



STAFF RECOMMENDATION

Approval, with Conditions

This document represents the Planning and Zoning Staff recommendation, findings and conditions of approval for a Design Review as cited below. It contains four parts: Section 1 – Summary, Section 2 – Conditions of approval, Section 3 – Findings, Section 4 – Summary of Findings and Decision.

SECTION 1 – SUMMARY

DATE: November 26, 2019

CASE FILE NO.: Z0353-19-D

STAFF CONTACT(S): Anthony Riederer, ariederer@clackamas.us, 503-742-4528

LOCATION: 12E28BB12600

ADDRESS: 8864 SE 82nd Ave, Happy Valley, OR 97086

APPLICANT(S): Symons Engineering

OWNER(S): Washman LLC and Rodgers Land Company, LLC

TOTAL AREA: Approximately 1.27 acres

ZONING: CC (Corridor Commercial, ZDO Section 510)

COMMUNITY PLANNING ORG: Southgate CPO

PROPOSAL: Construction of a 7,367 sq. ft. car wash facility with a self-serve design equipped with 27 vacuum stations and a drive through car wash station. Proposed project to also include, site access, circulation, parking, landscaping, and other redevelopment as required by the Clackamas County Zoning and Development Ordinance.

APPLICABLE APPROVAL STANDARDS: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO). Development of the subject property is subject to the provisions of ZDO Sections 1102, 510, 1002, 1005, 1006, 1007, 1009, 1010, 1015, 1021, 1102, and 1307 as adopted by the Board of County Commissioners. Additionally, this project will be subject to county development standards including, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.

BACKGROUND:

The subject site is located on the east side of SE 82nd Avenue, between Cornwall Ave and Lindy Street. It is abutted to the north, west, and south by commercially zoned and developed properties. To the east are properties zoned for, and developed as, medium density and single-family residences. The properties along SE 82nd have an emerging character emphasizing durable materials, architectural detailing and articulation, and proximity to the street.

On January 28, 2019, a public hearing was held before the Planning Commission to consider files Z0375-18-CP and Z0376-18-ZAP. During the public testimony period of that hearing, a member of the public requested the record be left open to provide more time for the Planning Commission to receive testimony. Subsequent to that request, the written record was left open for a total of three weeks for submission of additional written testimony and the public hearing was continued to February 25, 2019 for deliberation and decision only.

At the February 25, 2019 hearing, the Planning Commission engaged in deliberations and ultimately voted 5 to 3 to recommend denial of the proposal in Z0375-18-CP and Z0376-18-ZAP. The board of County Commissioners also voted to deny the zone change/comprehensive plan amendment. As such, the current proposal subject of this Design Review application does not include the property (8220 SE Cornwell Avenue) previously proposed for a zone/comp plan amendment.

This revised proposal is for the construction of a 7,367 sq. ft. car wash facility with a drive-through design, equipped with 27 vacuum stations and a drive through car wash station. Proposed project to also include site improvements such as new site access, circulation, parking, landscaping and signage.

A pre-application conference was held on this project on May 8, 2019.

Clackamas County's GIS mapping system indicates that the project site is not subject to any additional habitat or conservation-related overlay zoning, historic property protections, or hazards related to flood or earth movement.

NOTICE

Notice of this application was sent to property owners within 300 feet of the subject tract property lines, as well as WES CCSD#1, Clackamas River Water, Clackamas County's Building, Engineering, Sustainability, and Economic Development Divisions, and the Oregon Department of Transportation.

PUBLIC COMMENT

A significant number of public comments were received in regards to this proposal, largely in opposition and/or expressing concerns about the project's impacts. The topics raised, insofar as they are germane to the standards of the Clackamas County Zoning and Development Ordinance are summarized below. The full set of public comments received at the time this staff recommendation was issued are available as an appendix to this document.

Traffic Impacts:

The applicant was required to submit a Traffic Impact Study from a professional traffic engineering firm as a portion of their application. That study was reviewed by the staff of the Oregon Department of Transportation as well as Clackamas County's Engineering Division, who in turn provided Planning Staff with findings and recommended conditions of approval to ensure that the development complies with Clackamas County's Zoning and Development Ordinance as well as county roadway standards. To the extent practicable these issues have been addressed through recommended conditions of approval.

Noise/Light/Dust:

Many public comments related to the potential off-site impacts of a new commercial development of this type so close to a residential neighborhood. Though it's important to note that the proposed use is a permitted primary use in the zone, Clackamas County's Zoning and Development Ordinance does provide a pathway for improved buffering between notably disparate uses, particularly to shield residential development from the impacts of adjacent commercial development. To that end, staff is recommending a condition of approval that the applicant expand the proposed CMU wall along the eastern boundary of the property along the entire boundary line, increase the height of that wall to not less than ten feet, and plant fairly rapidly growing evergreen trees along that wall to help attenuate sound, dust, and light trespass. These issues are addressed through a recommended condition of approval.

Property Dispute:

County staff was made aware of a property dispute between the owners of the subject property and an adjacent parcel. It is important to note that the development plan, as submitted to the county, follows the boundaries of the subject property as recorded with the Clackamas County Assessor's office. This essentially renders this dispute a matter between the private parties. That being said, the applicant has generated an alternate site plan demonstrating that the site could be developed under a scenario where the neighboring property prevailed in their claim to a portion of the property. A dispute between private parties is not a relevant consideration under the Zoning and Development Ordinance.

AGENCY COMMENT

Engineering Division Facts and Findings

1. The applicant has proposed construction of a 7,367 square foot carwash facility on the east side of SE 82nd Avenue, north side of SE Lindy Street and south side SE Cornwell Street. The proposed development is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* section 1007 pertaining to roads and connectivity, section 1015 pertaining to parking and loading, and Water Environment Services requirements and Roadway Standards Chapter 4 pertaining to surface water management.
2. SE 82nd Avenue is classified as a principal arterial roadway and is under the jurisdiction of the Oregon Department of Transportation (ODOT). SE Lindy Street and SE Cornwell Street are classified as local roadways. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for minor arterial and local roads.
3. The project site is part of the Clackamas Regional Center Area Design Plan (CRC), as shown on Comprehensive Plan Map X-CRC-1. Consistent with *ZDO* Section 1007.02, the applicant is required to improve the roadway frontage of the project site to current standards. Development of the project

site will require construction of the streets that abut site consistent with the street standards adopted in the Clackamas Regional Center Area Design Plan.

4. The CRC calls for a 5-lane road section for the portion of SE 82nd Avenue along the project site frontage, as provided in Comprehensive Plan Figure X-CRC-2. In coordination with ODOT, the county has determined that a 102-foot wide right-of-way is required to provide a road improvement consistent with the CRC cross section for SE 82nd Avenue. The applicant will be required to dedicate approximately 21 feet of right-of-way along the entire SE 82nd Avenue frontage to provide a minimum 51-foot one half right-of-way width.
5. The applicant will be required to dedicate approximately 5 feet of right-of-way along the entire site frontage of SE Lindy Street and SE Cornwell Street to provide a minimum one-half right-of-way width of 30 feet from the right-of-way centerline, consistent with the commercial local roadway cross section.
6. Consistent with ZDO Section 1007, the applicant is required to improve the roadway frontage of the project site to current standards, including, but not necessarily limited to, up to a one-half street improvement. The Clackamas Regional Center Plan Area calls for a 74-foot curb to curb width on SE 82nd Avenue, per Figure X-CRC-2. The half street improvement will include a 37-foot paved width, providing half of a center turn lane, two 12-foot travel lanes, and an 8-foot wide bike lane. In addition, a 6-inch curb, 5.5-foot landscape strip with street trees, and an 8-foot wide sidewalk will be required.
7. As provided by Section 220.4 of the Clackamas County Roadway Standards, access to arterial roadways is restricted when a property has frontage on a lower classification roadway. Primary access is proposed from SE Lindy Street, which has signalized access to SE 82nd Avenue. A gated emergency/maintenance entrance is proposed on the SE Cornwell Street frontage.
8. The applicant will be required to provide adequate on-site circulation for all vehicles anticipated to use the on-site parking and maneuvering areas. The proposed site driveway is located toward the east property line approximately 160 feet east from the SE Lindy Street/SE 82nd Avenue intersection. Vehicles will circulate through the site in a counter clockwise direction, travelling through the carwash building and vacuum stalls area, and then exit to the SE Lindy Street driveway. The proposed parking and maneuvering areas appear to provide adequate access. The applicant will be required demonstrate turning movements for large vehicles such as garbage truck and emergency service vehicles. Vehicle parking spaces and bicycle parking spaces will be required to meet minimum ZDO section 1015 and Clackamas Roadway Standards dimensional requirements.
9. Per Clackamas Roadway Standards Section 240, developments are required to be served by driveways that provide adequate intersection sight distance. It appears sight distance can be provided at the proposed driveway.
10. ZDO Subsection 1007.09 requires that an adequate transportation system is in place concurrent with development. The traffic impact study by Clemow Associates, dated July 31, 2019 indicates that the intersections within the influence area of the proposed development will operate within county and ODOT standards.

Oregon Department of Transportation Facts and Findings

ODOT supports the County's implementation of the Clackamas Regional Center Plan and recommends the applicant be required to donate right of way necessary for half street improvements and the construction of half street improvements including the planter strip, sidewalk, curb cuts and bike lane. In order to construct the sidewalk and bike lane, the signal pole at Lindy St will need to be relocated and replaced. As discussed with the applicant, ODOT's Bicycle and Pedestrian Program is

willing to cover the cost of replacing the signal pole provided the applicant does the design and builds the foundation to meet ADA standards.

The half street cross section for 82nd Ave provided in the application shows a specific location for the sawcut. The location of the sawcut will be determined in consultation with ODOT. Additionally, the half street cross section identifies a 21ft dedication. ODOT only accepts right of way in fee so the 21ft must be donated to ODOT.

All alterations within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards. Alterations along the State highway but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to safe operation of the highway. If proposed alterations deviate from ODOT standards a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception.

Note: Design Exception Requests may take up to 3 months to process.

All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

Sustainability Division Facts and Findings

1. The applicant has indicated that they will construct a refuse and recycling enclosure in the south east corner of the property. Plans indicate that the enclosure measures 20' x 11'4", and accommodates two, 3 yard containers for garbage and recycling, in addition to one, 95 gallon roll cart for glass. The enclosure is accessible from both SE Lindy Street and 82nd Avenue.
2. A "No Parking" sign will be posted on the enclosure in a prominent location, to ensure access to the enclosure by the collector. The materials used for construction of the enclosure and pad, will align with the requirements of section 1021.03.
3. The design and siting of the enclosure are being coordinated with Emily Murkland of Clackamas County's Sustainability & Solid Waste program, with input from Sunset Garbage.

Clackamas River Water Facts and Findings

1. CRW currently has available the following infrastructure available within the public right-of-way to serve the site:
 - a. 10-inch cast iron waterline located within SE 82nd Ave;
 - b. 25-feet of 8-inch ductile iron waterline located within SE Lindy Street
 - c. 4-inch cast iron waterline located within SE Lindy Street;
 - d. 38-feet of 8-inch ductile iron waterline located within SE Cornwell Avenue.
 - e. 4-inch steel waterline located within SE Cornwell Avenue
2. CRW currently is serving the site with the following services:
 - a. 3/4-inch domestic meter form SE 82nd Ave serving 8864 SE 82nd Ave.
3. Water Distribution Design & Infrastructure Requirements:
 - a. CRW reserves the right to require a water main replacement if a development or redevelopment does not meet current water system standards or would demand more capacity for consumption or fire suppression than existing water mains could adequately supply. CRW shall have the sole authority for making the determination of existing mainline capacity and the demand for capacity to the development or redevelopment.

- b. The average system pressure range at the hydrant located at the intersection of SE 82nd Ave and SE Gray Street is approximately 70-76psi. This hydrant is located north of the site approximately 270-feet.
 - c. Additional fire hydrant on SE Lindy Street is required by Clackamas Fire District #1 to meet adequate fire protection. This Fire Department requirement will require the existing 4-inch cast iron waterline to be replaced and in its place construct approximately 110-linear feet of 8-inch waterline from the end of the existing 8-in main located at the intersection of SE 82nd Ave and SE Lindy, within SE Lindy Ave to the southeast property corner to provide adequate water quality and fireflow protection to the development. The cost of any mainline replacement required to serve the redevelopment shall be borne entirely by the Applicant.
 - d. It will be the developer's responsibility to acquire any necessary easements for public water facilities that shall be provided and designated on the final plat, as deemed necessary by the Water District. These easements must have functional access to public right of way and be properly recorded. The cost of any mainline replacement required to serve the development or redevelopment shall be borne entirely by the Applicant.
 - e. Any block walls or other fencing shall be designed and constructed around the outside of any easement(s), to allow the District direct access to vault(s) and inlet piping from the adjacent right-of-way.
 - f. The Developer will be required to pay a time and materials deposit to the District for a Plan Check and Inspection fee prior to review any construction plans. Any unused portion will be reimbursed or if any monies are due the developer will be billed.
 - g. Upon construction plan review there may be additional requirements as set forth by the Water District.
4. Service Connection and System Development Charges:
- a. Per Section 8 of the CRW's Rules and Regulations the following will be required when the Clackamas County Development Permit is issued for the parcel or per ZDO1006.05.F:
 - i. *“Water service will be provided only from pipes or mains located within public streets, alleys or rights-of-way, or within easements furnished CRW, and to property or premises with frontage to such mains...”* This means that all parcels will be required to have frontage along SE 82nd Ave or SE Lindy Ave.
 - ii. *“Each dwelling or building will be provided with its own water service connection and meter ...”* This means that each building will have its own domestic connection from the existing waterline within the SE 82nd Ave or SE Lindy Ave.
 - b. All domestic and fire services, and private mains must be installed entirely on the lot for which it serves. Services and private mains will not be allowed to cross property lines or to be placed in a private utility easement.
 - c. Domestic service will require review and approval of Clackamas River Water to ensure adequate sizing based on site demand in accordance with applicable rules and regulations.
 - d. The Customer shall pay for the abandonment of services no longer necessary to serve the property.
 - e. The service for this development will require a backflow assembly (Principal Backflow Prevention Assembly (RP)) directly downstream of the domestic water meter in accordance with Oregon Administrative Rules (OAR) 333-061-0070 thru 071 and all applicable plumbing codes. The owner will furnish and install the backflow device.

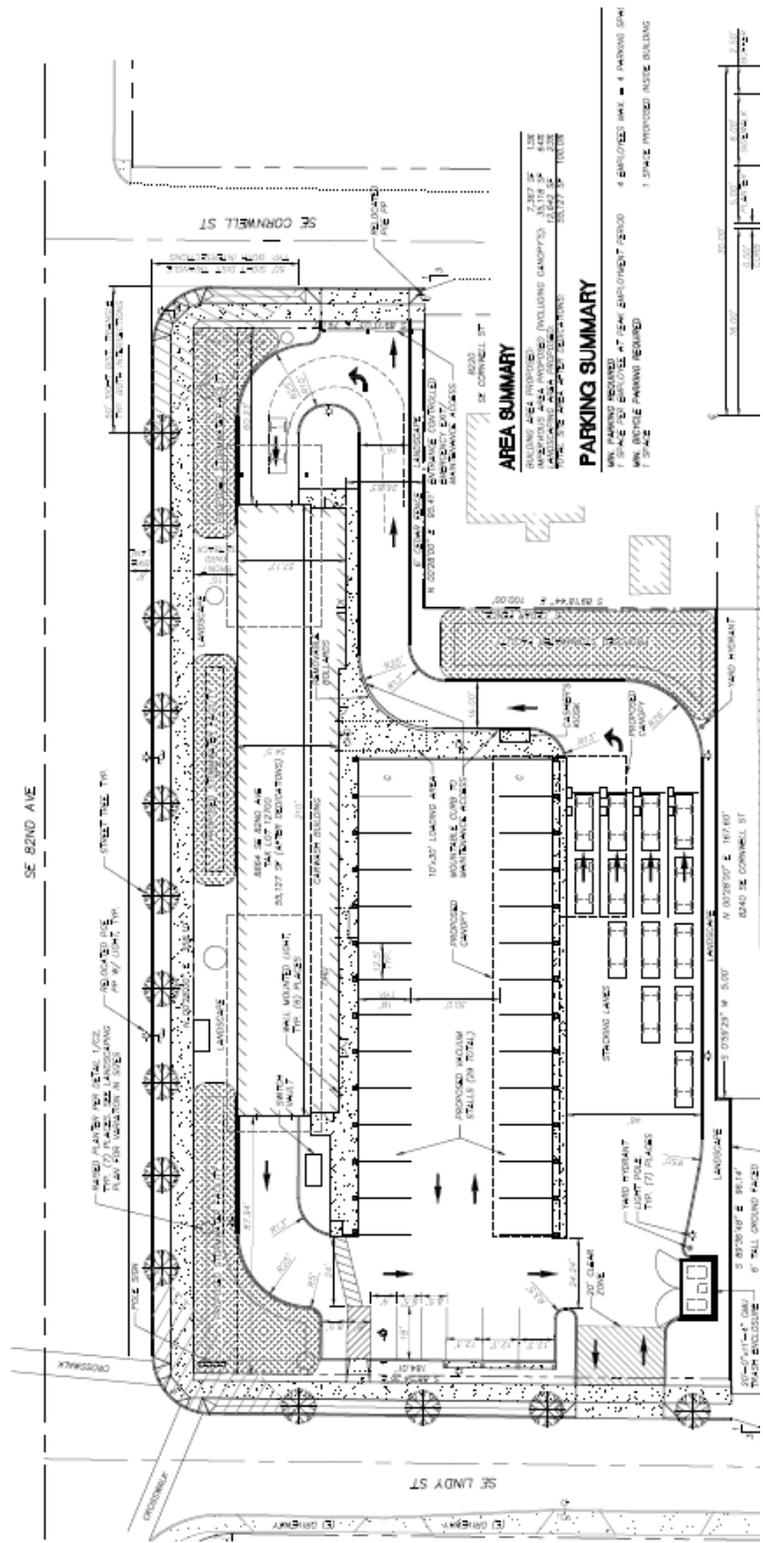
Ownership and maintenance will be the property owner's responsibility.

- f. The System Development Charges (SDC) is based on meter size.
 - i. SDC credit will be given for the existing domestic meter(s) if a larger meter is needed.
 - ii. Current SDC credit will be given for the abandoned 1-inch that was located at 8880 SE 82nd Ave.
 - iii. The current SDC will be collected when a lot has been issued a Building Permit from Clackamas County and a CRW Water Service Application has been requested by the owner/builder.
 - iv. The SDC is based on the domestic average and peak demands for your facilities.
 - v. The 2018-2019 CRW Water Rate, Connection & System Development Charges are attached for reference.
5. District Approvals:
 - a. All water infrastructure shall meet the standards of the Clackamas River Water and be reviewed and approved by the Clackamas River Water (Engineering Department) prior to issuance of a Clackamas County Development Permit.
 - b. Professionally engineered waterline plans reviewed and approved by Clackamas River Water.
 - c. The Developer will be required to pay a time and materials deposit to the District for a Plan Check and Inspection fee prior to review any construction plans. Any unused portion will be reimbursed or if any monies are due the developer will be billed.
 - d. Upon construction plan review there may be additional requirements as set forth by the Water District.
6. Clackamas County Development Permit:
 - a. It will be the developer's responsibility to acquire any necessary easements for water facilities that shall be provided and designated on the final plat, as deemed necessary by the Water District. These easements must have functional access to public right of way and be properly recorded.
 - b. Fire and domestic water services as approved with this land use application, are intended specifically for the lot and are not intended to serve additional parcels or structures which may be created in the future. In the event that the parcels and/or lots are further divided to create additional parcels or lots, the owner is required to provide separate fire and domestic water services per CRW's "Rules and Regulations".
 - c. Future fire related improvements will require review and approval of Clackamas County Fire District #1 to ensure proper fire coverage and fire service connection installation in accordance with applicable regulations along with the appropriate backflow prevention assembly and flow detector.

