in the responses from applicant on objections from neighboring residents and business owners in regards to car wash project. The following statement provided by Kellington Law Group is not correct:

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

Please review the survey attached to this email and that was recorded and been on record with Clackamas County since April 19, 2019 and you will see where Mr. and Mrs. Paul, Attorney Katie Jo Johnson, a Partner at McEwen Gisvold Law Firm, First American Title Officer Leo Gossett and Harold Salo, the surveyor performed aforementioned survey, and the management team representing Paul Properties which includes myself, Sean Callaghan and Crystal Mendiola have stated and demonstrated exactly where property lines are. If you compare boundaries lines in the Paul survey with those of Washman's preliminary site plans, they appear to be line up and be in agreement. The reason I state "they appear" vs. they do line up with 100% certainty is because Washman's site plans do not contain any property measurement numbers outlining the actual distance in number of feet as they relate to landmarks or monuments as demonstrated in the map in the Paul survey and also outlined in plot maps on record at Clackamas county assessor office. Without having actual property measurement numbers used in their claims to the land owned by the Paul's, it is mathematically impossible to ascertain with 100% certainty, that the Washman/Rogers group know the correct location of their boundary lines and/or placement of the 10ft wall.

As stated, it does appear that the boundary lines in the Washman preliminary plans line up and are in accordance with those of the Paul's but the placement and size of the wall are not in agreement. The 10 foot wall was a condition by county in their approval of Washman project and the Washman group even applied for a building permit with county the day before the meeting with the hearings officer. Not clear as to why they applied for a permit for a wall that they were simultaneously gathering a very large amount of propaganda to use to try and overturn the county's condition of 10 foot wall. Perhaps was a smoke and mirrors

attempt to portray themselves, Washman, to the hearing officer as being cooperative and in agreement with Clackamas County and county's efforts to enforce conditions to try and lessen the harm and deterioration that the residents are going to experience in their health and livability standards by living in such close proximity to car wash of this size. Unfortunate that it is just another example of Washman not following through and doing what they promise and what they agree to in public hearings and takes away any merit or ability to believe their statements of care and concern for residents are well being are genuine.

In regards to placement of the 10 foot wall and the footing/bearings needed to support weight of 10 foot wall. The information provided by applicant states 10 foot wall will require 3 feet of footings to support structure of this size and would like county to inform if this is indeed adequate support 10 foot wall or is it the bare minimums and has this information been verified? The other question is how deep will the footings need to go and will they meet Oregon's plumbing code standards in regards to distance structures of this sort are to required to be in order to access said lines if needed for repairs? Their plan does not illustrate location of underground water main lines on adjacent property that provide water to residents and thus goes to the point made earlier in regards to placement of wall as shown on their site plans. The alternate site plan may need to be enforced in order for wall to be built and placed the required distance from main water lines to be accessed when needed. County needs to make this a condition of approval so that neither the wall or the footings needed to support structure are on Paul Properties or impede in the ability to access these lines now or in the future. Mr. and Mrs. Paul will not waiver on this and feel that if this is not addressed and strictly enforced now, will be problematic in the future and could lead to negative consequences for their tenants.