Site Aerial Image



Site Plan



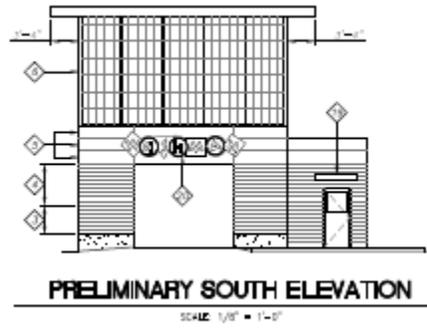
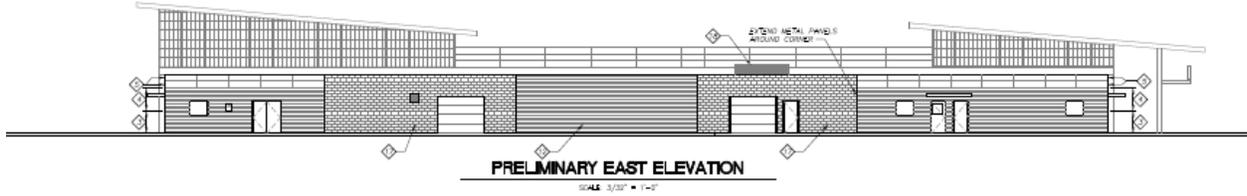
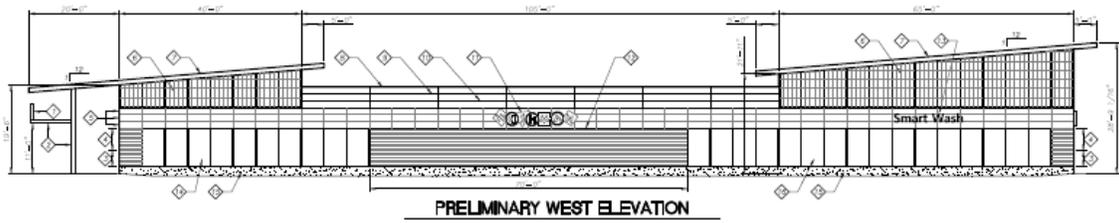
AREA SUMMARY

BUILDING AREA PROPOSED: 2,867 SF
 IMPROVED: 424 PROPOSED (INCLUDING LANDSCAPE) 3,291 SF
 TOTAL: 3,715 SF
 TOTAL: 3,715 SF

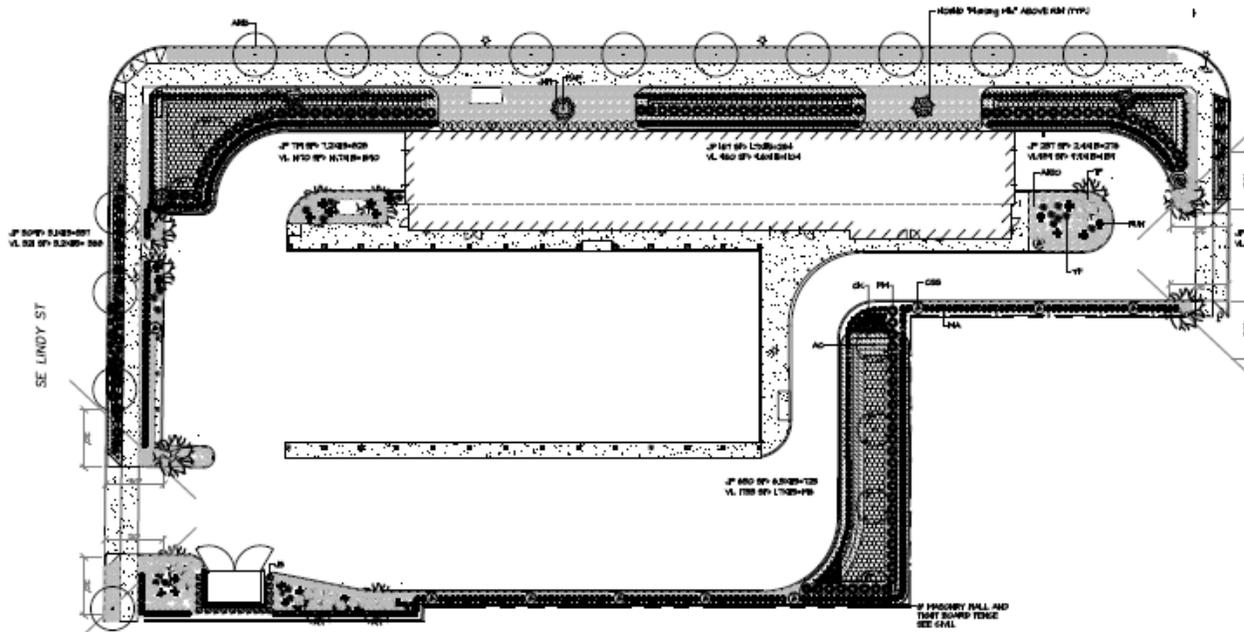
PARKING SUMMARY

MIN. PARKING REQUIRED: 4 EMPLOYEES (MAX) + 4 PARKING SPACES
 1 SPACE FOR EMPLOYEE AT 7:00 AM EMPLOYMENT BEGINS
 MIN. BIKE PARKING REQUIRED: 1 SPACE
 1 SPACE PROPOSED (BIKE BUILDING)

Building Elevations



Landscape Plan



ACER RUBRUM 'SONNBALL' "Street Tree"



TRACHYCARPUS FORTUNEI



CUPRESSUS SIDEROVIRUS 'STRYA'



PICEA ABIES 'PENDULA' "Weeping Conifer"



JUNIPERUS C. "SPARTAN"



NANDINA DOMESTICA "NINE LEAF ARISE"



YUCCA FILAMENTOSA



HIBISCUS ASOTRIPLEX



ANDROSAPHIS 'LAVAL'



JUNIPERUS H. "MILTON"



ROSA 'MEILAND' "SCARLET"



LIGUSTRUM



VIROGIA SPHACELATA



CORVUS SEDGEA 'NELSEY'



POLYSTICHUM



ACER GINNATUM



SECTION 2 – RECOMMENDED CONDITIONS OF APPROVAL

The Clackamas County Planning and Zoning staff recommends approval of this design review application subject to the following conditions:

A. General Conditions:

1. Approval of this land use permit is based on the submitted revised written narrative and plan(s) filed with the County on August 2, 2019, with revisions submitted on September 9, 2019 and October 24, 2019. No work shall occur under this permit other than which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these document(s) and the limitation of any approval resulting from the recommendation described herein.
2. The applicant is advised that they may take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting please contact Wendi Coryell, 503-742-4657 or at wendicor@clackamas.us.
3. Prior to the SUBMISSION of building permits, the applicant shall submit a statement of use form to Wendi Coryell. She can be contacted at 503-742-4657 or wendicor@clackamas.us . The statement of use is used to calculate the applicable System Development Charges. These SDC's are included in the final calculation of the building permit fees for new development projects.
4. The decision is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision (ZDO 1102.05). During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved design review project. A "major development permit" is:
 - a. A building permit for the structure or
 - b. A permit issued by the County Engineering Division for frontage improvements required by this approval.
5. This Design Review approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
6. The approval of the application granted by this decision concerns only the applicable standards for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

B. Planning and Zoning Conditions:

1. Prior to issuance of building permit, the applicant shall submit a site drawing demonstrating a landscape irrigation system which meets the standards of ZDO 1009.10(M).

2. Prior to the issuance of building permit, the applicant shall submit revised drawings or a memorandum providing that the height of the CMU wall along the eastern edge the property will be extended to the entire property line, increased to 10 feet in height, and have a fast-growing evergreen species planted along its length to ensure proper buffering between the proposed use and adjacent residential development, per ZDO 1009.04(E)(4).
3. Prior to issuance of certificate of occupancy, applicant shall submit a signed maintenance contract guaranteeing the landscape materials for one year from the date of installations or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period, per ZDO 1009.10(F).
4. Prior to issuance of certificate of occupancy the landscaping installation and irrigation system shall be inspected to ensure compliance with submitted drawings and the standards of ZDO 1009.

C. Building Code Division Conditions:

1. All construction shall comply with current Oregon Structural Specialty Code and any other relevant codes. All required building permits shall be obtained and received before final occupancy approval.
2. All applicable development permits (grading and erosion control, etc.) shall be obtained prior to any construction.

D. Clackamas County Engineering Conditions

1. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
2. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
3. The applicant shall dedicate approximately 21 feet of right-of-way along the entire SE 82nd Avenue site frontage and verify by a professional survey that a 51-foot wide, one-half right-of-way width exists.
4. The applicant shall dedicate 5 feet of additional right-of-way along the entire SE Lindy Street and SE Cornwell site frontages and verify by a professional survey that a 30-foot wide, one-half right-of-way width exists.
5. The applicant shall design and construct improvements along the entire site frontage of SE 82nd Avenue to arterial roadway standards, consistent with Standard Drawing C140 and Figure X-CRC-2 of the Comprehensive Plan, and ODOT standards. These improvements shall consist of the following:
 - a. Up to a one minimum 37-foot wide, one half street improvement, as measured from the right-of-way centerline. The structural section shall comply with Standard Drawing C100 for an arterial roadway.
 - b. Standard curb, or curb and gutter if curblines slope is less than one percent.
 - c. Dual Curb ramps shall be constructed at the SE Lindy Street and SE Cornwell Street intersections, designed per ODOT Standard Drawings. The curb radius shall be 20 feet. All curb ramps shall be designed with curb and gutter.

- d. An 8-foot wide unobstructed sidewalk, consistent with Comprehensive Plan Figure X-CRC-2 shall be constructed along the entire site frontage. Where there is an active bus stop, sidewalk shall comply with ZDO Section 1007.04.H.2.
 - e. A minimum 5.5-foot wide landscape strip shall be provided between the sidewalk and curb. Street trees shall be provided within the landscape strip along the entire site frontage at 25-40-foot spacing, based on tree species.
 - f. A signal modification for the SE 82nd Avenue/SE Lindy Street signal shall be approved by ODOT, including but not limited to signal pole locations lane configuration, signal detection and signal phasing.
 - g. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
6. The applicant shall design and construct improvements along the entire site frontage of SE Lindy Street and SE Cornwell Street to local commercial roadway standards, consistent with Standard Drawing C110. These improvements shall consist of the following:
- a. Up to a minimum 16-foot wide one half street improvement, as measured from the right-of-way centerline. The structural section shall comply with Standard Drawing C100 for a commercial local roadway.
 - b. Standard curb, or curb and gutter if curblin slope is less than one percent.
 - c. A 6-foot wide unobstructed sidewalk.
 - d. A minimum 5-foot wide landscape strip shall be provided between the sidewalk and curb. Street trees shall be provided within the landscape strip along the entire site frontage at 25-40-foot spacing, based on tree species.
 - e. A maximum 28-foot wide concrete driveway approach, per Standard Drawing D600. The driveway approach shall intersect the road at an 80-90 degree angle, per Roadway Standards Section 250.8.2.
 - f. Signal loop detection shall be installed on SE Lindy Street, as required by ODOT for the SE Lindy Street/SE 82nd Avenue intersection.
 - g. The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance of 280 feet at the driveway intersection with SE Lindy Street.
 - h. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4. Maintenance provisions for water quality facilities, such as planters or swales within and serving the public right-of-way, shall be addressed through a maintenance agreement.
7. The applicant shall design and construct on-site parking and maneuvering areas as follows:
- d. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, including, but not limited to:
 - i) A minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces;
 - ii) The paths traced by the extremities of trucks and emergency vehicles shall be demonstrated.
 - e. All curbs shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered

when it is determined by the Clackamas County Department of Transportation and Development that type “C” curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.

- f. Where the on-site ADA walkway intersects the public sidewalk, there shall be a minimum 5x5 foot wide landing.
 - g. Parking spaces shall meet minimum *ZDO* section 1015 and Roadway Standards, Standard Drawing P100 dimensional requirements. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, disabled, and loading berth spaces on the plans.
8. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
 9. A Fire Access and water supply plan shall be provided for subdivisions, commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The applicant shall provide fire flow tests per NFPA 291 and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.
 10. Following completion of site construction activities of subdivisions, buildings over 1000 square feet or when required by Clackamas Fire District #1, the applicant shall provide as-built Fire Access and Water Supply pdf plans to the local Fire District and the County. The pdf plans shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The plans shall include any supporting details of the access, circulation, water vaults, fire lines, valves, fdc, backflow devices, etc.
 11. Prior to certificate of occupancy, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.
 12. Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - d. Written approval from the Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - e. Written approval from ODOT in the form of a permit for all work within the SE 82nd Avenue right-of-way.
 - f. Written approval from Clackamas River Water District for adequate water supply source to serve the development. The approval shall be in the form of utility plans stamped and signed by the Water District representative.
 - g. Written approval from Water Environment Services for surface water management facilities, surface water detention facilities, and erosion control measures.

A set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

E. Oregon Department of Transportation Recommended Conditions:

1. .5ft Curb, 5.5ft planter, 8ft sidewalk, cross walk ramps, 8ft bike lane and roadway widening shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
2. The applicant shall do the design and build the foundation for the relocation of the signal pole at Lindy St and 82nd Ave.
3. 21ft if right of way donated to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

F. Clackamas Fire District #1 Conditions:

1. The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.
2. A Fire Access and Water Supply plan for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. In addition, a pdf version shall be sent directly to CFD#1.

G. Clackamas County Sustainability Conditions:

1. As provided in the Land Use Application and corresponding supplemental documents, the proposed refuse and recycling enclosure can meet the requirements of ZDO 1021.

H. Water Environment Services Conditions:

The following General Conditions shall apply:

1. The proposed development is located within the service area of Water Environment Services (WES) and shall be subject to WES Rules and Regulations, and Standards (“WES RR&S”), in accordance with the following adopted ordinances:
 - a. Water Environment Services Rules and Regulations, July 2018, Ordinance No. 03-2018
 - b. Sanitary Sewer Standards, Clackamas County Service District No. 1, July 1, 2013.
 - c. Stormwater Standards, Clackamas County Service District No. 1, July 1, 2013.
2. The applicant shall procure the necessary plan approvals, and permits in accordance with WES RR&S for sanitary sewer services and surface water management, including erosion control requirements.
3. Prior to plan approval, all submittals shall be reviewed for compliance with WES RR&S and Conditions of Approval. All sanitary and stormwater management plans and reports, which are submitted for review and approval, shall be stamped and signed by a civil engineer licensed by

the State of Oregon. The project construction, specifications, and testing must be completed under the direction of the project engineer.

4. The applicant shall include the following materials with their plan review submittal to WES:
 - a. Two (2) sets of complete civil construction plans for all sanitary and stormwater improvements.
 - b. Two (2) copies of the final storm reports.
 - c. Two (2) copies of the geotechnical report, including infiltration testing.
 - d. One (1) Non-residential Questionnaire (available on WES website)
 - e. \$400 sanitary and \$400 stormwater management plan review fees
 - f. EPSC permit application and \$460 erosion control permit fee
5. The sanitary and storm systems shall be complete in all respects, in accordance with the approved plans, prior to Certificate of Occupancy approval by WES, or a performance bond shall be provided by the applicant to guarantee the construction of the infrastructure. WES shall inspect and approve the construction of the sanitary and storm systems in accordance with the approved plans.
6. Any requests to modify current WES Design Standards shall be made in accordance with Sanitary Standards, Section 1.7 or Stormwater Standards, Section 1.6. The applicant shall provide all necessary information to evaluate the request, as determined by WES.
7. The proposed development shall be subject to applicable fees and charges, in accordance with WES RR&S. All fees and charges shall be paid prior to issuance of building permits, and are subject to change without notice to the applicant. All costs associated with the design, construction and testing of the sanitary sewer and storm system shall be provided by and at the sole expense of the applicant.

For Sanitary Sewer, the following conditions shall apply:

8. All building(s) with sewer drains within the boundaries of the proposed development shall connect to the Public Sanitary Sewer System. (*Sanitary Standards Section 3.2*)
9. Prior to occupancy, a gravity sanitary sewer service connection shall be provided to the development. The service connection lateral shall be constructed with a clean out at the front edge of the Public Utility Easement (PUE)/Right-Of-Way.
10. Existing service laterals shall be used where feasible, as determined by WES. Unused laterals shall be capped at the property line.
11. Any on-site subsurface sewage disposal system shall be abandoned in accordance with Oregon DEQ and County Soils Department requirements. (*Section 3.2.2*)
12. Any uncovered trash enclosure shall drain to the storm system. Covered trash enclosures shall drain to the sanitary system and be hydraulically separated from the surrounding area.
13. With the first plan submittal, the applicant shall include a Non-Residential Questionnaire (NRQ) with an estimate of the development's discharge load and volume to the public sanitary sewer system.
14. Procedures shall be in place that prevent the discharge of any pollutant, substances, or wastewater that will interfere with the operation or performance of the public sewer system. (RR&S Section 3.1)

For Surface Water, the following conditions shall apply:

15. **Surface Water Management Plan:** All development that creates or modifies 5,000 square feet or more of impervious surface area shall be subject to WES RR&S. A Surface Water

Management Plan and Storm Report (SWM Plan), Geotechnical Report and downstream conveyance report shall demonstrate how the development will conform to WES RR&S. The plans and reports shall be prepared by a licensed engineer and submitted to WES for review and approval.

16. A geotechnical report prepared by a qualified professional shall be included with the SWM Plan, in accordance with Appendix E of the Stormwater Standards.
 - a. Infiltration tests shall correspond to the location and depth of each proposed infiltration facility. The applicant provided testing results for only 3 of the proposed 6 infiltration facilities.
 - b. The applicant shall provide a site plan that clearly identifies the location of each test pit.
17. The applicant shall submit ODOT approval for any discharge into the SE 82nd Ave storm conveyance system.
18. The SWM Plan shall provide a design to mitigate the stormwater runoff from all proposed onsite permeable and impervious surface areas, all water entering the property from off-site, and any road frontage improvements.
19. The SWM Plan shall conform to the following general stormwater standards, as well as all other applicable stormwater requirements in accordance with WES RR&S:
 - a. **Water Quality Standard** - Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event using either vegetation (Appendix H) or a Basic Treatment proprietary device (Appendix F).
 - b. **Infiltration Standard** - The first ½ inch of runoff in a 24-hour period must be captured and retained onsite through an approved infiltration system.
 - c. **Detention/Flow Control Standard in Areas with Limited Downstream Capacity (Section 5.4.4.3)** – Additional flow control requirements are necessary in areas with limited downstream capacity that cannot be upgraded, and are in addition to all other water quality and infiltration requirements. Within these designated basins (see maps in Appendix G), onsite detention facilities shall be designed to reduce the 25-year post-developed runoff rate to a 2-year pre-developed discharge rate, AND, from the 2-year post-developed runoff rate to ½ of the 2-year pre-developed rate.
20. The conveyance system shall be sized for a minimum 25-year design storm.
21. The SWM Plan shall demonstrate the development has an acceptable downstream point of discharge to safely convey stormwater runoff from the entire boundary of the development.
22. A Downstream Conveyance Analysis shall be required. The analysis must extend a minimum of 1500' downstream or to the point where the development contributes less than 15% of the upstream drainage area, whichever is greater. WES may modify this condition if requirements for 25-year onsite retention and emergency overflow can be met.
23. Grading plans shall clearly identify an overflow pathway system by which the storm/surface water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons in the event of any stormwater facility failure or bypass (Section 1.2)
24. Any storm facilities located within County ROW will be maintained by WES. These facilities shall be designed to only receive runoff from the ROW and shall provide adequate maintenance access and functionality, as determined by WES. A maintenance agreement with WES will not be required for these facilities.

25. Street planters shall be designed to meet current WES stormwater standards, including infiltration, water quality, and detention/flow control requirements. A detail for street planters is not currently available in the WES standards, therefore the project engineer shall reference the structural details of City of Portland detail SW-311A (Planter with 2.5' step-out) or provide an acceptable alternative detail from another local jurisdiction, as determined by WES.
 - a. Stormwater facilities shall be designed for the limiting infiltration rate in the vegetated facilities, namely the facility engineered media that is generally assumed to be no greater than 2" per hour (assuming the onsite native infiltration rates are greater).
 - b. Upon completion of the street planters, WES may require the engineer to perform infiltration testing of the facilities to assure the system will perform as designed. If applicable, testing shall be documented in a report stamped and signed by the project engineer and submitted to WES.
26. The property owners shall be responsible to perpetually inspect and maintain all stormwater management systems, in accordance with WES Rules, Section 12.10. A WES 'Private Storm Drainage Facilities Maintenance Plan' (available on website) shall be submitted to WES prior to final plan approval.
27. For publicly maintained stormwater facilities, the following shall apply:
 - a. All publicly maintained stormwater systems must be designed and constructed to public standards and shall be located within a public right-of-way. (Section 5.5.11)
 - b. The developer shall maintain the stormwater facilities for a one-year warranty period; thereafter WES will be responsible for perpetual maintenance of the public stormwater facilities.

For Erosion Control, the following shall apply:

28. All construction sites, regardless of size, shall implement proper erosion prevention and sediment control measures. Erosion control site plans will be required for all development activities that accelerate erosion, including construction, grading, filling, excavating, and clearing.
29. Any development activity that results in over 800 sq ft of soil disturbance shall obtain a WES Erosion Prevention and Sediment Control (EPSC) Permit before the start of any grading or construction activities. The applicant shall submit an EPSC permit application, erosion control site plans, and applicable permit fees (\$460 + \$80/acre over 1 acre).

The following WES Fees and Charges shall apply:

30. Sanitary Sewer Plan Review fees shall apply. A \$400.00 minimum shall be due with the first plan submittal.
31. Surface Water Plan Review fees shall apply. The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum shall be due with the first plan submittal.
32. An Erosion Prevention and Sediment Control (EPSC) permit fee shall apply. A \$460.00 minimum permit fee shall be due with the first plan submittal.
33. A Collection Sewer Charge shall apply in the amount of \$3,191.69, due prior to plan approval. This amount applies only to service from Cornwell St. and will be revised if service is taken from Lindy St.
34. Surface Water System Development Charges (Storm SDC's) shall be applied for total impervious surface area, in accordance with WES RR&S. An estimate of the Equivalent Service Units (ESUs) will be determined after the stormwater management plan is reviewed. The final

assignment of the ESUs shall be applied after the building permit application is received by Clackamas County Building Code Division.

- a. Effective August 1, 2019, the surface water SDC rate is **\$211 per 2,500 sqft of impervious surface**. No ESU's have been paid previously, therefore no credits will apply.
35. Sanitary Sewer System Development Charges (Sanitary SDCs) shall be applied in accordance with WES RR&S. An estimate of the Equivalent Dwelling Units (EDUs) will be determined after the civil site plan is reviewed.
 - a. Effective August 1, 2019, the sanitary SDC rate is **\$7,850.00 per EDU**.
 - b. Assignment of EDU's is in accordance with Table VII, Class 27 (Carwash) = 16 EDU's
 - c. An NCRA credit of \$8,800.00 (\$2,200.00 per taxlot) will apply towards the final Sanitary SDC amount.

SECTION 3 – DESIGN REVIEW FINDINGS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 1102, 510, 1002, 1005, 1006, 1007, 1009, 1010, 1015, 1021, 1102, and 1307. The Clackamas County Planning and Zoning Staff has reviewed these Sections of the ZDO and design guidelines in conjunction with this proposal and make the following findings and conclusions:

1. Section 1102 – Design Review

Subsection 1102.01 Applicability

Finding: Clackamas County's Zoning and Development Ordinance determines development types for which design review is required. ZDO Subsection 1102.01(A) states that design review is required for, "...development, redevelopment, expansions, and improvements in commercial and industrial zoning districts..." The proposed development is located in the Corridor Commercial district, and thus design review is required for the project.

Subsection 1102.02 Applicability

Finding: Clackamas County's Zoning and Development Ordinance determines the submittal requirements necessary for design review. The applicant submitted a set of information consistent with the submittal requirements of the Zoning and Development ordinance which county staff deemed complete on September 9, 2019. The standard is met.

Subsection 1102.03 Approval Criteria

Finding: Clackamas County's Zoning and Development Ordinance determines that projects which require design review are subject to the standards of the underlying zoning district as well as to Section 1000 "Development Standards". The analysis of the proposal, per those sections of the Clackamas County ZDO, follow in subsequent sections.

2. Section 510 – Corridor Commercial (CC) district

Subsection 510.03 Uses Permitted

Clackamas County's ZDO determines uses that are permitted primary, permitted accessory, conditionally permitted, or not allowed in each zoning district.

Finding: The proposed development is located in the Corridor Commercial district. The applicant’s submitted materials indicate that the proposed use for this site is “Retail Service – Car Wash” which is listed in Table 510-1 as a permitted primary use in the Corridor Commercial district. The proposed development meets the standard.

Subsection 510.04 Dimensional Standards

Finding: The table below demonstrates how the applicant’s proposal complies with the dimensional standards of the CC district. These standards are met.

	Ordinance Standard	Demonstrated Dimension	Complies With Standard
Minimum Lot Size	None	1.27 acres	Complies
Maximum Front Setback	20 feet	20 feet	Complies
Minimum Front Yard Setback	15 feet	20 feet	Complies, per 1005.03(E)(1)
Minimum Rear Yard Setback	15 feet, per footnote 12	27 feet, at northern end of proposed building.	Complies
Minimum Side Yard Setback	15 feet, per footnote 16	63 feet, at northern end of proposed building.	Complies
Maximum Building Floor Space per Use	None	7,630 square feet	Complies

3. Section 1002 – Protection of Natural Features

Section 1002 addresses the protection of various natural features including hillsides, the excessive removal of trees prior to development, the protection of trees and wooded areas through development, river and stream corridors, the winter ranges of deer and elk populations, certain open spaces near Mount Hood, significant natural areas, and significant landforms and vegetation.

Finding: The site has been previously developed and historically used as a sales/display lot for recreational vehicles. There is limited natural vegetation and cultivated vegetation planted to support the previous use has not been maintained. There are no significant slopes on the site. There are no additional elements protected by Section 1002, as identified in the Clackamas County Comprehensive Plan, present on site. The standards of Section 1002, as applicable, are met.

4. Section 1005 – Sustainable Site and Building Design

Section 1005 addresses the development of sites and design of buildings so as to efficiently utilize land, create lively, safe, and walkable centers, support the use of non-auto modes of transportation, reduce impact of development of natural features, utilize opportunities arising from a site’s configuration, design illumination so dark skies are maintained when possible and accommodate the needs of users of developments. It applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling.

Subsection 1005.03 – General Site Design Standards establishes standards for the sites of commercial, industrial, and multifamily developments and addresses standards for the placement and

orientation of buildings, on-site pedestrian circulation, the placement and orientation of building entrances, and other use- and zone-specific standards.

Finding: The proposal is for the new construction of a car wash along with new circulation, landscaping, and other site elements. The proposal is for a single building, making the clustering of buildings impossible. The project is designed on a previously developed site allowing for the reuse and maintenance of sidewalks and new development along a busy commercial corridor. The site design shows a 5 foot wide concrete walkway connecting the site to SE Lindy. The site design shows the principle building set at the minimum yard depth, as required by 1005.03(E). The parking lot is not greater than three acres in size. The building is located along a major transit street and is located within 20 feet of that street. The standards of Section 1005.03, are met.

Subsection 1005.04 – Building Design provides standards for building facades, entrances roof design, exterior building materials, the screening of mechanical equipment, and other use- and zone-specific standards.

Finding: The building is designed with articulation of the façade through fenestration, change in materials. Notable change in the roof plane creates visual interest across a long façade. Human scale and proportion is used in the placement of materials with natural colors and texture closer to the ground plane, while the flush-mounted panels sit higher on the building. This is not, for all intents and purposes, a building with a public entrance. However, each of the two office entrances have 4 foot projecting canopies for weather protection. The central flat roofed portion of the structure is accented by the two segments of pitched roof, one at each end, creating visual variety across the roof. The design uses colors that are appropriate to the commercial context and building forms which are suggestive of mid-century modern design. The design of the building is consistent with its proposed use and level of public exposure. The façade materials are consistent with the commercial identity of the rural mountain communities, are durable, and consistent with the proposed use of the building. Per the above findings and the applicant’s submitted drawings, the proposed building complies with the relevant standards of section 1005.04. These standards are met.

Subsection 1005.05 – Outdoor Lighting provides standards to ensure that onsite lighting is compatible with the site and surrounding uses while preventing light trespass and pollution.

Finding: The site design provides appropriately scaled lighting which both enhances building appeal and provides pedestrian and vehicular safety. Per the above findings based on staff review of the applicant’s submitted drawings, the proposed addition complies with the relevant standards of section 1005.05. These standards are met.

Subsection 1005.06 – Additional Requirements requires projects to employ one additional design element per 20,000 square feet of site area.

Finding: Section 1005.06 requires applicants to employ one “Additional Requirement” for every 20,000 square feet of site area. The applicant must provide five “Additional Requirements”.

1. The design uses passive heating and cooling techniques to reduce energy consumption, per 1005.06(B).
2. The design includes landscaping totaling 23%, significantly over 11% needed to satisfy the additional requirement of 1005.06(G).
3. The site design will collect rainwater and use it for the irrigation of the catch basins for stormwater infiltration, satisfying the requirement of 1005.06(I).

4. The design uses over-sized catch basins to infiltrate more than the required storm events required by the surface water management agency, virtually eliminating offsite stormwater impact from the development, to satisfy the requirement of 1005.06(J).
5. The site design uses only the minimum number of parking stalls required by the zoning and development ordinance, per 1005.06(R).

This standard is met.

Subsection 1005.9 – Regional Center Design Standards implement the additional design standards of the Clackamas Regional Center Area as defined on Comprehensive Plan Map X-CRC-1.

Finding: Pedestrian access is provided to the building via a walkway from SE Lindy. The design is providing additional pedestrian amenities in the form of raised Corten steel planters creating additional articulation and interest in the landscaped areas along SE 82nd Ave. The standards are met.

5. Section 1006 – Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control.

Section 1006 addresses the provision of appropriate infrastructure for utilities, water supply, and sewage disposal, as well as the management of surface water and site erosion.

Finding: No new streetlights are required to meet county requirements... County Planning staff has received the required preliminary statements of feasibility from Water Environment Services and Clackamas River Water. Per the above findings and the applicant's submitted materials, the proposed development complies with the relevant standards of Section 1006. These standards are met.

6. Section 1007 - Roads and Connectivity

Subsection 1007.02 – Public and Private Roadways

Subsection 1007.03 – Private Roads and Access Drive

Subsection 1007.04 – Pedestrian and Bicycle Facilities

A-C: General Standards, Design and Requirements

D-G: Location and Construction of Sidewalks and Pedestrian Paths

H: Sidewalk and Pedestrian Path Width

I-N: Accessways, Bikeways, Trails, Bike/Pedestrian Circulation

Finding: The proposed development will be required to comply with all applicable requirements of Clackamas County Engineering, including those identified through the ZDO and within the county's engineering standards. **With the conditions recommended by Clackamas County Engineering in Section 2 and the applicant's submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

Subsection 1007.05 – Transit Amenities

Finding: Subsection 1007.05 applies to all residential, commercial, institutional, and industrial developments on existing and planned transit routes. The local transit provider, Tri-Met, was invited to comment at both the pre-application conference and through the land use application. No input was received from the agency. The standard is met.

Subsection 1007.06 – Street Trees addresses requirements for street trees within the Portland Metropolitan Urban Growth Boundary, in the Clackamas Regional Center Area, in the Business Park zoning district, and in Sunnyside Village.

Finding: The proposed development is within the Portland Urban Growth Boundary. Street trees are provided in the landscape plan along SE Lindy and SE 82nd. The SE Cornwall street block face is too short to allow for a street tree and the limited access drive to the site. These standards are met.

Subsection 1007.07 – Transportation Facilities Concurrency

Finding: Clackamas County’s engineering division and the Oregon Department of Transportation have reviewed the proposal. Their conditions of approval will ensure that the capacity of transportation facilities is adequate or will be made so in a timely manner. **The conditions recommended by Clackamas County Engineering and Oregon Department of Transportation in Section 2 and the applicant’s submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

7. Section 1009 – Landscaping

Section 1009 seeks to ensure that sites are design with appropriately selected, designed, installed, and maintained landscape materials and that landscaped areas are used for appropriate purposes.

Finding: The proposed site design will exceed the 10% requirement of the design standard. A variety of plants of various sizes, textures, and seasonal interest are indicated, none of which are invasive or noxious species. These species are predominantly native and/or drought tolerant plants, appropriate to a commercial context and the local habitat/conditions.

ZDO 1009.04(D) provides that, “...buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.”The proposed commercial use is directly adjacent to a residential community and may have significant operational externalities such as noise trespass.

ZDO1009.04(E)(4) provides that, “Buffering shall be accomplished by... (a) method that provides an adequate buffer considering the nature of the impacts to be mitigated.” Given the significant differences between the proposed use and the adjacent residential area staff feels that the height of the proposed CMU wall along the eastern property boundary should be increased to ten (10) feet.

Conditions of approval will ensure compliance with the required landscaping in terms of composition of materials, installation and maintenance of landscape, and irrigation as well as buffering between the commercial use and adjacent residential uses. **With the conditions of approval in Section 2, the above findings and the applicant’s submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

8. Section 1010 – Signs

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

Finding: The applicant is proposing the following signage on the site. One freestanding pole sign with two sign faces of 60 square feet each. This sign complies with the dimensional standards of ZDO 1010. The primary building wall of this project is the façade facing SE 82nd Ave. That façade measures 210 feet in length, which would allow for 210 square feet of on building signage. The applicant is proposing 4 signs totaling 137 square feet, meeting the dimensional standards. The standards are met.

9. Section 1015 – Parking and Loading

Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas.

Finding: ZDO Table 1015-1 requires 1 off-street parking spaces for each employee at peak hours of operation. As such 4 employee stalls are provided on site. Commonly, customers will also pause on site after their car wash to towel off their vehicle and use the provided vacuums. This is not a scenario explicitly envisioned by the parking section. However, a significant number of customer spots are provided for customers use temporarily after their car wash. Table 1015-2 provides requirements for bicycle parking totaling 1 parking spot for the site. The design provides 1 spots, inside the building. Per ZDO Table 1015-3, 1 off-street loading zones are required for a development of this size and use. 1 is provided for the site. The dimensions and locations of all proposed parking areas comply with the standards of ZDO Section 1015. The standards are met.

10. Section 1021 – Refuse and Recycling Standards For Commercial, Industrial, and Multi-Family Developments

Finding: The applicant has indicated that they will construct a refuse and recycling enclosure in the south east corner of the property. Plans indicate that the enclosure measures 20' x 11'4", and accommodates two, 3 yard containers for garbage and recycling, in addition to one, 95 gallon roll cart for glass. The enclosure is accessible from both SE Lindy Street and 82nd Avenue. A "No Parking" sign will be posted on the enclosure in a prominent location, to ensure access to the enclosure by the collector. The materials used for construction of the enclosure and pad, will align with the requirements of section 1021.03. The design and siting of the enclosure are being coordinated with Emily Murkland of Clackamas County's Sustainability & Solid Waste program, with input from Sunset Garbage. As provided in the Land Use Application and corresponding supplemental documents, the proposed refuse and recycling enclosure can meet the requirements of ZDO 1021. The standards are met.

SECTION 4 - SUMMARY OF FINDINGS AND RECCOMENDATION

The Planning and Zoning Staff finds that, as conditioned herein, the proposed building and site design meets the standards of the permitted uses in the Corridor Commercial district and applicable design review standards.

Based on the above analysis of the ordinance standards, staff recommends approval of this design review application for the proposed development, subject to the conditions indicated in Section 2.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email drenhard@clackamas.us.

503-742-4696: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

WASHMAN 82ND & LINDY



SYMONS ENGINEERING
CONSULTANTS, INC.

12805 s.e. foster road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1962



CLIENT

WASHMAN, LLC
PO BOX 4124
PORTLAND, OR 97218
503-849-4582

PROJECT

WASHMAN
82ND & LINDY

SITE ADDRESS

8864 SE 82ND AVE
HAPPY VALLEY, OR 97086

SHEET NAME

RENDERING

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 REISSUED WITHOUT CHANGE
- △
- △
- △
- △

ISSUE DATE **SEPTEMBER 9, 2019**

DRAWING FILE **17-44T.DWG**

PROJECT NUMBER **17-44**

SHEET 1

R1

OF 8 SHEETS

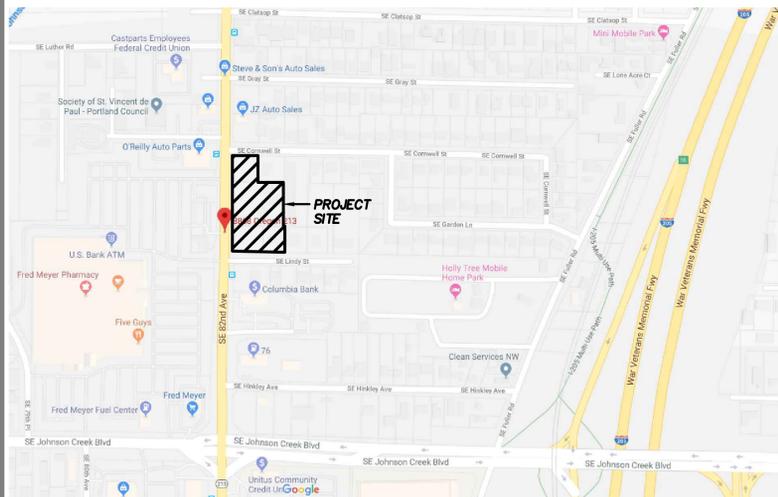
NOT FOR CONSTRUCTION

WASHMAN 82ND & LINDY



SYMONS ENGINEERING
CONSULTANTS, INC.

12805 s.e. foster road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1962



VICINITY MAP

NO SCALE



CALL BEFORE YOU DIG

PORTLAND METRO AREA CLARK COUNTY AREA
(503) 246-6699 (503) 696-4848



ALL OTHER AREAS (800) 332-2344

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES BY CALLING THE CENTER YOU MUST NOTIFY THE CENTER AT LEAST (2) BUSINESS DAYS, BUT NOT MORE THAN (10) BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL (503) 246-6699 / (800) 332-2344.
NOTE: THE BUSINESS TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987

DRAWING INDEX

- R1 RENDERING
- T TITLE SHEET
- D1 PRELIMINARY EXISTING CONDITIONS/DEMO PLAN
- C1 PRELIMINARY SITE PLAN
- C2 PRELIMINARY GRADING & EROSION CONTROL PLAN
- C3 PRELIMINARY UTILITY & DRAINAGE PLAN
- A1 PRELIMINARY FLOOR PLAN
- A2 PRELIMINARY ELEVATIONS
- A3 PRELIMINARY SECTIONS
- L1 PLANTING PLAN

REFERENCE DOCUMENTS

TOWNSHIP LAND SURVEYS, LLC TOPOGRAPHIC SURVEY
DATED 1/5/18

PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT IS TO REMOVE THE (3) EXISTING BUILDINGS ON TAX LOT 12700 & THE EXISTING RESIDENCE ON TAX LOT 13300 TO DEVELOP THE SITE FOR A NEW DRIVE THROUGH CAR WASH FACILITY & (29) VACUUM STATIONS. THIS DEVELOPMENT WILL INCLUDE FRONTAGE IMPROVEMENTS ALONG SE LINDY ST & SE CORNWELL ST TO CLACKAMAS COUNTY STANDARDS & ALONG SE 82ND AVE TO ODOT STANDARDS. TRAFFIC SIGNAL AT SE LINDY ST & SE 82ND AVE WILL ALSO BE REPLACED.

SITE DATA

ZONING: CORRIDOR COMMERCIAL CC
LEGAL DESCRIPTION: 152E28BB
TAX LOTS: 12600, 12700, 13300, 13400
SITE AREA: 55,127 SF / 1.26 ACRES

CIVIL LEGEND

- EXISTING PROPERTY LINE
- NEW PROPERTY LINE
- OFFSITE PROPERTY LINE
- 229--- EXISTING CONTOUR
- x - x - x EXISTING FENCE LINE
- x - x - x NEW FENCE LINE
- G --- EXISTING GAS LINE
- G --- NEW GAS LINE
- O/H --- EXISTING OVERHEAD LINE
- E --- NEW ELECTRICAL LINE
- SS --- EXISTING SANITARY SEWER LINE
- SS --- NEW SANITARY SEWER LINE
- ST --- EXISTING STORM SEWER LINE
- ST --- NEW STORM SEWER LINE
- W --- EXISTING WATER LINE
- W --- NEW WATER LINE
- EXISTING UTILITY TO BE REMOVED
- EROSION CONTROL
- STREET CENTERLINE
- SAWCUT
- EXISTING ASPHALT EDGE
- NEW ASPHALT EDGE
- EXISTING CURB
- NEW CURB
- NEW CONCRETE SURFACE
- XXX.XX NEW SPOT ELEVATION
- EXISTING SIGN
- NEW SIGN
- (E) MH EXISTING MANHOLE
- (E) FH EXISTING FIRE HYDRANT
- FH NEW FIRE HYDRANT
- (E) CB EXISTING INLET
- CB NEW INLET
- (E) GM EXISTING UTILITY METER
- GM NEW UTILITY METER
- EXISTING POWER POLE
- EXISTING POWER POLE W/ LIGHT
- EXISTING POWER POLE W/ GUY

GENERAL NOTES

THESE DESIGN DRAWINGS PRESENT THE CIVIL CONCEPTS OF THIS PROJECT AND ARE NOT INTENDED TO SERVE AS CONTRACTOR'S SHOP DRAWINGS. CERTAIN ITEMS MAY NOT BE COMPLETELY DETAILED ON THESE DRAWINGS. SUCH ITEMS SHALL BE CONSTRUCTED TO THE CODES AND STANDARDS AS INDICATED. WHEN IN DOUBT, MAKE A DETAILED SUBMITTAL TO THE ENGINEER INCLUDING LAYOUT, FAB AND INSTALL DETAILS AND CATALOGUE CUTS FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

THE INTENTION OF THE DRAWINGS IS THAT ITEMS TO BE FIXED IN POSITION SHALL BE BOLTED, SCREWED, RIVETED, WELDED OR LOCKED INTO PLACE SUFFICIENTLY TO PROPERLY SECURE THE ITEM CONSIDERED. FLASHING, CAULKING, PAINTING AND WEATHERSTRIPPING SHALL BE APPLIED TO RENDER STRUCTURE WEATHERPROOF AND PROTECTED AGAINST THE ELEMENTS. ALL OF THE ABOVE SHALL BE CONSIDERED A NECESSARY REQUIREMENT FOR FUNCTIONALITY REGARDLESS OF ANY OMISSION TO SHOW OR MENTION THE NEED FOR SUCH MEASURES.

CONTRACTOR SHALL PROTECT AND MAINTAIN OPERATION OF ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA THROUGHOUT THE CONSTRUCTION PROCESS AND SHALL BE RESPONSIBLE FOR REPLACEMENT OF ALL EXISTING UTILITIES WHICH ARE DISTURBED "IN KIND" AS PART OF THE CONTRACT. CONTRACTOR SHALL COORDINATE ALL WORK ON UTILITIES WITH THE VARIOUS OWNERS THEREOF.

LOCATIONS OF PROPERTY LINES AND EXISTING STRUCTURES, SITE FEATURES, AND UNDERGROUND UTILITIES ARE DRAWN FROM BEST AVAILABLE AS-BUILT DATA. THIS DOES NOT GUARANTEE LOCATIONS, ELEVATIONS ARE EXACT OR COMPLETE.

CONTRACTOR SHALL VERIFY LOCATION AND INVERT ELEVATIONS OF ALL EXISTING UTILITIES AND FEATURES IN THE AREA AFFECTED BY PROJECT WORK. NOTIFY ENGINEER IF LOCATION OR ELEVATION IS OTHER THAN INDICATED ON PLANS **PRIOR TO COMMENCEMENT OF WORK.**

CONTRACTOR SHALL REQUEST LOCATES OF ALL UTILITIES AT LEAST **48 HOURS** IN ADVANCE PRIOR TO COMMENCING EXCAVATION AND COMPLY WITH O.A.R. 952-001-0010 THROUGH O.A.R. 952-001-0090.

DOWNTIME FOR UTILITIES SHALL BE HELD TO A MINIMUM AND TEMPORARY BYPASSES SHALL BE PROVIDED WHERE REQUIRED TO MAINTAIN PROPER SERVICE.

ALL EXISTING UTILITY FEATURES (VAULTS, BOXES, RIMS, CLEANOUTS, ETC.) IN CONFLICT WITH PROPOSED GRADING PLAN SHOULD BE RAISED OR LOWERED ACCORDINGLY, WHETHER INDICATED ON PLANS OR NOT.

CONTRACTOR SHALL MAINTAIN APPROVED DRAWINGS/PERMITS ON-SITE AT ALL TIMES.

INSTALL ALL UTILITIES **PRIOR** TO PAVING/GRAVELING.

WORK SCHEDULE SHALL BE COORDINATED WITH THE PROPERTY OWNER, LOCAL ORDINANCES, AND BUSINESSES WHEREVER APPLICABLE.

THE SUPERINTENDENT SHALL SECURE ANY EXCAVATIONS AND TRAFFIC CONTROL AT ALL TIMES. ON-DUTY AND OFF-DUTY CONTACTS AND PHONE NUMBERS FOR THE CONTRACTOR SHALL BE FURNISHED TO THE PROPERTY OWNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

ANY EXISTING IMPROVEMENTS FOUND DAMAGED SHALL BE REPLACED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS.

SITE CONSTRUCTION PRACTICES SHALL BE IN ACCORDANCE WITH OSHA REGULATIONS. CONTRACTOR SHALL MAINTAIN ON-SITE, LEGIBLE MATERIAL SAFETY DATA SHEETS FOR ALL HAZARDOUS MATERIALS USED ON-SITE.

THE CONTRACTOR SHALL GIVE THE APPROPRIATE INSPECTION AGENCY **TWO (2) WORKING DAYS** ADVANCE NOTICE WHEN REQUESTING INSPECTIONS, STREET IMPROVEMENT PERMITS INSPECTION-(503) 823-7012.

ANY REVISIONS MADE TO APPROVED PLANS REQUIRE APPROVAL BY THE APPROPRIATE AGENCY AND THE ENGINEER-OF-RECORD IN WRITING PRIOR TO IMPLEMENTATION.

RECYCLE WASTE BUILDING MATERIALS WHEREVER POSSIBLE.

DUST SHALL BE CONTROLLED AT ALL TIMES BY WATERING. DIRT DEBRIS, TRASH OR OTHER CONSTRUCTION MATERIAL SHALL BE CONTAINED WITHIN CONSTRUCTION BOUNDARIES AT ALL TIMES AND SHALL BE CLEANED AND REMOVED DAILY AS NECESSARY. CONTRACTOR SHALL PREVENT CONSTRUCTION DIRT/DEBRIS FROM ENTERING EXISTING STORM DRAIN BY POSITIVE MEANS INFERRED WITHIN THE EROSION CONTROL PLAN.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE STATE OF OREGON WATER MASTER AT (503) 681-7018 TO APPROVE THE FILLING OF ANY SEPTIC TANKS & REMOVAL OF ANY EXISTING WELLS ENCOUNTERED.

CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF SUB-TRADES AND THEIR RESPECTIVE PERMITS INCLUDING ELECTRICAL, MECHANICAL, PLUMBING OR SPRINKLERS AS DICTATED BY PROJECT REQUIREMENTS. DISCREPANCIES FOUND AMONG ARCHITECTURAL, STRUCTURAL, CIVIL OR SUB-TRADE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER-OF-RECORD FOR WRITTEN CLARIFICATION PRIOR TO CONSTRUCTION.

CODES AND STANDARDS

IN CASE OF OVERLAPPING SPECIFICATIONS, CONTRACTOR SHALL ASSUME MOST STRINGENT APPLIES UNLESS NOTED OTHERWISE. REFER TO ENGINEER FOR WRITTEN DETERMINATION.

AMERICAN CONCRETE INSTITUTE ACI 318, CURRENT EDITION
AMERICAN WATER WORKS ASSOCIATION STD. SPECIFICATIONS, CURRENT EDITIONS
THE ASPHALT INSTITUTE MANUAL SERIES, CURRENT EDITIONS
EROSION & SEDIMENTATION CONTROL TECHNICAL GUIDANCE HANDBOOK
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION
NATIONAL ELECTRIC CODE, CURRENT EDITION
OREGON D.O.T. STANDARD SPECIFICATIONS, CURRENT EDITION
OREGON STATE PLUMBING SPECIALTY CODE, CURRENT EDITION
OREGON STATE STRUCTURAL SPECIALTY CODE, CURRENT EDITION
OREGON STATE ELECTRICAL CODE, CURRENT EDITION
OREGON STATE MECHANICAL CODE, CURRENT EDITION
OREGON STATE FIRE CODE, CURRENT EDITION

CLIENT

WASHMAN, LLC
PO BOX 4124
PORTLAND, OR 97218
503-849-4582

PROJECT

WASHMAN
82ND & LINDY

SITE ADDRESS

8864 SE 82ND AVE
HAPPY VALLEY, OR 97086

SHEET NAME

TITLE SHEET

REVISION

△ 8/2/19 ISSUED FOR SDR
△ 9/9/19 GENERAL REVISIONS

ISSUE DATE **SEPTEMBER 9, 2019**

DRAWING FILE **17-44T.DWG**

PROJECT NUMBER **17-44**

SHEET **2**

OF 9 SHEETS

NOT FOR CONSTRUCTION



SYMONS ENGINEERING CONSULTANTS, INC.

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WASHMAN, LLC
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PROJECT

WASHMAN
82ND & LINDY

SITE ADDRESS

8864 SE 82ND AVE
HAPPY VALLEY, OR 97086

SHEET NAME
PRELIMINARY
EXISTING CONDITIONS/
DEMO PLAN

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 REISSUED WITHOUT CHANGE
- △
- △
- △
- △

ISSUE DATE **SEPTEMBER 9, 2019**

DRAWING FILE **17-44c.DWG**

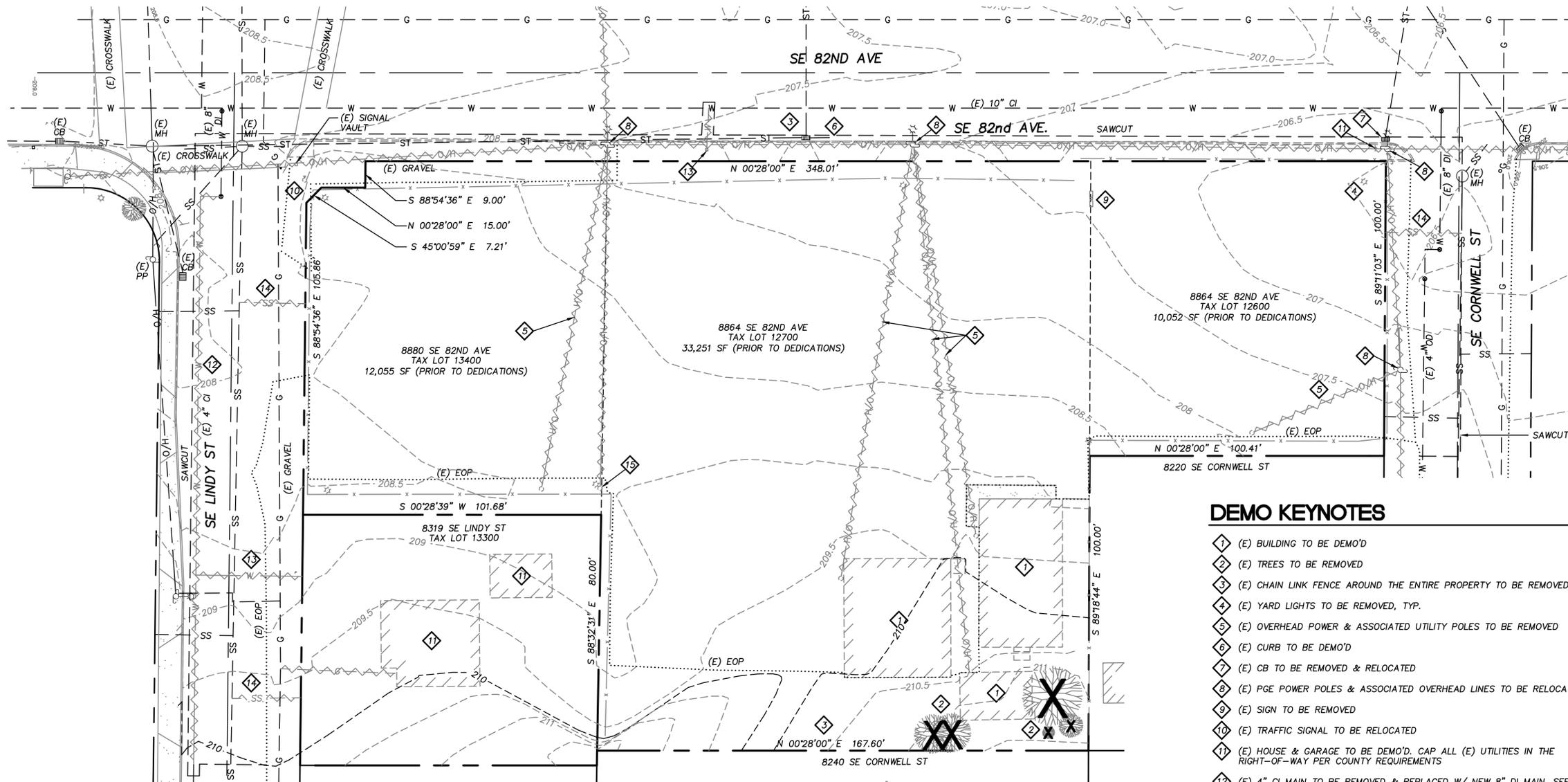
PROJECT NUMBER **17-44**

SHEET **3**

OF 9 SHEETS

D1

NOT FOR CONSTRUCTION



**PRELIMINARY
EXISTING CONDITIONS/DEMO PLAN**

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



DEMO KEYNOTES

- 1 (E) BUILDING TO BE DEMO'D
- 2 (E) TREES TO BE REMOVED
- 3 (E) CHAIN LINK FENCE AROUND THE ENTIRE PROPERTY TO BE REMOVED
- 4 (E) YARD LIGHTS TO BE REMOVED, TYP.
- 5 (E) OVERHEAD POWER & ASSOCIATED UTILITY POLES TO BE REMOVED
- 6 (E) CURB TO BE DEMO'D
- 7 (E) CB TO BE REMOVED & RELOCATED
- 8 (E) PGE POWER POLES & ASSOCIATED OVERHEAD LINES TO BE RELOCATED
- 9 (E) SIGN TO BE REMOVED
- 10 (E) TRAFFIC SIGNAL TO BE RELOCATED
- 11 (E) HOUSE & GARAGE TO BE DEMO'D. CAP ALL (E) UTILITIES IN THE RIGHT-OF-WAY PER COUNTY REQUIREMENTS
- 12 (E) 4" CI MAIN TO BE REMOVED & REPLACED W/ NEW 8" DI MAIN, SEE C3
- 13 (E) WATER SERVICE TO BE CAPPED & (E) METER TO BE REMOVED
- 14 (E) SANITARY SERVICE TO BE CAPPED & ABANDONED
- 15 (E) PGE POLE TO BE REMOVED



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PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
SITE PLAN**

REVISION

- △ 10/31/17 ISSUED FOR PRE-APP
- ① 4/5/18 ISSUED FOR ZONE CHANGE
- ② 4/3/19 ISSUED FOR PRE-APP
- ③ 8/2/19 ISSUED FOR SDR
- ④ 9/9/19 GENERAL REVISIONS
- ⑤ 10/24/19 GENERAL REVISIONS

ISSUE DATE **OCTOBER 24, 2019**

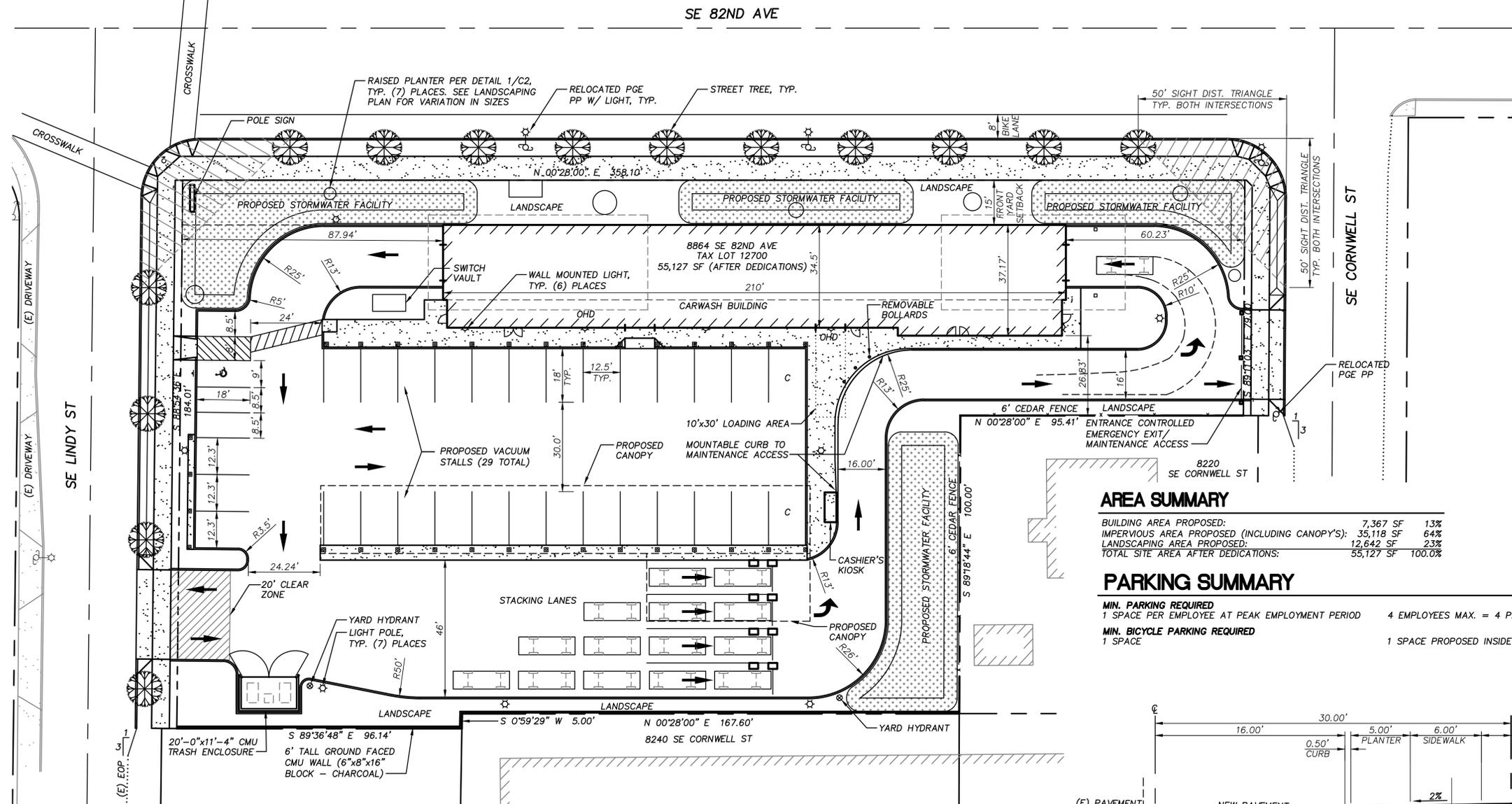
DRAWING FILE **17-44c.DWG**

PROJECT NUMBER **17-44**

SHEET 4

OF 9 SHEETS

C1



AREA SUMMARY

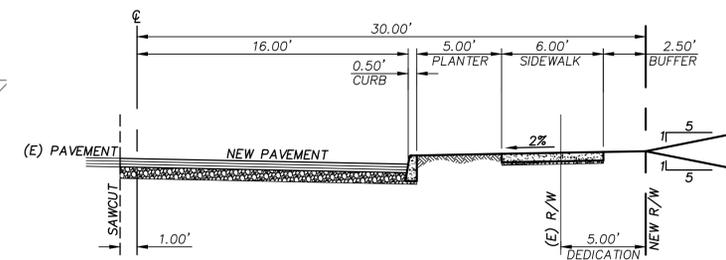
BUILDING AREA PROPOSED:	7,367 SF	13%
IMPERVIOUS AREA PROPOSED (INCLUDING CANOPY'S):	35,118 SF	64%
LANDSCAPING AREA PROPOSED:	12,642 SF	23%
TOTAL SITE AREA AFTER DEDICATIONS:	55,127 SF	100.0%

PARKING SUMMARY

MIN. PARKING REQUIRED	1 SPACE PER EMPLOYEE AT PEAK EMPLOYMENT PERIOD	4 EMPLOYEES MAX. = 4 PARKING SPACES
MIN. BICYCLE PARKING REQUIRED	1 SPACE	1 SPACE PROPOSED INSIDE BUILDING

**PRELIMINARY
SITE PLAN**

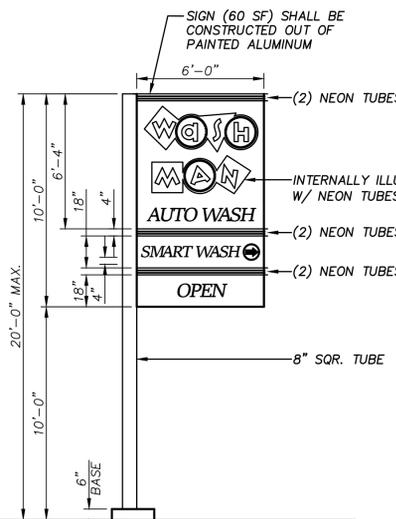
SCALE: 1" = 20'
0 5 10 20 40



**SE CORNWELL ST
HALF STREET SECTION**

SCALE: 1" = 5'

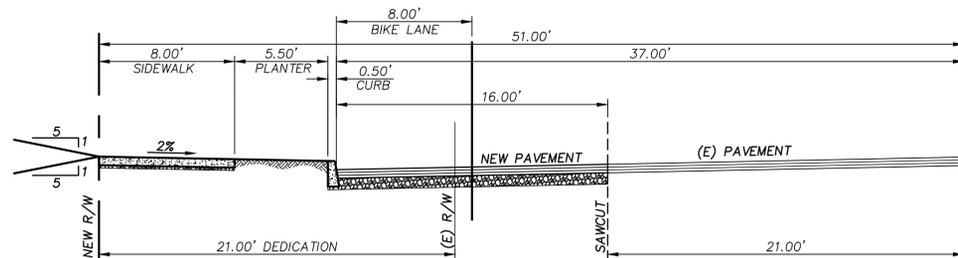
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SIGN ELEVATION

SCALE: 1" = 4'

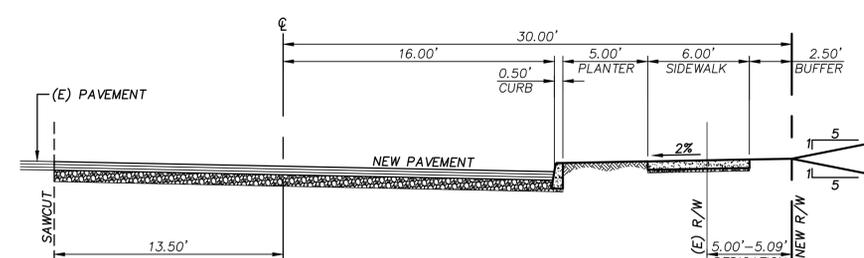
②



**SE 82ND AVE
HALF STREET SECTION**

SCALE: 1" = 5'

③



**SE LINDY ST
HALF STREET SECTION**

SCALE: 1" = 5'

④

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PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
GRADING &
EROSION CONTROL
PLAN**

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 REISSUED WITHOUT CHANGE
- △ 10/24/19 GENERAL REVISIONS
- △
- △
- △

ISSUE DATE **OCTOBER 24, 2019**

DRAWING FILE **17-44c.DWG**

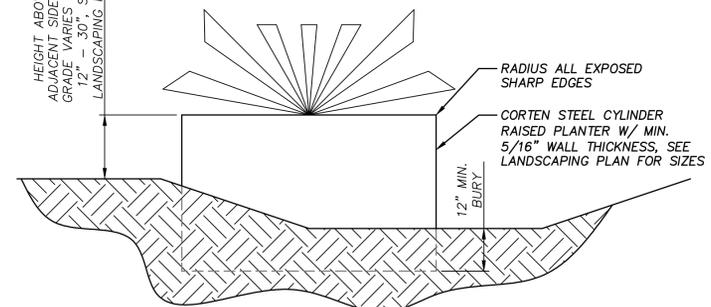
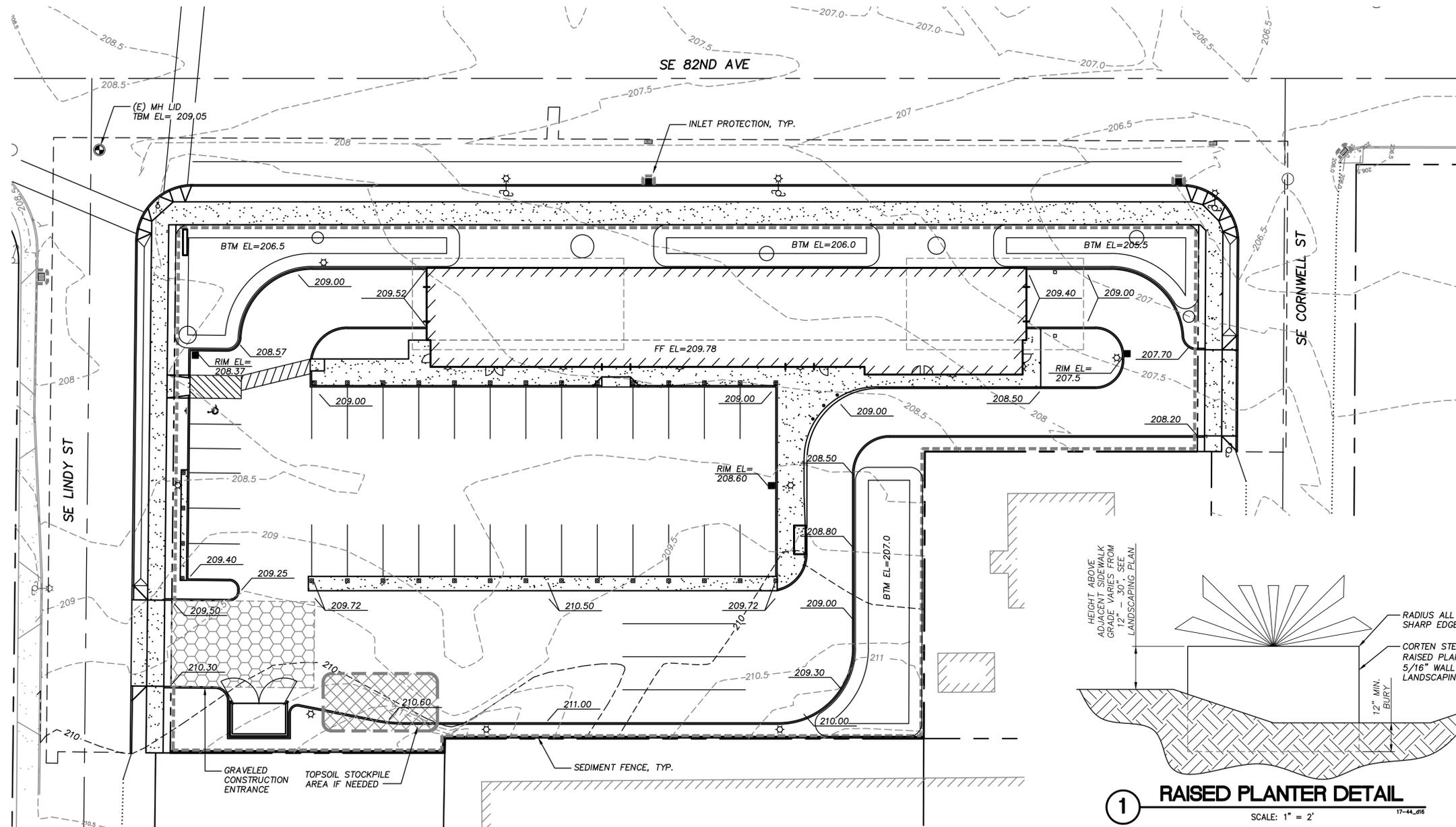
PROJECT NUMBER **17-44**

SHEET 5

OF 9 SHEETS

C2

NOT FOR CONSTRUCTION



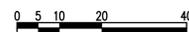
1 RAISED PLANTER DETAIL

SCALE: 1" = 2'

17-44_016

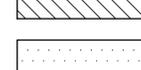
**PRELIMINARY
GRADING & EROSION CONTROL PLAN**

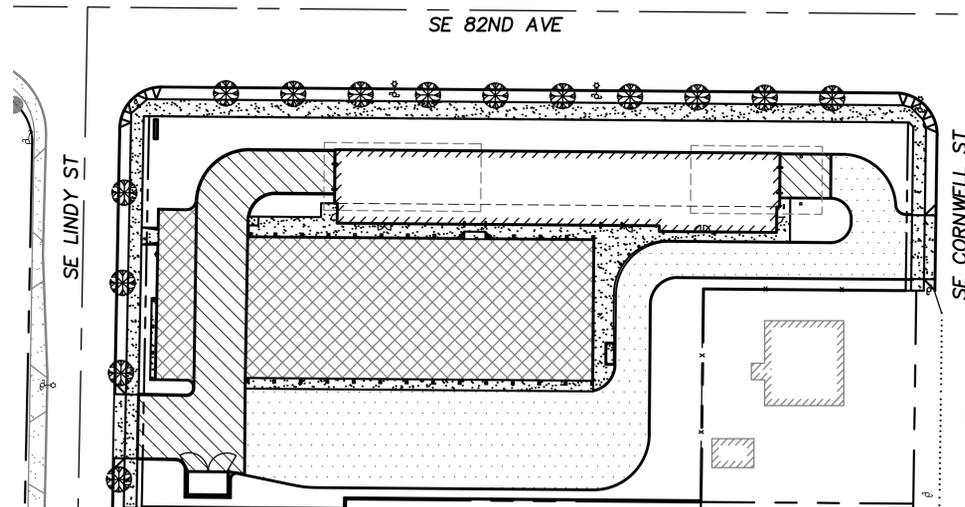
SCALE: 1" = 20'



NORTH

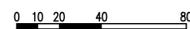


-  LIGHT GRAY WITH BID ALTERNATIVE FOR DARK GRAY
DOSE RATE: 2.5 LBS 860 PER 94 LB BAG OF CEMENT
-  DARK GRAY
DOSE RATE: 5 LBS 860 PER 94 LB BAG OF CEMENT
-  STANDARD CONCRETE WITH NO COLOR ADDED



CONCRETE DYE COLOR PLAN

SCALE: 1" = 40'



NORTH





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503-255-9111

PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
UTILITY &
DRAINAGE PLAN**

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 GENERAL REVISIONS
- △ 10/24/19 GENERAL REVISIONS
- △
- △
- △

ISSUE DATE **OCTOBER 24, 2019**

DRAWING FILE **17-44c.DWG**

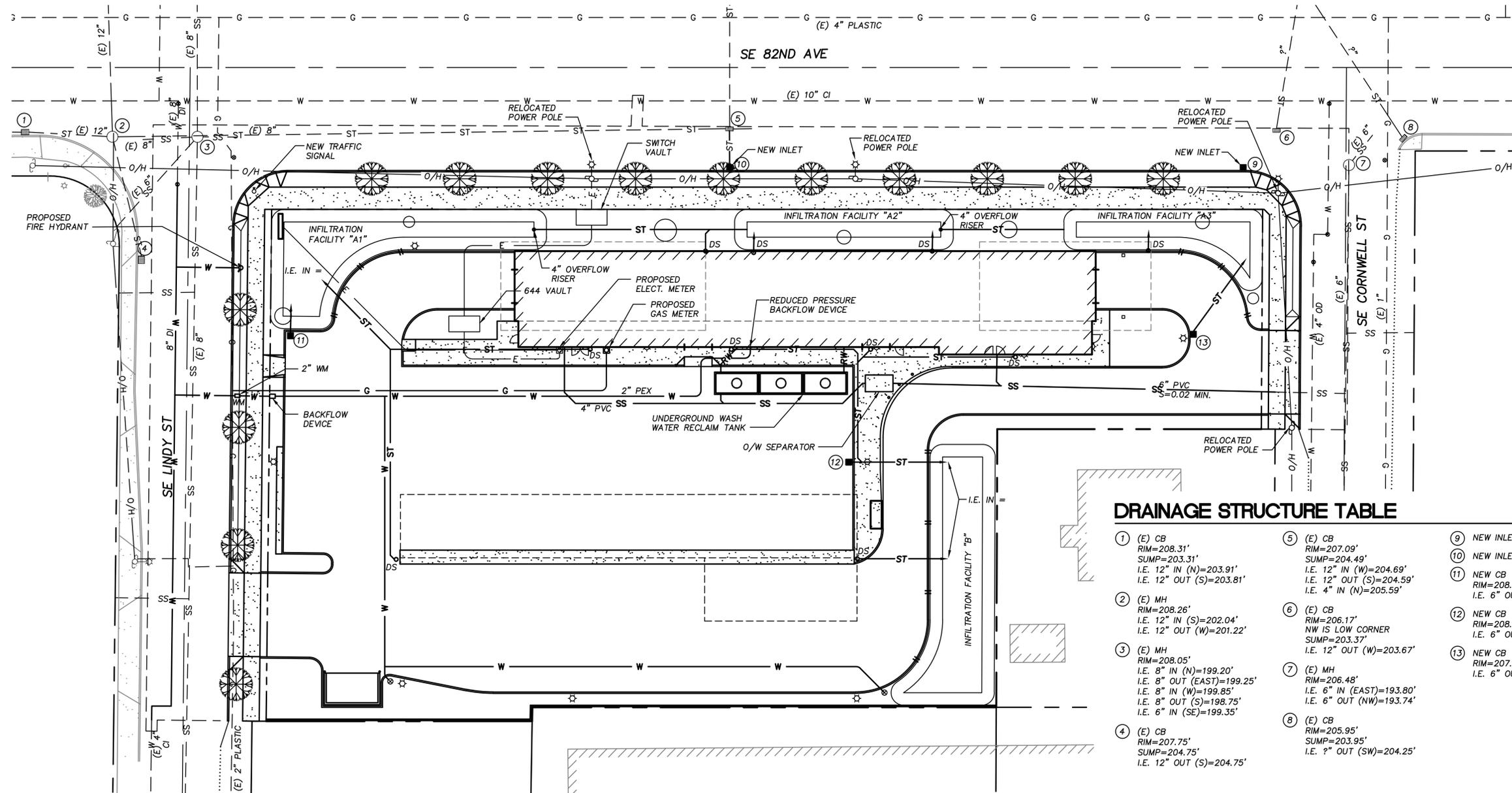
PROJECT NUMBER **17-44**

SHEET 6

OF 9 SHEETS

C3

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DRAINAGE STRUCTURE TABLE

1 (E) CB RIM=208.31' SUMP=203.31' I.E. 12" IN (N)=203.91' I.E. 12" OUT (S)=203.81'	5 (E) CB RIM=207.09' SUMP=204.49' I.E. 12" IN (W)=204.69' I.E. 12" OUT (S)=204.59' I.E. 4" IN (N)=205.59'	9 NEW INLET
2 (E) MH RIM=208.26' I.E. 12" IN (S)=202.04' I.E. 12" OUT (W)=201.22'	6 (E) CB RIM=206.17' NW IS LOW CORNER SUMP=203.37' I.E. 12" OUT (W)=203.67'	10 NEW INLET
3 (E) MH RIM=208.05' I.E. 8" IN (N)=199.20' I.E. 8" OUT (EAST)=199.25' I.E. 8" IN (W)=199.85' I.E. 8" OUT (S)=198.75' I.E. 6" IN (SE)=199.35'	7 (E) MH RIM=206.48' I.E. 6" IN (EAST)=193.80' I.E. 6" OUT (NW)=193.74'	11 NEW CB RIM=208.37' I.E. 6" OUT (W)=206.87'
4 (E) CB RIM=207.75' SUMP=204.75' I.E. 12" OUT (S)=204.75'	8 (E) CB RIM=205.95' SUMP=203.95' I.E. 6" OUT (SW)=204.25'	12 NEW CB RIM=208.60' I.E. 6" OUT (N)=207.10'
		13 NEW CB RIM=207.50' I.E. 6" OUT (NW)=206.00'

**PRELIMINARY
UTILITY & DRAINAGE PLAN**

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

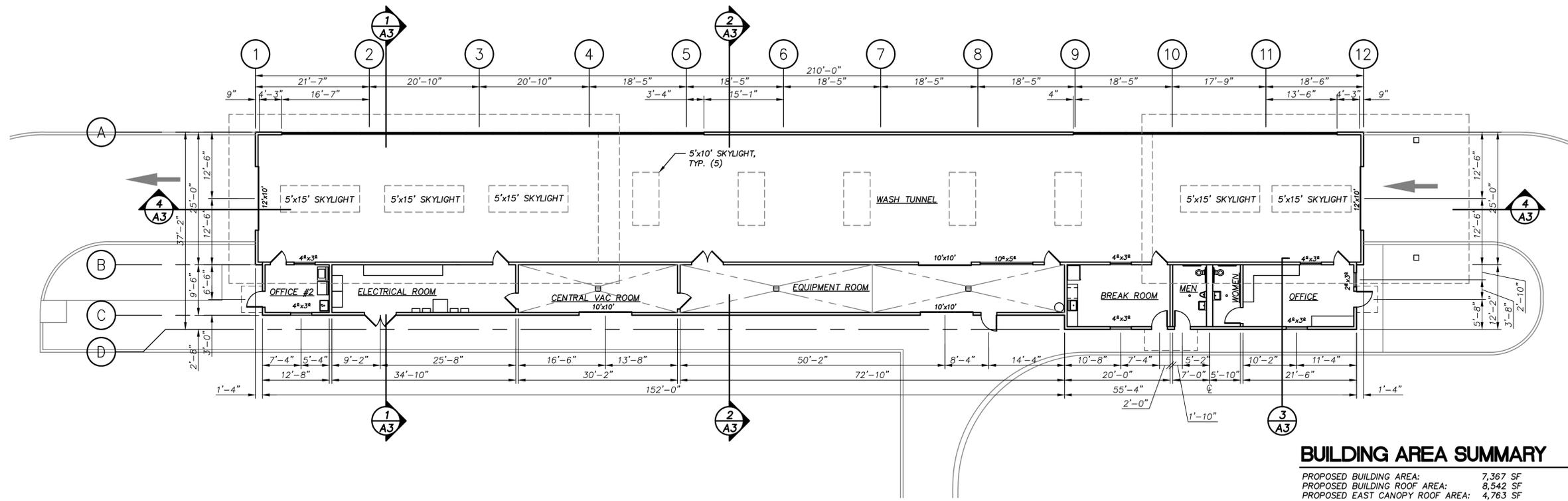
NORTH





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facsimile 503 762 1962



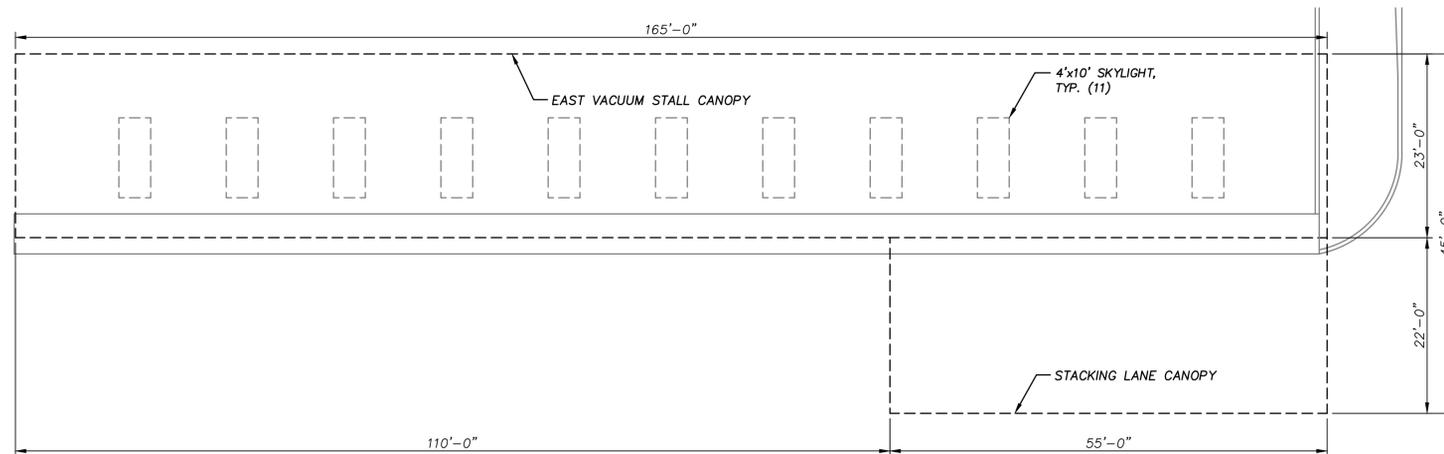
BUILDING AREA SUMMARY

PROPOSED BUILDING AREA: 7,367 SF
PROPOSED BUILDING ROOF AREA: 8,542 SF
PROPOSED EAST CANOPY ROOF AREA: 4,763 SF



PRELIMINARY FLOOR PLAN

SCALE: 3/32" = 1'-0"



PRELIMINARY EAST CANOPY PLAN

SCALE: 3/32" = 1'-0"

CLIENT

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503-255-9111

PROJECT

WASHMAN
82ND & LINDY

SITE ADDRESS

8864 SE 82ND AVE
HAPPY VALLEY, OR 97086

SHEET NAME
PRELIMINARY
FLOOR PLAN

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 GENERAL REVISIONS
- △ 10/24/19 GENERAL REVISIONS
- △
- △
- △

ISSUE DATE **OCTOBER 24, 2019**

DRAWING FILE **17-44_a1DWG**

PROJECT NUMBER **17-44**

SHEET 7

OF 9 SHEETS

A1

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PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
ELEVATIONS**

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 GENERAL REVISIONS
- △ 10/24/19 GENERAL REVISIONS

ISSUE DATE **OCTOBER 24, 2019**

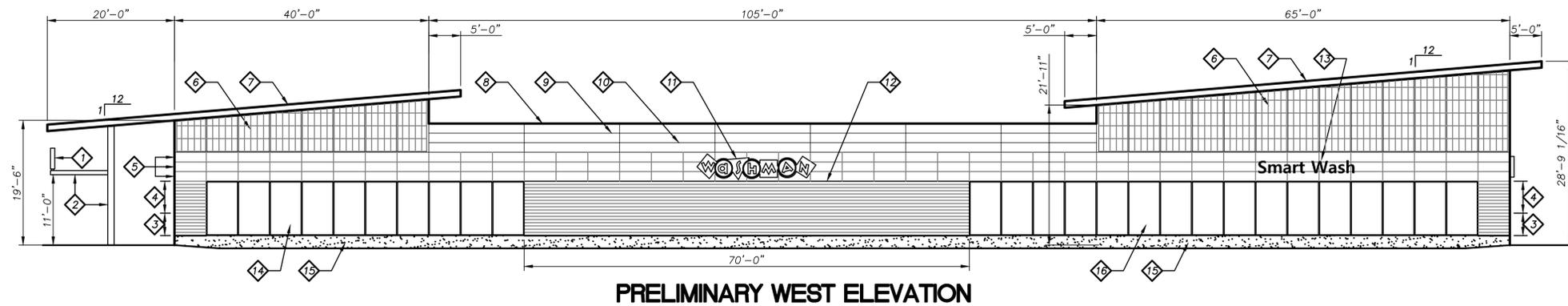
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PROJECT NUMBER **17-44**

SHEET 8

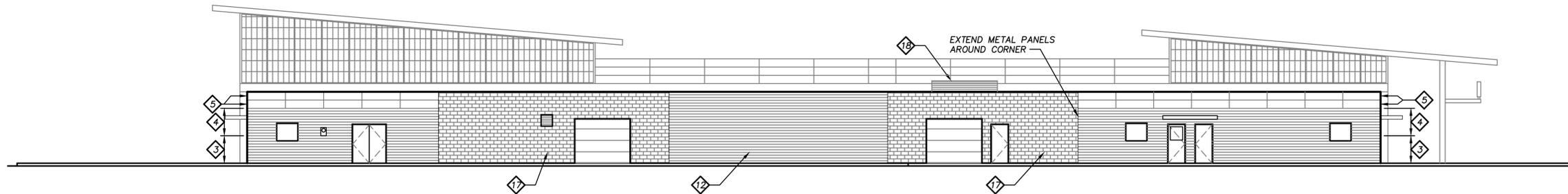
OF 9 SHEETS

A2



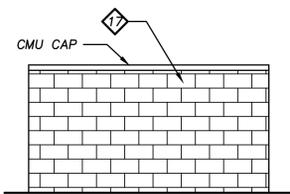
PRELIMINARY WEST ELEVATION

SCALE: 3/32" = 1'-0"



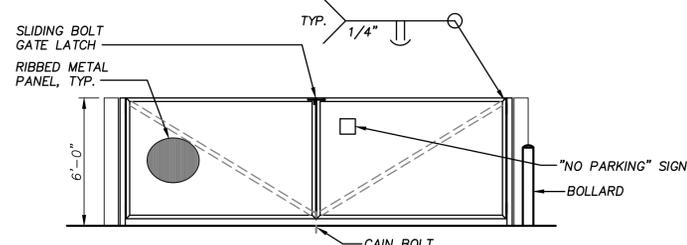
PRELIMINARY EAST ELEVATION

SCALE: 3/32" = 1'-0"



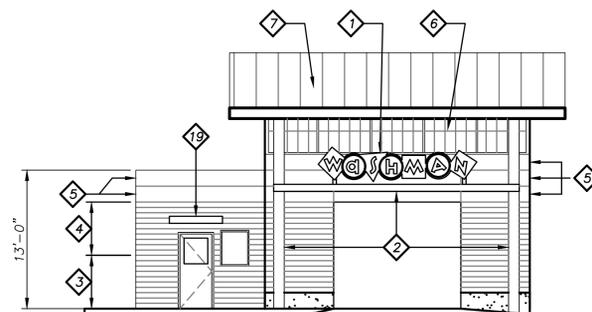
**TRASH ENCLOSURE
SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



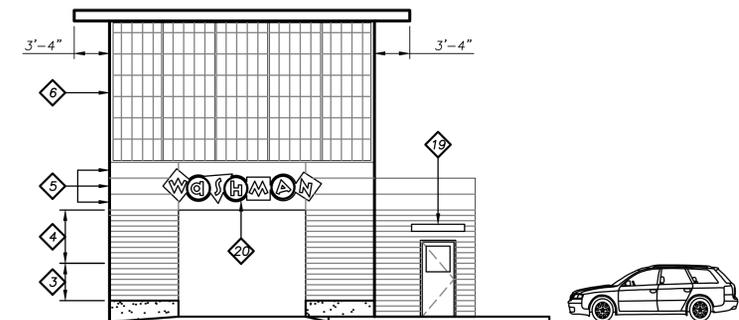
**TRASH ENCLOSURE
FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



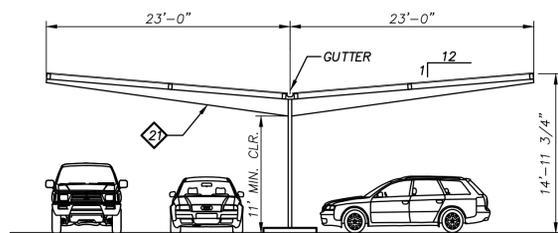
PRELIMINARY NORTH ELEVATION

SCALE: 1/8" = 1'-0"



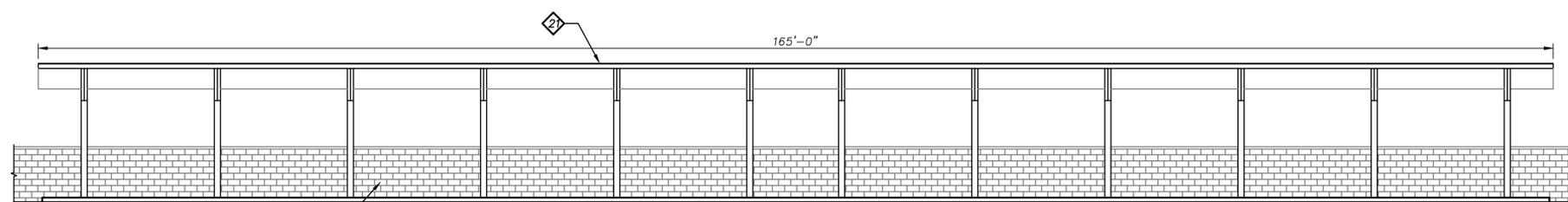
PRELIMINARY SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST CANOPY NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST CANOPY WEST ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION KEYNOTES

- | | |
|--|--|
| <ul style="list-style-type: none"> 1 INTERNALLY ILLUMINATE BUILDING SIGN ATTACHED TO STEEL AWNING STRUCTURE (30 SF PROPOSED) 2 AWNING STEEL SUPPORT STRUCTURE - POWDER COATED BGY GREY 3 6" FLUSH METAL PANELS - 0' TO 5' BGY GREY 4 6" FLUSH METAL PANELS - 5' TO 10' MIST WHITE 5 1'-6" TALL (LENGTH VARIES) FLUSH METAL PANELS - BONE WHITE 6 TRANSLUCENT WALL PANELS (2 3/4" PANEL UNIT) W/ A KYNAR RESIN FINISH - ICE BLUE W/ VERTICAL SHOJI GRID PATTERN (12x24) 7 STANDING SEAM METAL ROOF W/ SKYLIGHTS - CHARCOAL GREY 8 1'-6" FLUSH METAL PANEL - ABE BLUE 9 1'-6" FLUSH METAL PANEL - BONE WHITE 10 1'-6" FLUSH METAL PANEL - HYE YELLOW | <ul style="list-style-type: none"> 11 INTERNALLY ILLUMINATE BUILDING SIGN (47 SF PROPOSED) 12 KNOTWOOD 6" ALUMINUM CLADDING - ASPEN W/ EZ CLEAN COATING 13 INTERNALLY ILLUMINATE BUILDING SIGN (30 SF PROPOSED) 14 50'-0" x 8'-6" STOREFRONT WINDOW ASSEMBLY - BLUE TINT 15 GRIND & SACK EXPOSED CONCRETE 16 80'-0" x 8'-6" STOREFRONT WINDOW ASSEMBLY - BLUE TINT 17 8"x8"x16" GROUND FACE CMU BLOCK - CHARCOAL 18 ALUMINUM SCREENING OF MECHANICAL EQUIPMENT 19 5'-0" x 4'-0" STEEL AWNING - POWDER COATED ABE BLUE 20 INTERNALLY ILLUMINATE BUILDING SIGN (30 SF PROPOSED) 21 STEEL AWNING W/ STANDING SEAM ROOF - CHARCOAL GREY |
|--|--|

NOT FOR CONSTRUCTION



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PO BOX 4124
PORTLAND, OR 97218
503-255-9111

PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
ELEVATIONS**

REVISION

- △ 8/2/19 ISSUED FOR SDR
- △ 9/9/19 GENERAL REVISIONS
- △ 10/24/19 GENERAL REVISIONS
- △
- △
- △

ISSUE DATE **OCTOBER 24, 2019**

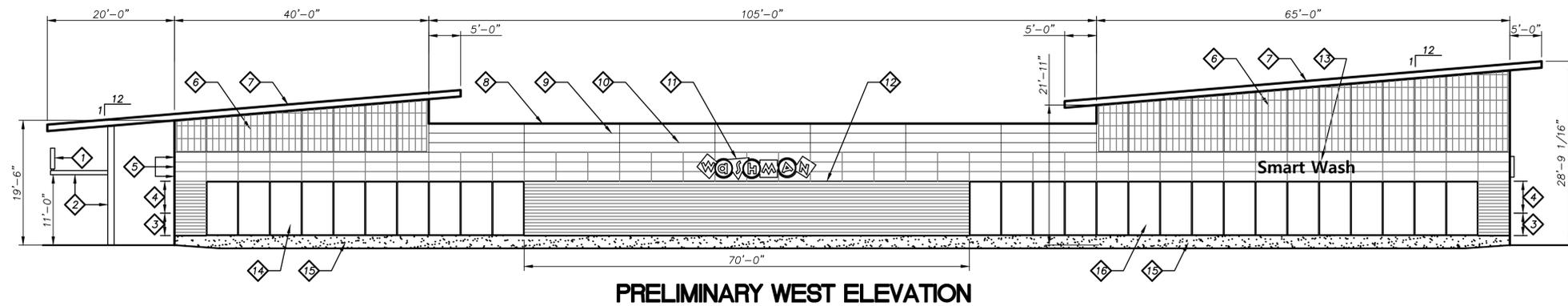
DRAWING FILE **17-44_a1DWG**

PROJECT NUMBER **17-44**

SHEET 8

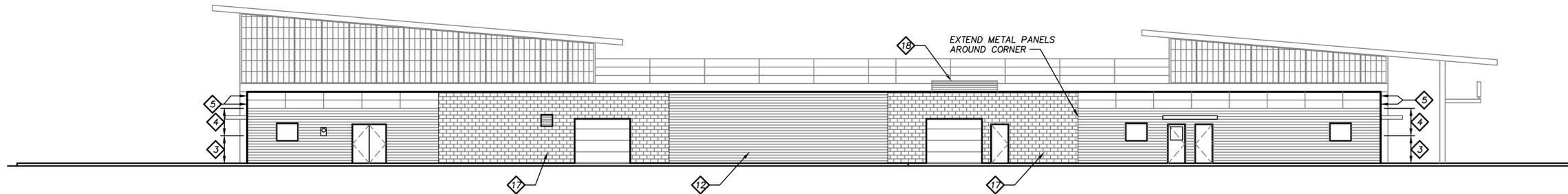
OF 9 SHEETS

A2



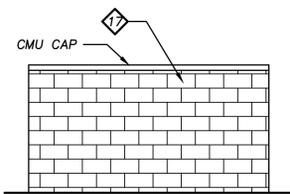
PRELIMINARY WEST ELEVATION

SCALE: 3/32" = 1'-0"



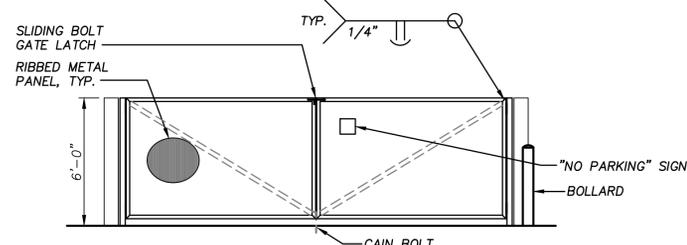
PRELIMINARY EAST ELEVATION

SCALE: 3/32" = 1'-0"



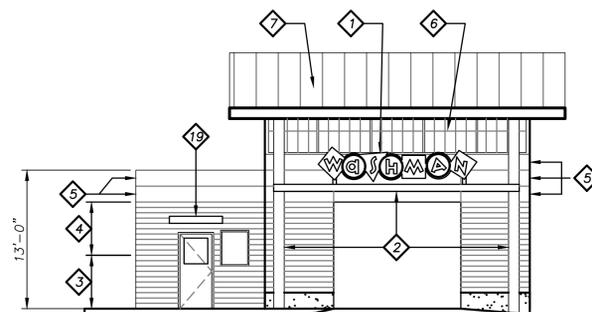
**TRASH ENCLOSURE
SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



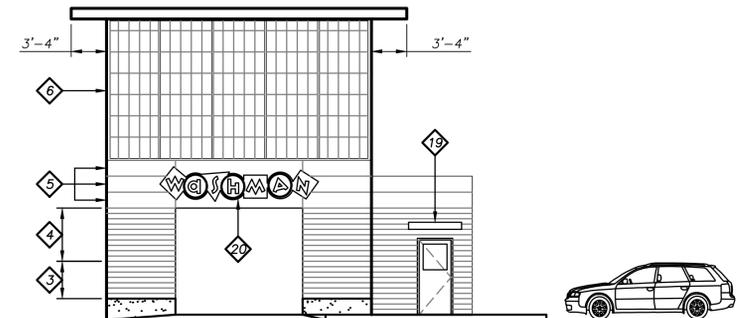
**TRASH ENCLOSURE
FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



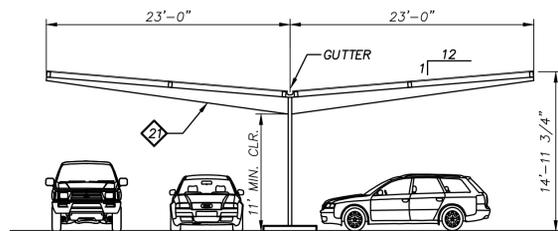
PRELIMINARY NORTH ELEVATION

SCALE: 1/8" = 1'-0"



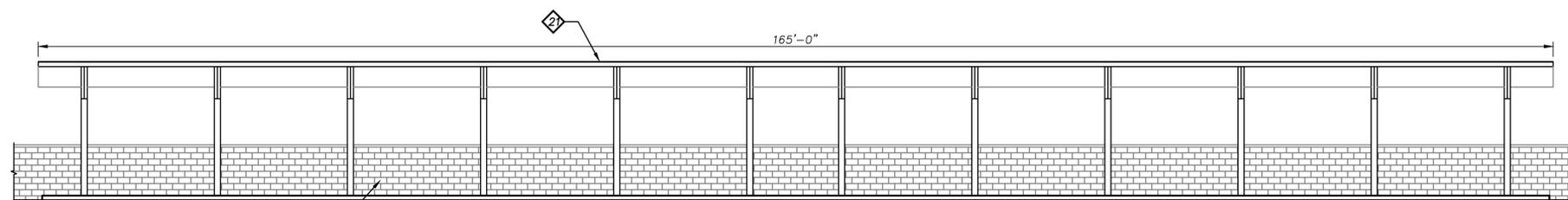
PRELIMINARY SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST CANOPY NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST CANOPY WEST ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION KEYNOTES

- | | |
|--|--|
| <ul style="list-style-type: none"> 1 INTERNALLY ILLUMINATE BUILDING SIGN ATTACHED TO STEEL AWNING STRUCTURE (30 SF PROPOSED) 2 AWNING STEEL SUPPORT STRUCTURE - POWDER COATED BGY GREY 3 6" FLUSH METAL PANELS - 0' TO 5' BGY GREY 4 6" FLUSH METAL PANELS - 5' TO 10' MIST WHITE 5 1'-6" TALL (LENGTH VARIES) FLUSH METAL PANELS - BONE WHITE 6 TRANSLUCENT WALL PANELS (2 3/4" PANEL UNIT) W/ A KYNAR RESIN FINISH - ICE BLUE W/ VERTICAL SHOJI GRID PATTERN (12x24) 7 STANDING SEAM METAL ROOF W/ SKYLIGHTS - CHARCOAL GREY 8 1'-6" FLUSH METAL PANEL - ABE BLUE 9 1'-6" FLUSH METAL PANEL - BONE WHITE 10 1'-6" FLUSH METAL PANEL - HYE YELLOW | <ul style="list-style-type: none"> 11 INTERNALLY ILLUMINATE BUILDING SIGN (47 SF PROPOSED) 12 KNOTWOOD 6" ALUMINUM CLADDING - ASPEN W/ EZ CLEAN COATING 13 INTERNALLY ILLUMINATE BUILDING SIGN (30 SF PROPOSED) 14 50'-0" x 8'-6" STOREFRONT WINDOW ASSEMBLY - BLUE TINT 15 GRIND & SACK EXPOSED CONCRETE 16 80'-0" x 8'-6" STOREFRONT WINDOW ASSEMBLY - BLUE TINT 17 8"x8"x16" GROUND FACE CMU BLOCK - CHARCOAL 18 ALUMINUM SCREENING OF MECHANICAL EQUIPMENT 19 5'-0" x 4'-0" STEEL AWNING - POWDER COATED ABE BLUE 20 INTERNALLY ILLUMINATE BUILDING SIGN (30 SF PROPOSED) 21 STEEL AWNING W/ STANDING SEAM ROOF - CHARCOAL GREY |
|--|--|

NOT FOR CONSTRUCTION



**SYMONS ENGINEERING
CONSULTANTS, INC.**

12805 s.e. foster road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1962

CLIENT

WASHMAN, LLC
PO BOX 4124
PORTLAND, OR 97218
503-255-9111

PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
SECTIONS**

REVISION

- △ 9/9/19 GENERAL REVISIONS
- △ 10/24/19 GENERAL REVISIONS
- △
- △
- △
- △

ISSUE DATE **OCTOBER 24, 2019**

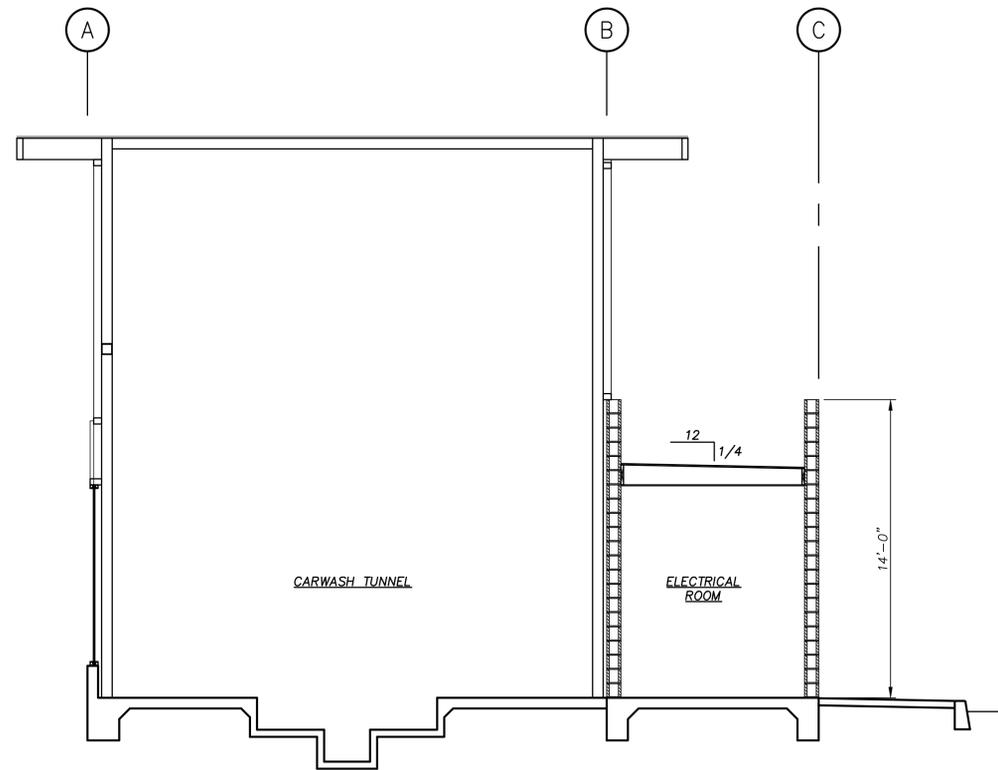
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PROJECT NUMBER **17-44**

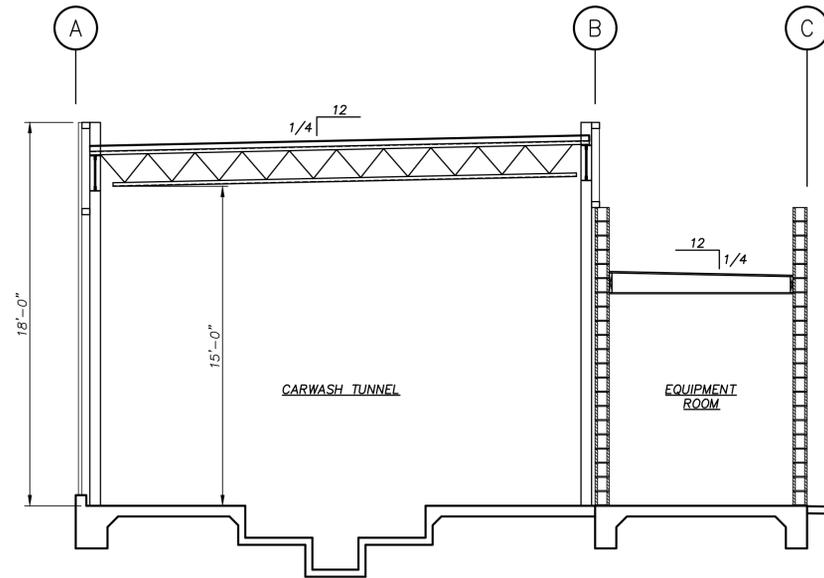
SHEET 9

OF 9 SHEETS

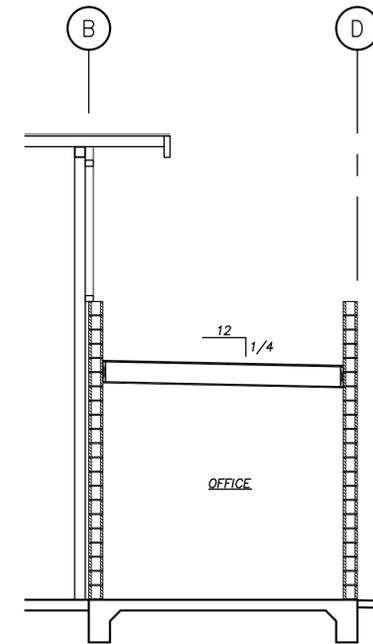
A3



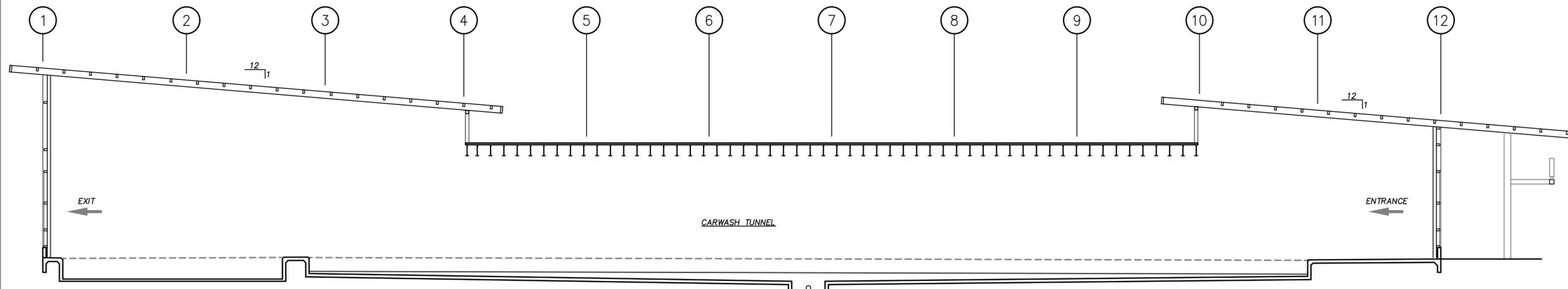
1 CROSS SECTION
SCALE: 1/4" = 1'-0"



2 CROSS SECTION
SCALE: 1/4" = 1'-0"



3 PARTIAL CROSS SECTION
SCALE: 1/4" = 1'-0"



4 LONGITUDINAL SECTION
SCALE: 1/8" = 1'-0"

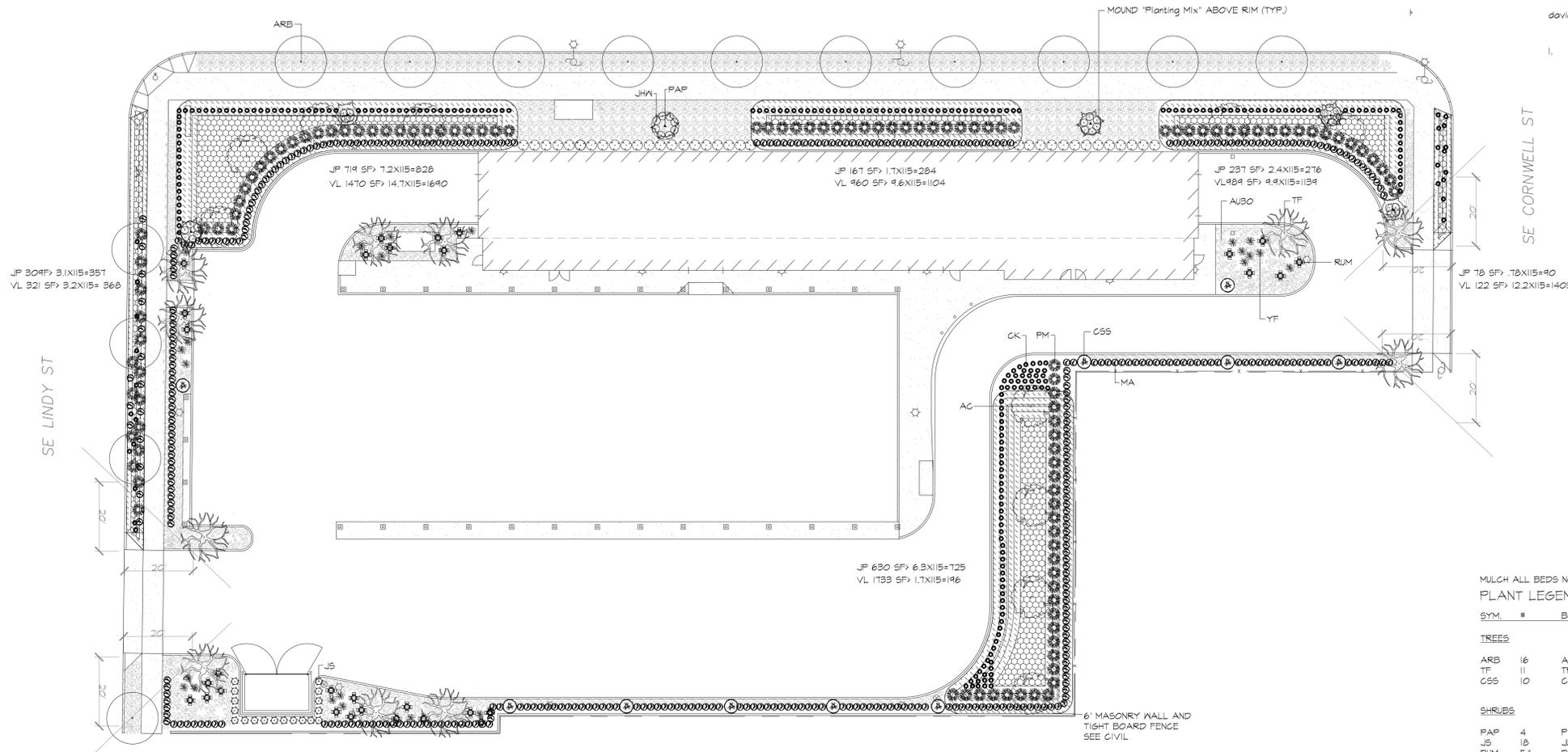
NOT FOR CONSTRUCTION

WES FACILITIES RESPONSIBLE PARTY FOR MAINTENANCE AND MONITORING

Washman, LLC
 PO Box 4124, Portland, OR 97218
 503-255-9111
 david@washmanusa.com

MULCH
 DARRELL MULCH
 LANDSCAPE
 ARCHITECTURE
 1907 N.E. 66TH AVENUE #168
 PORTLAND, OREGON 97213
 (503) 222-7416 TEL

REGISTERED
 315
 Darrell Mulch
 OREGON
 10-18-93
 LANDSCAPE ARCHITECT



- I. SHALL MONITOR THE REQUIRED PLANTINGS FOR TWO YEARS TO ENSURE SURVIVAL AND REPLACEMENT AS DESCRIBED AS FOLLOWS: THE LANDOWNER IS RESPONSIBLE FOR THE ONGOING SURVIVAL OF REQUIRED PLANTINGS AND IS RESPONSIBLE FOR SUPPLYING AND REPLACING ANY DEAD PLANTS.
 - A. CONDUCT ANNUAL PLANT INSPECTION DURING THE EARLY SUMMER GROWING SEASON.
 - B. A COUNT OF THE NUMBER OF PLANTS THAT HAVE DIED. ONE REPLACEMENT PLANT MUST BE PLANTED FOR EACH PLANT THAT HAS DIED (REPLACEMENT MUST OCCUR WITHIN ONE PLANTING SEASON).
 - C. A LIST OF REPLACEMENT PLANTS
 - D. PROVIDE THREE LETTERS (TO SERVE AS MONITORING AND MAINTENANCE REPORTS) TO WES CONTAINING THE ABOVE MONITORING INFORMATION. SUBMIT THE FIRST LETTER TO VERIFY THE SITE HAS BEEN PLANTED, SUBMIT THE SECOND LETTER WITHIN 12 TO 14 MONTHS AFTER INITIAL PLANTING AND THE THIRD LETTER 24 TO 27 MONTHS AFTER INITIAL PLANTING.

MULCH ALL BEDS NOT IN WES WITH ONE INCH WASHED RIVER ROCK 3" DEEP AND FILTER FABRIC.
 PLANT LEGEND "VERIFY ALL QUANTITIES"

SYM.	#	BOTANICAL	COMMON	SIZE
TREES				
ARB	16	ACER RUBRUM BOWHALL "Street Tree"	COLUMNAR RED MAPLE	2 IN CAL
TF	11	TRACHYCARPUS FORTUNEI	WINDMILL PALM	2 IN CAL
CSS	10	CUPRESSUS SEMPERVIRENS STRICTA	COLUMNAR ITALIAN CYPRESS	8 FT
SHRUBS				
PAP	4	PICEA ABIES PENDULA "Dwarf Conifer"	KEEPING NORWAY SPRUCE	3-4 FT
JS	18	JUNIPERUS C. "SKYROCKET"	SKYROCKET JUNIPER	4 FT - 5 FT
RJM	54	RHAPHIOLEPIS U. MINOR "GULF GREEN"	DWARF YEDDO HAWTHORN	2 GAL
YF	43	YUCCA FILAMENTOSA	YUCCA	5 GAL
MA	345	MAHONIA AQUIFOLIUM	COMPACT OREGON GRAPE	2 GAL
JHW	24	JUNIPERUS H. "WILTONII"	BLUE RUG JUNIPER	2 GAL
RM	35	ROSA MEIDILAND "SCARLET"	SCARLET MEIDILAND ROSE	2 GAL
GRS				
AUBO	614	ARCTOSTAPHYLOS UVAURSI-BOIN-O.C.	NATIVE KINKIKINNICK	4 IN 30" O.C.

WES SKALE -RAINGARDEN-BASIN

PER 100 SQUARE FEET OF FACILITY AREA.

MOISTURE ZONE (A): 3 LARGE SHRUBS / SMALL TREES, 4 SMALL SHRUBS, AND 115 GROUNDCOVER (HERBACEOUS PLANTS).

HERBACEOUS PLANTS: SP #4 CONTAINER
 SMALL SHRUBS / GROUNDCOVER: #1 CONTAINER
 LARGE SHRUBS / SMALL TREES: 30"

ALL PLANTING PLANS SHOULD HAVE A MINIMUM OF 50 PERCENT EVERGREEN PLANTS AND AT LEAST TWO SPECIES FROM THE HERBACEOUS AND SMALL SHRUBS/GROUNDCOVER PLANT COMMUNITIES.

HERBACEOUS PLANTS		
[Symbol]	JUNCUS PATENS	SPREADING RUSH
[Symbol]	VERONICA LILIANENSIS	SPEEDWELL

SMALL SHRUBS/GROUNDCOVER		
CK	254	CORNUS SERICEA 'KELSEYI'
FM	120	POLYSTICHUM MUNITUM
		KELSEY RED-TWIG DOGWOOD
		POLYSTICHUM MUNITUM, SWORD FERN

LARGE SHRUBS/SMALL TREES		
MA	X	MAHONIA AQUIFOLIUM
AC	10	ACER CIRCINATUM
		OREGON GRAPE
		VINE MAPLE

NOTE: MAHONIA AQUIFOLIUM IS LISTED AS LARGE SHRUB IN PORTLAND PLANT LIST. SHRUBS SHALL BE CONTAINER ONLY VINE MAPLES TO BE SINGLE STEM "2 IN CAL"



ACER RUBRUM BOWHALL "Street Tree"



TRACHYCARPUS FORTUNEI



CUPRESSUS SEMPERVIRENS STRICTA



PICEA ABIES PENDULA "Dwarf Conifer"



JUNIPERUS C. "SKYROCKET"



RHAPHIOLEPIS U. MINOR "GULF GREEN"



YUCCA FILAMENTOSA



MAHONIA AQUIFOLIUM



ARCTOSTAPHYLOS UVAURSI-BOIN-O.C.



JUNIPERUS H. "WILTONII"



ROSA MEIDILAND "SCARLET"



JUNCUS PATENS



VERONICA LILIANENSIS



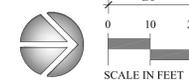
CORNUS SERICEA 'KELSEY'



POLYSTICHUM MUNITUM



ACER CIRCINATUM



PLANTING PLAN
 A PLANTING DESIGN FOR THE WES FACILITY, AND AN IRRIGATION DESIGN FOR THE ENTIRE SITE WILL BE SUBMITTED FOR PERMIT

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0090. You may obtain copies of the rules by calling the center. (Note: the telephone number for the Oregon Utility Notification Center is (503) 232-1987).

WASHMAN 82ND AND LINDY
 8864 SE 82ND AVE
 HAPPY VALLEY, OR 97086

CLIENT

WASHMAN, LLC
 PO BOX 4124
 PORTLAND, OR 97218
 503-255-9111

DATE: 10-22-19

PROJECT NO: X

DESIGNED: DM

DRAWN: DM

CHECKED: DM

REVISIONS:

SHEET
L1

2



**SYMONS ENGINEERING
CONSULTANTS, INC.**

12805 s.e. foster road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1962

CLIENT

WASHMAN, LLC
PO BOX 4124
PORTLAND, OR 97218
503-255-9111

PROJECT

**WASHMAN
82ND & LINDY**

SITE ADDRESS

**8864 SE 82ND AVE
HAPPY VALLEY, OR 97086**

SHEET NAME
**PRELIMINARY
ALTERNATE SITE PLAN**

REVISION

- △ 11/14/19 ALTERNATE FOR PROPERTY LINE QUESTION
- △
- △
- △
- △
- △

ISSUE DATE **NOVEMBER 14, 2019**

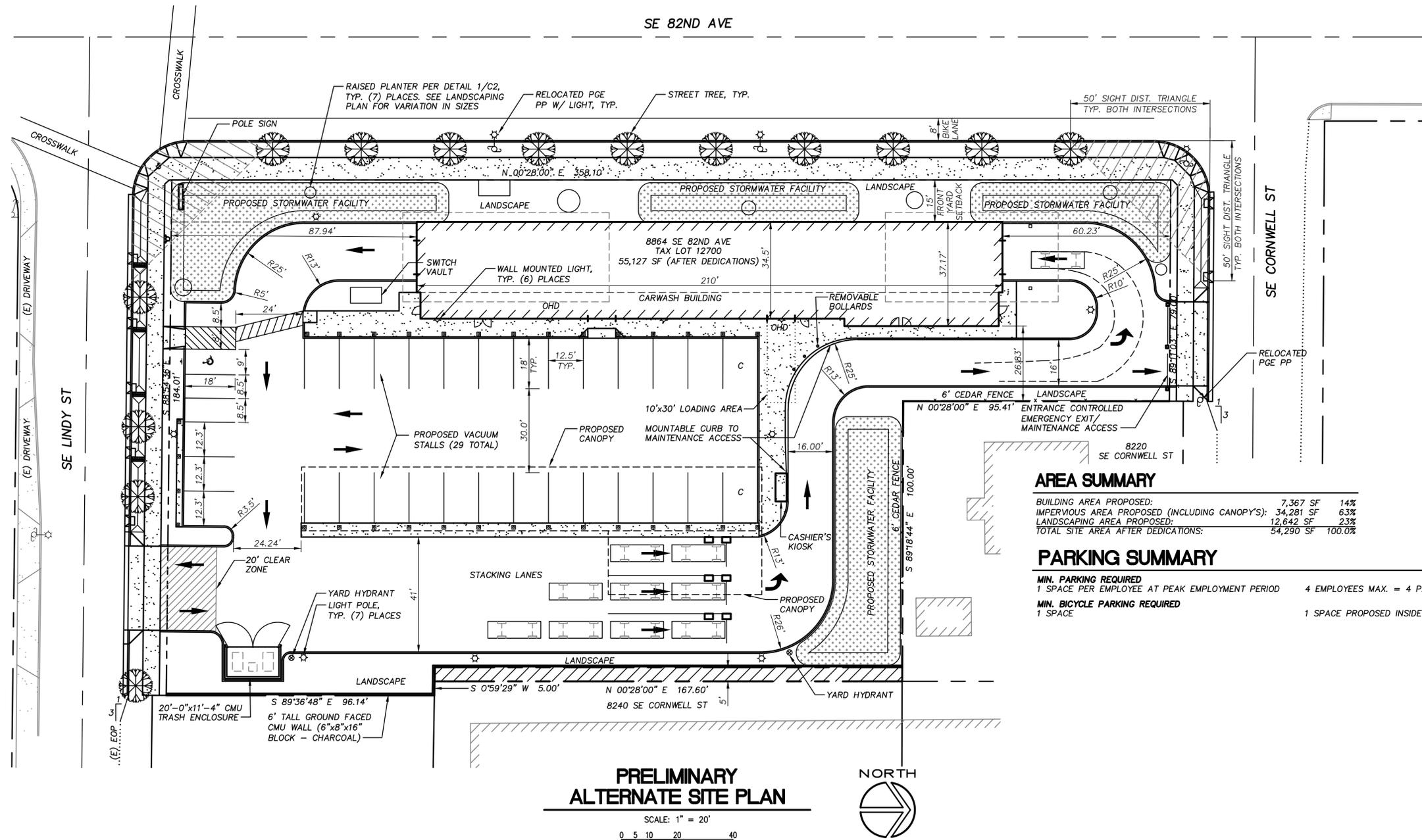
DRAWING FILE **17-44c.DWG**

PROJECT NUMBER **17-44**

SHEET 10

OF 10 SHEETS

C1A



**PRELIMINARY
ALTERNATE SITE PLAN**

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



AREA SUMMARY

BUILDING AREA PROPOSED:	7,367 SF	14%
IMPERVIOUS AREA PROPOSED (INCLUDING CANOPY'S):	34,281 SF	63%
LANDSCAPING AREA PROPOSED:	12,642 SF	23%
TOTAL SITE AREA AFTER DEDICATIONS:	54,290 SF	100.0%

PARKING SUMMARY

MIN. PARKING REQUIRED	1 SPACE PER EMPLOYEE AT PEAK EMPLOYMENT PERIOD	4 EMPLOYEES MAX. = 4 PARKING SPACES
MIN. BICYCLE PARKING REQUIRED	1 SPACE	1 SPACE PROPOSED INSIDE BUILDING

NOT FOR CONSTRUCTION

Riederer, Anthony

From: Terwilliger, Christina on behalf of BCCMail
Sent: Wednesday, November 20, 2019 9:46 AM
To: Riederer, Anthony
Subject: FW: Washman Development Environmental Impact
Attachments: Initial Air Quality Report.pdf

RECEIVED

NOV 20 2019

Clackamas County
Planning & Zoning Division

From: Terwilliger, Christina **On Behalf Of** BCCMail
Sent: Wednesday, November 20, 2019 8:35 AM
To: Boderman, Nathan <NBoderman@clackamas.us>; Fritzie, Martha <MFritzie@clackamas.us>
Subject: FW: Washman Development Environmental Impact

From: Tyler Bristow
Sent: Monday, November 18, 2019 4:55 PM
To: Ahrens, Melissa ; Riederer, Anthony ; ZoningInfo ; BCCMail
Subject: Washman Development Environmental Impact

Hello,

My name is Tyler Bristow and I work with the local non-profit organization Green Lents. We have been working with the Oregon Environmental Council to gain access to a technology to assist residents in doing citizen research on environmental problems in their area. We are reaching out because we have recently conducted a short inquiry into the air quality at the proposed Washman carwash development at 8864 SE 82nd Ave.

Our findings suggest that the area is already experiencing levels of diesel pollution far exceeding standards considered safe by the State of Oregon. The development of the Washman facility will likely only increase these dangerous levels. Please read our full report which is attached.

thank you for your time,

Green Lents
Air Quality Action Team

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

Initial Air Quality Report

Proposed Development on 8864 SE 82nd



Drafted by Green Lents Clean Air Action Team

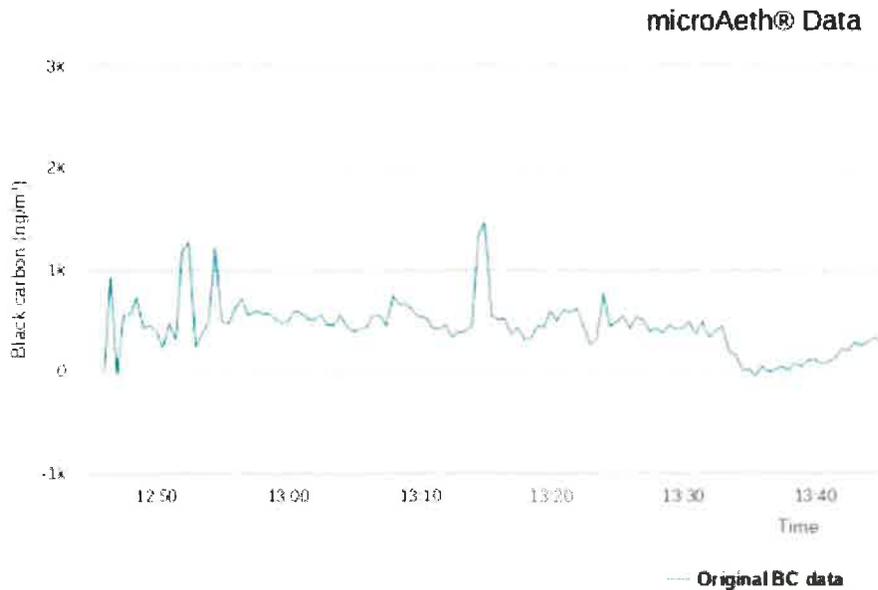
Introduction

Every year in the Portland Metro area hundreds of people die prematurely because of diesel exhaust. In fact, the metro area has the worst diesel pollution in the country. Diesel exhaust is carcinogenic. The exhaust particles from diesel that is most dangerous are fine microscopic particles that our lungs cannot stop. These are called pm 2.5. According to the Oregon Environmental Council, "Oregon's health benchmark for diesel particulates in ambient air is set at 0.1 $\mu\text{g}/\text{m}^3$ to protect people from excess cancer risk over a lifetime".

Additional fossil fuel infrastructure such as the Washman car wash could create an increase in levels of ambient diesel pollution due to an increase in traffic congestion around the site and from idling diesel trucks. As such a group of citizen researchers have visited the site with a microethelometer device to test current diesel levels.

Method and Findings

Our group used the microetholometer to get a snapshot of the proposed site on 8864 SE 82nd diesel levels. Our initial data collection was only intended to create a brief survey of diesel levels on 82nd ave. We took readings for 30 minutes. Across all data points, we discovered a mean of 0.523 $\mu\text{g}/\text{m}^3$. This was over five times the state benchmark.



Conclusion

More data is needed to get a full picture of current levels of diesel pollution at the site. A thorough scientific study in 2015 EPA demonstrated levels between 1.38 and 1.82 $\mu\text{g}/\text{m}^3$ at the proposed development site¹. Additionally, further research is needed to document how much of an increase in pm 2.5 idling vehicles and increased congestion could have on the site; however, current levels continue to far exceed the current state benchmark of acceptable levels of pm 2.5 diesel pollution. The increase of approximately 100 idling vehicles an hour to the area is likely to greatly increase community members exposure to toxic diesel exhaust.

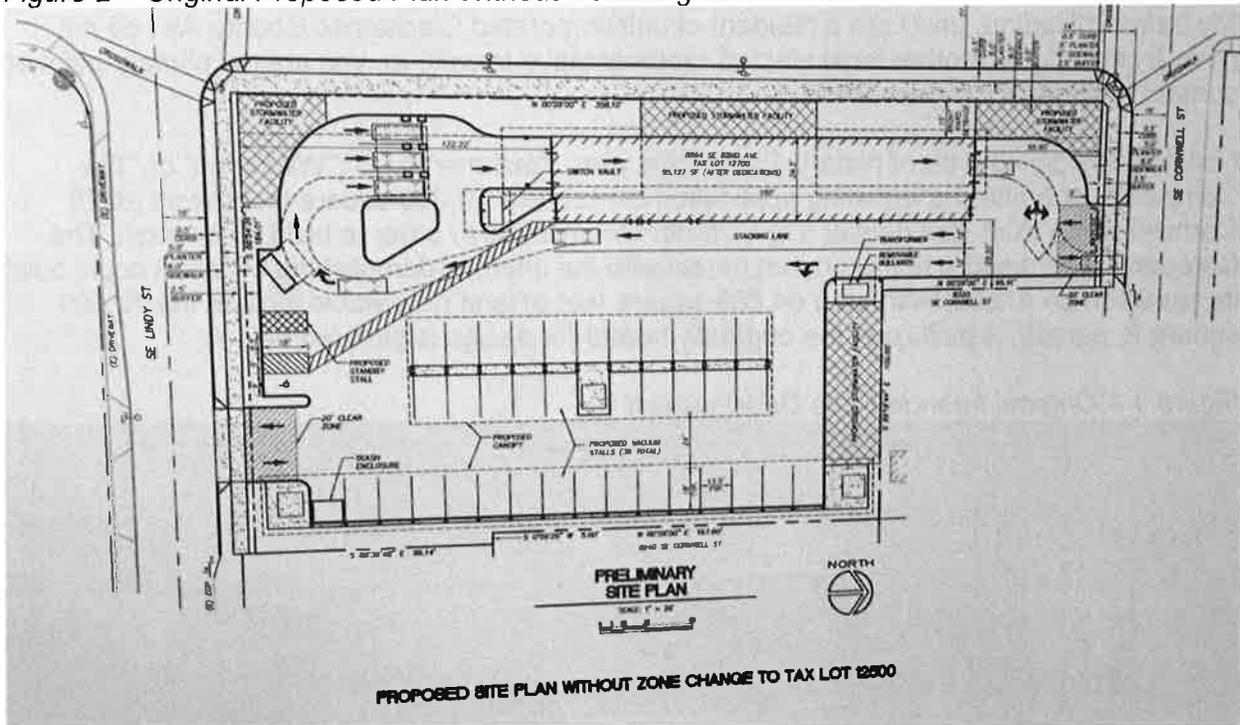
Site visits by residents to Washman facilities in other neighborhoods have discovered community members complaining of soot from exhaust covering yards and suffering vegetation. Considering the existence of another carwash next door we question the need to increase community members' exposure to increase level's of the toxic exhaust.

Green Lents
Clean Air Action Team

¹ Volkswagen Settlement Fuels A Fight To Phase Out Dirty Old Diesel Engines, OPB:

<https://www.opb.org/news/article/volkswagen-settlement-fuels-a-fight-to-phase-out-dirty-old-diesel-engines/>

Figure 2 – Original Proposed Plan Without Rezoning



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

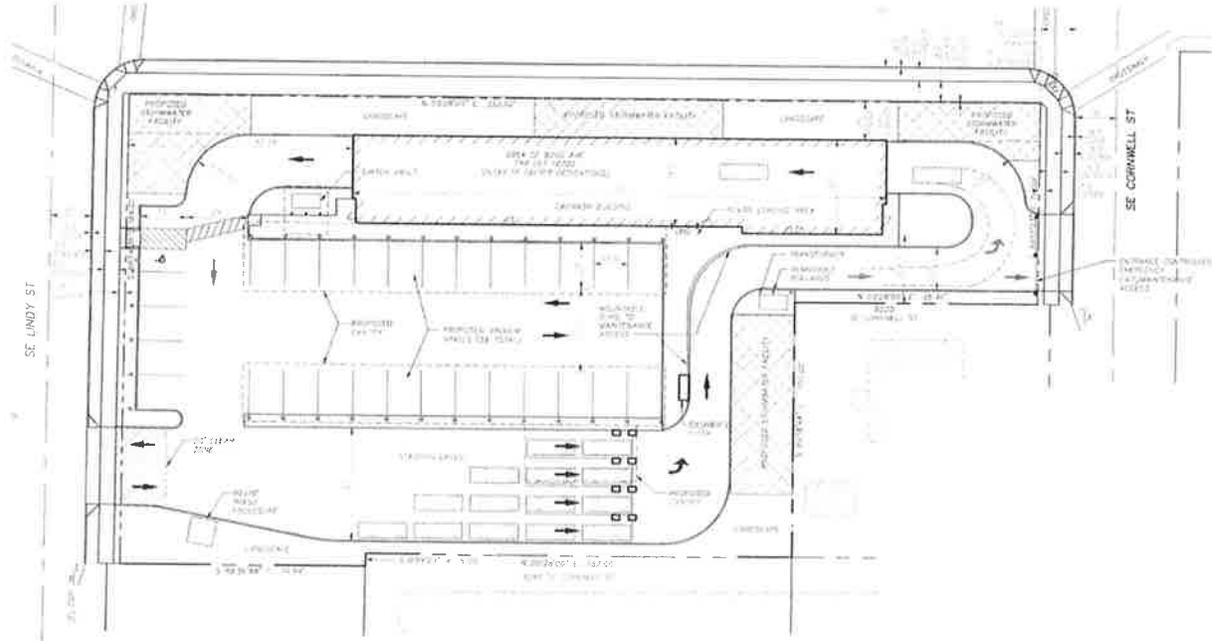
The Board ultimately denied rezoning because the Company failed to meet certain zoning criteria. In particular, because the Company would be demolishing a home without replacing the home with additional units, the County determined that the Company failed to meet the ordinances in the Clackamas County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

A number of my neighbors and I opposed the rezoning, admittedly because we were concerned about the ultimate impact of a car wash. We spoke to the Board at the public meeting. All of us were concerned about livability issues due to noise and pollution, decreased property values, and importantly, the impacts of being “boxed in” to our neighborhood as a result of the traffic impacts generated by a car wash. I had also presented concerns about the traffic impact study (TIS) earlier on to the Planning Commission, but my concerns were ultimately not addressed in the Staff report.

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

Washman has now submitted its site design application. Its most recent publicly available plans are below:

Figure 3 – Most Recent Site Design



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

The Company has recently obtained a demolition permit for the home in the bottom right parcel, 8220 Cornwell Ave. Legally, Washman cannot make site design plans to build on land that is not properly zoned for commercial buildout. Thus, it is presenting a site design to the County only for what it legally can. But the acquired demolition permits indicate that that the Company will likely be moving forward with its original plan of a 60,000+ square ft site design, with primary entrance on Lindy and exit on Cornwell (see Figure 1).

I am not a traffic engineer, but in reviewing the TIS the Company submitted along with its application, it is clear that the Company is using generalized ITE (Institute of Transportation Engineers) estimates, which are not specific to the area in question. The Company also allowed itself a ten percent pass-by reduction, meaning that despite ITE standards citing that 1 car wash tunnel generates, on average, 78 peak trips, Washman has reduced that number by 20 percent, stating that its car wash will only generate 58 peak trips on Lindy and curiously, only 28 peak trips on 82nd Ave. It is unclear why the Company applied this "traffic discount,"

especially considering these extra trips will be generated on a major artery like 82nd. A simple Google search reveals that other car wash applicants in other parts of the country do not necessarily need to incorporate these “traffic discounts.”¹ Please also note that the additional 58-78 peak trips will occur on SE Lindy, which is a **dead end street** that also houses an additional car wash. Yes, you read that right. An existing car wash (Ray’s Auto Wash) already exists across the street from the subject site (Ray’s is located on the left of the figures above). Ray’s Auto Wash has indicated in public comments to County Staff that Washman’s traffic estimates are unrealistic and do not take into consideration the peaky, seasonal nature of the car wash business. The Company would not just be impacting the livability of neighbors, but of surrounding businesses as well. Ray’s Auto Wash is small and is a self-serve (not automatic) car wash. Washman and Ray’s will likely be competing for the same queueing street space, with residents of Lindy Ave. also having to compete with that space to get to and from home. This congestion will likely pour out onto 82nd Ave.

The ITE standards used by the Company do not realistically capture the traffic congestion that is likely to occur on a major artery like 82nd avenue. The subject site is only several blocks north of Johnson Creek and right across the street from a Fred Meyer. To this day, the Company has refused to provide a traffic impact study (TIS) for Cornwell Ave., which is likely going to be a permanent point of exit and entry for Washman’s customers.

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

I implore you to think about the neighborhood having to compete with car wash traffic just to get to and from home, especially during peak seasonal days. As I mentioned above, Washman has failed to provide a TIS for Cornwell Ave. As the Company has already received demolition approval for the residential property originally intended to be rezoned (8220 Cornwell), it is highly unlikely that the site design most recently submitted to the County will remain the same. If Washman changes its plans once again, the neighbors will have no recourse or standing in a site design process. In following the Company’s plans over the course of this year, it is my view that the Company has not been forthright in presenting its plans to the County. The plans have changed on several occasions (for example, see Figures 1, 2, and 3 above). To comport with the Comprehensive Plan requirement to replace demolished homes one-for-one, Washman will likely build two small residential units somewhere on the subject site, out of the way, and eventually expand across the entirety of the 60,000+ square ft property. Thus, whatever plans are currently submitted to the County are likely not final. Note that despite this solution, the Board of County Commissioners still rejected the proposal.

If the Company eventually does make Cornwell a non-emergency point of ingress and egress, as it had originally planned, it will have done so without ever having analyzed traffic impacts on this residential street. On busy days, cars may end up queueing through Cornwell. All of this without a single traffic impact study.

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

As already mentioned, SE Lindy Ave (left side of the Figures above) is a dead end street – a dead end that is currently proposed to be the main entrance and exit point of the business (assuming current plans). However, as I have pointed out, it is likely that the current site design 1) fails in accurately portraying what is realistic and 2) will have significant ramifications for traffic on unstudied roads.

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

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

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

If it is possible, I have several requests for recommendations that the County might make, which is also being sent to County Staff.

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

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

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

Fourth. Please visit the site. Sometimes visiting a site gives a completely different perspective. I know it can be difficult for County Staff making these recommendations. If you haven't already done so, I would encourage you to visit the subject site to understand what this will do to the neighborhood. **Perhaps the Board can provide policy guidance** once you

see what the neighborhood and surrounding businesses are talking about when they explain that we will be physically boxed in due to traffic blockages.

It is no secret that many of the neighbors, including myself, are vehemently opposed to the car wash. It has been frustrating finding out that we only have 20 calendar days from application acceptance to comment on site design, but the days are cut short because we often get the physical announcement in the mail several days later. While there was a comment extension, there is no process for a participant other than Staff or the applicant to request a comment extension. In addition, links on the Clackamas County website are not easily available and seldom updated, making information has been difficult to obtain. While County Staff has been helpful in providing public comments submitted, much of the information has not been readily available online, and neither has a concrete procedural schedule. The process overall, and Washman's actions (i.e., the demolition permits) has made it feel like the County has already determined that Washman's application will be approved, and that a stranger will have more say in what happens to our own neighborhood than we do. I know it can be easy to write off the neighbors as NIMBY critics who are opposed to development, but please understand that this is our lives and livability. There is already enough traffic just outside our front door, and even another car wash already in our neighborhood.

These are our homes and neighborhood. This is our safety and peace.

Thanks for your time,

Nadine Hanhan

Riederer, Anthony

From: lynn overlin <lynnoverlin0@gmail.com>
Sent: Monday, November 18, 2019 6:08 PM
To: Riederer, Anthony
Subject: Fwd: letter to the county
Attachments: Letter to county.docx; ATT00001.htm

RECEIVED

NOV 18 2019

Clackamas County
Planning & Zoning Division

Sent from my iPhone

Begin forwarded message:

From: "Overlin, Lynn E" <Lynn.Overlin@providence.org>
Date: November 18, 2019 at 5:21:14 PM PST
To: "'lynnoverlin0@gmail.com'" <lynnoverlin0@gmail.com>
Cc: "Overlin, Lynn E" <Lynn.Overlin@providence.org>
Subject: letter to the county

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

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

To: Stakeholder/Decision Makers

Re: Proposal to build a carwash on the corner of SE 82nd Ave and Cornwell

From: Lynn Overlin 8343 SE Cornwell, Happy Valley Or 97086

Saturday afternoon I walked around the neighborhood with another concerned citizen, collecting signatures opposing the plan. I couldn't help noticing again what a nice little residential neighborhood we have and realized that the general feel of a small town in the middle of the city may be destroyed. We happened to run into a nice young man, new to the neighborhood and I asked him if there had been a car wash on the corner when they came looking to buy a house, would that have influenced their decision.. He gave an "unqualified" yes.

The biggest issue for me, is the increased traffic. It's already hard to get out onto 82nd at certain times of the days and week. I hate the idea of having a gate to block off Cornwell, but it is better than having people tearing down the street. If I was a buyer, or a visitor to the neighborhood, that seems very unwelcoming.

We don't want any more traffic, any more pollution, or any more noise. There is absolutely no need to put another car wash on 82nd Ave. Two people we spoke to last Saturday coincidentally said their first job was at a car wash. And one of them also mentioned that they attract homeless digging through the garbage.

It is not "servicing" a need in the area. It is only a negative for those of us who live there ... and only a money making business for Washman who can certainly find another location. I feel like it will ultimately impact the value of our homes.

I binge watched Hallmark movies over the week end.... We can only fantasize about safe, clean neighborhoods, without a car wash greeting us as we turn down the street where many of us have lived 30 years and more.

P.S. (It is despicable that you would schedule a meeting on Nov 26th at 8:30 in the morning.)

Riederer, Anthony

From: Nadine Hanhan <hanhannadi@gmail.com>
Sent: Monday, November 18, 2019 5:31 PM
To: Riederer, Anthony
Subject: Re: Z0353-19-D submitted application file

RECEIVED

NOV 18 2019

Hi Anthony,

Clackamas County
Planning & Zoning Division

The Company has not been historically forthright in the information it has presented to both the County and other involved parties. Several of us neighbors have been involved in this case for months. If I were you, I would reach out to TriMet about the cutout before making a recommendation on Washman's application. One of the original requirements Washman ran into during the County rezoning proceeding is that TriMet required a cutout on the site property since the 72 bus stops right in front of the subject site (stop 7951). The original plans submitted to the County in the zoning proceedings included a TriMet cutout, potentially because the original ingress and egress was intended for Cornwell, and the flow of traffic through the Carwash was designed differently. Washman has already applied for permits to demolish homes on adjacent properties which they intend to incorporate into the car wash. It is likely that their current site design will 1) look nothing like what they are actually planning and 2) will have significant ramifications for traffic on unstudied roads. Currently there is no traffic impact study for Cornwell, because they presented to the County in your case that they will not be incorporating a main ingress or egress there. Legally, they cannot plan to build on land that is not zoned for commercial buildout. However, due to the traffic issues on Lindy, it is likely their long-term goal is ingress and egress on Cornwell, which may require a TriMet cutout. TriMet may change its policy (unlikely), but it's more likely Washman is not being forthright about future site design. Thus you may be signing your name to an application approval that will look completely different from what the Company is actually planning to execute.

Further, I know a lot of the neighbors have been complaining about the traffic. I have been in your shoes as a public employee, having managed cases with communities bringing their NIMBY issues to me. When our Staff reviews similar applications, we visit the sites to make sure we know what we are recommending, especially if it involves a decision that will impact the livelihood of surrounding residents. Sometimes visiting a site will give you a completely different perspective. I know it can be difficult making these recommendations. If you haven't already done so, I would encourage you to visit the subject site before making a recommendation so that you can see what the neighborhood and surrounding businesses are talking about when they explain that we will be physically boxed in due to traffic blockages.

Even if the Company were to demolish the house on Cornwell and open up a main entry and exit on Cornwell, which is likely their long-term plan (this was their original intent due to the difficulties with the dead end on Lindy), the Lindy neighborhood is going to be boxed in regardless because of queueing. It does not make sense to make a left on 82nd. People will be turning on to Lindy to get into the Carwash, creating serious livability issues for that neighborhood.

As I mentioned, Washman did not do a traffic study on the impacts on Cornwell, which is very likely to be the true entrance and exit point. This would, however, create massive traffic impacts from cars heading Southbound on 82nd and making a left onto Cornwell to get into the Carwash. Or, if cars use Cornwell as a shortcut to get into the carwash, it is likely create a queuing effect on a residential street. The Company has refused to study any traffic impacts of a carwash on Cornwell. No matter what the Company does, the impact of the Carwash is likely to create havoc on 82nd and surrounding streets.

I would highly encourage you to familiarize yourself with the site before making a major planning decision in an area with two major arterial roads (82nd and Johnson Creek). I will likely be submitting these comments officially, but I wanted to get a quick message to you. Thanks for your time.

Nadine

On Wed, Nov 13, 2019, 4:49 PM Riederer, Anthony <ARiederer@clackamas.us> wrote:

Nadine,

That site plan will be available by the time the staff recommendation is posted to the website, approximately one week before the meeting, and will be included in that packet of information.

As to the TriMet cutout, I have not received any information from TriMet requesting any modification to the site plan as submitted.

A courtesy mailing notifying surrounding property owners of the DRC meeting will go out in tomorrow's mail.

The meeting will be held on at 8:30 am on November 26th. Meeting location is to be Room 115 (Auditorium) here at the Development Services Building at 150 Beaver Creek, in Oregon City.

Best,

-Anthony

Anthony Riederer AICP, LEED-ND

Senior Planner - Design Review and Historic Preservation

Hours of Availability: 7:00 am-5:30 pm, Mon-Thurs

Clackamas County Planning and Zoning Division

Riederer, Anthony

From: Fritzie, Martha
Sent: Monday, November 18, 2019 8:45 AM
To: Riederer, Anthony
Subject: FW: Car Wash Southgate Neighborhood. Z-0353-19.]

RECEIVED

NOV 18 2019

Clackamas County
Planning & Zoning Division

Martha Fritzie, Senior Planner
Clackamas County DTD | Planning & Zoning Division
150 Beaver Creek Road | Oregon City, OR 97045
(503) 742-4529
Office hours 8:00am to 6:00pm | Monday - Thursday

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your feedback. We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: ZoningInfo
Sent: Friday, November 15, 2019 10:38 AM
To: Fritzie, Martha <MFritzie@clackamas.us>
Subject: FW: Car Wash Southgate Neighborhood. Z-0353-19.]

FYI, I think this is yours. Thanks.
Steve Handshackshaker

From: Arlene LANAGAN [<mailto:alanagan8@gmail.com>]
Sent: Friday, November 15, 2019 10:36 AM
To: ZoningInfo <ZoningInfo@clackamas.us>; Ahrens, Melissa <MAhrens@clackamas.us>; BCCMail <BCCMail@clackamas.us>
Subject: Car Wash Southgate Neighborhood. Z-0353-19.]

Message: To Clackamas County Planning and Zoning
Hello, my name is Arlene Lanagan,
I'm writing you today to please reconsider your decision to assist in the approval of the Car Wash development on 82nd & Lindy in Happy Valley, [Southgate Neighborhood. Z-0353-19.]
As a concerned resident of Southgate, and one who lives directly behind the said property, I respectfully but strongly oppose this proposal.
I believe it will not only greatly affect my health, but the quality of life of my neighbors, cause environmental degradation and pollution, increase traffic flow and noise pollution, lower property values and overall significantly downgrade this neighborhood for which we could not recover.

I believe any anticipated commerce in the area would be overall and ultimately stifled due to the public's "avoidance" of traffic gridlock and congestion in the area.

Please, I humbly ask you to ask yourself this question. Would you like living behind or right next to a car wash?

Do you agree to help initiate this car wash development with the firm belief and clear conscious that it will "Not" affect the health of residents, not contribute to the suffering of those individuals with asthma, autoimmune disease, neurological diseases, lung disease...among many other negative, longterm and detrimental consequences to the people, animals and environment in this neighborhood?

Is it all worth a most "questionable" convenience to attain a clean, nice looking car? I hope not.

With that said, my request is that you find the fairness and courage to be our voice and stop the development of this car wash.

Thank you for your time,

Sincerely,

Spam Email

Phishing Email

Riederer, Anthony

From: Sean Callaghan <seanigans7@gmail.com>
Sent: Thursday, November 07, 2019 4:33 PM
To: Riederer, Anthony
Cc: Ahrens, Melissa
Subject: Letter to Clackamas County; Re: Washman/Rogers Application
Attachments: 2019 10-18 Letter to Clackamas.pdf

RECEIVED

NOV 7 2019

Clackamas County
Planning & Zoning Division

Hello Anthony,

Attached you will find a letter that I am sending on behalf of John and Peggy Paul. I am the resident on-site manager for Mr and Mrs. Paul, owners of the properties adjacent to the site of the proposed development by the Washman Group and Roger's LLC.

It is my understanding that public comments, in regards to the Washman Group's application, be sent to you. Please advise if that is not accurate or if should be sent others, besides yourself.

If you have any questions or need additional information, feel free to contact me either by email or can also reach me at: 971-280-6919.

Thank you in advance Anthony for your time and attention this matter.

Best Regards,

Sean Callaghan
On-site Manager/Paul Properties

Spam Email
Phishing Email

October 18, 2019

RECEIVED

Clackamas County Planning and Zoning Division
Department Of Transportation and Development

NOV 7 2019

To Whom It May Concern – Melissa Ahrens-Kenneth Kent:

Clackamas County
Planning & Zoning Division

Subject: Permit Number Z0353-19 - Rogers Land Co & Washman Car Wash

My wife and I own a 6 unit apartment building located at 8240 SE Cornwell St in Happy Valley. We purchased this property in 1975 and in 2005 entrusted it to the beneficiaries of John and Peggy Paul Family Trust so that our family could maintain ownership now and for years to come.

The apartments are located 14 feet East of boundary line adjacent to the property owned by Rogers LLC and currently leased by Washman LLC. I have attached plot map and aerial photo of our property and that of Rogers/Washman to illustrate the location of our apartment buildings and the close proximity to that of the proposed car wash. If this project is approved, as shown in this preliminary site plan, it will be extremely detrimental to the living conditions of my tenants. My tenants and their families will have to endure:

- Loud Noise from engines of idling cars and trucks, loud and hard thumping car stereo music, loud vacuums running at the cleaning station, noise from the operations of machine washing cars. The noise study submitted with this proposal was commissioned by the applicant themselves and thus has no merit here. The noise study should be conducted by a disinterested 3rd party in order to be objective.
- Tenants and their families will be faced with health concerns from the pollution of car exhaust fumes coming directly into their living space.
- Tenants will be subjected to bright lights shining into their homes from the tall pole lights being built on the premises. My tenants will have to deal with these glaring lights shining into their bedrooms, kitchens and bathrooms until at the very earliest 10 PM and maybe longer if Washman so chooses to leave them on for security purposes.

This car wash business negative impact our rental property will make it difficult to rent the units due to the substandard living conditions as described in this letter. This will result in loss of rental income and will lower the property values.

To help protect our tenants and our rental property, if Washman Group's proposal is approved, we respectfully request that Rogers Land Co & Washman Group build a 10 ft noise abatement wall. We request that the wall run from Cornwell St south to Lindy Street west of our boundary line with Rogers. We request this for our neighbors, my niece who lives on Lindy, and because own rental on Lindy as well.

Thank you in advance for your time and attention to this matter.

Best Regards,



Riederer, Anthony

From: robin paynter <rtpaynter@yahoo.com>
Sent: Monday, November 04, 2019 11:31 AM
To: Riederer, Anthony; ZoningInfo; BCCMail; Ahrens, Melissa
Subject: Z-0353-19-D Washman Carwash
Attachments: IMG_0841.JPG

RECEIVED

NOV 4 2019

In response to the application for the car wash

Re: Z-0353-19

Clackamas County
Planning & Zoning Division

I am opposed to the car wash because of the increased traffic in on our street. The maps apps will use Garden Lane and Cornwell as a route to the car wash when traffic is slow or there is an accident on Johnson Creek. I am afraid for my son and grandchildren and their safety. I build a fence in our front yard to protect them. They are not used to the kind of traffic that this proposed car wash will bring to our streets. The residents of our neighborhood are respectful of speed, but others who are just passing through, drive way too fast for a residential neighborhood.

I am concerned about the activity around the school bus stop. I already see people driving around the school bus despite the stop sign protruding from the bus and the flashing lights on the bus. Children walk Cornwell daily to get the bus stop at Cornwell and 82nd.

The noise from the car wash will easily be heard on this side of the development because there are no plans for walls or any means to prevent noise escaping. The noise from the car wash will have negative impacts on my adult autistic son, Jessie. The additional noise will escalate his aggression. Last month, he yelled at the crows because they were being "too noisy." Loud noises cause Jessie to have angry self-talk and become physically aggressive toward us, his parents, with any increased levels of agitation from noise. He will physically assault our furniture and home if he becomes aggressive.

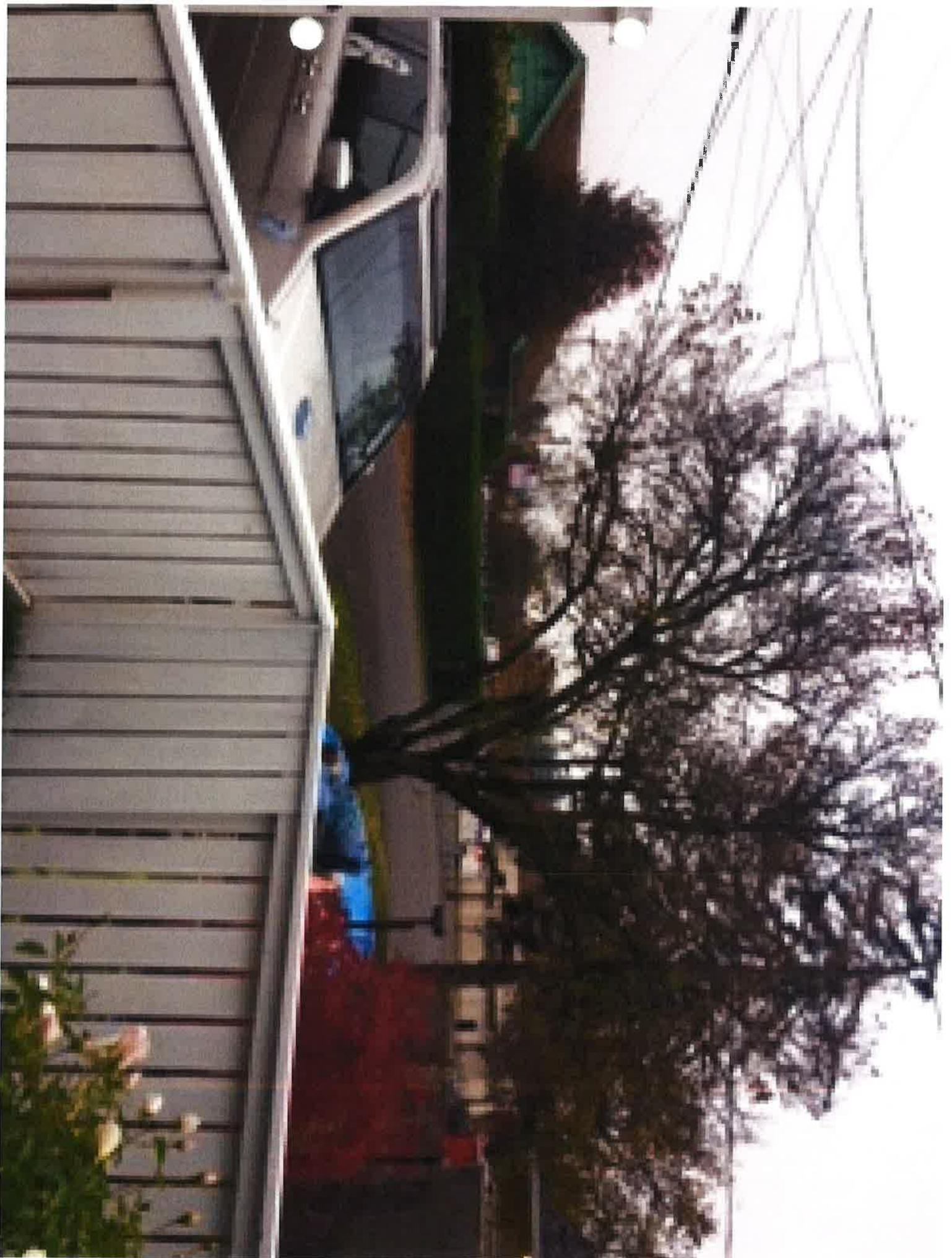
Jessie has a genuine interest in people, even strangers. If there is any traffic stopped on our street, he will be trying to talk to the people in the cars. He will try to talk to anyone, randomly who happens to be near. He regularly reenacts knights and other characters from movies in a loud and charismatic way. Others who aren't familiar with him, may be afraid of his reenactments. I am afraid they won't respond appropriately or understand that he is autistic.

In the plans, it mentions a loud speaker. Jessie is really going to have an issue with that type of noise, in addition to loud voices, honking horns, and the clanking from vacuums. Our doctors suspect loud noises physically hurt him. He regularly asks for us to turn the radio down in the car, or ask us to speak more quietly. Jessie has a regular sleep schedule. The hours of operation for the car wash will definitely not be conducive to us maintaining his sleep schedule. There will be no way for us to keep our home quiet enough with the sounds of idling cars, the loud speaker, the car wash noise, the dryer noises, and the noises from the vacuums. Currently, we use a fan to create white noise to help drown out any of the noises we make while he is sleeping. There will be no way to drown out the noises from this development if it is approved.

Any changes in Jessie's routine, that have taken us years to refine, will seriously affect him. In turn, each and every one of us in this household will also be affected, as he is the center of our lives.

Respectfully,

Robin Knight



Riederer, Anthony

From: Nan Knight <jktruckdog@yahoo.com>
Sent: Monday, November 04, 2019 11:09 AM
To: Ahrens, Melissa; Riederer, Anthony; ZoningInfo; BCCMail
Subject: RE: Z-0353-19-D Washman Carwash

RECEIVED

NOV 4 2019

Clackamas County
Planning & Zoning Division



Re: Z-0353-19, Washman Car Wash Application

The picture is from our front porch looking towards 82nd Ave. The lot where the carwash will be located is across the street and is very close to our home.

I am the mother of a 26-year-old autistic son, Jessie. I have serious reservations about how the sights, sounds, traffic, and pollution will harm him. Jessie may be 26, but his mentality is that of a 3- to 5-year old. He does not have the concept of looking for cars before he crosses the street, despite decades of reinforcement. He is very sensitive to noise. And he has numerous allergies to foods, laundry detergents and soaps. In the plans for the car wash there will be a loud speaker for communication and I believe this is only one aspect of this car wash that is going to adversely affect my son and his quality of life.

Along with Jessie's autism, he has numerous sensory issues. It generally takes 30 seconds to a minute for spoken words to register and be interpreted. He is unable to understand social cues. He enjoys walking or pacing in the front yard which allow him independence. Though he is monitored, he is inclined to walk across the street to greet pedestrians. He is very vocal. He recites phrases from movies and cartoons which he has memorized.

Because Jessie is unable to communicate what he is feeling or tell us when he is scared, he has a predisposition to express himself through nonverbal communication. When there are new noises, Jessie is prone to become angry and physically aggressive, which has been present since he was a toddler. He will become louder and more physically aggressive when he is irritated. When he is exposed to allergens such as soap, his eczema is worsened. With the development of a car wash, I anticipate an increase in Jessie's level of aggression. I am already worried about him getting hit by a car, and can't imagine an increase in traffic on our streets. I am worried that he may be injured or abducted by unknow people or people with nefarious intentions. At the very least having the car wash so close and the increase in traffic will decrease his ability to keep his current level of independence. We will need to consult with his behavior specialist to address adverse behaviors brought on by such an increase of noise, traffic and the loss of independence Jessie will experience.

There was a time we had to rely on emergency services to help us with Jessie's aggression. We would have to call a few times a month. We are finally to the point where we have a routine which Jessie is less aggressive and we have rarely needed assistance. The increase in traffic, noise and allergens is certain cause a regression in the improvements we have made, thus putting us in a situation where we will once again be dependent on emergency services to help us redirect Jessie.

We watch our five-year-old grandchild ...e days a week. We watch our other five-year-old grandchild occasionally on weekends and as needed. Our grandchildren are accustomed to playing in our yard. Though they are constantly monitored, any increase in traffic is simply increasing their risk of being hit by a car.

We live on Cornwell, and are immediately across the street from the multi-plex which will be abutting the car wash queuing area. From our front windows, we will be able to see the queuing area, the kiosk, and the car wash tunnel. I don't see anything in the design plan to abate the noise, pollution, and car exhaust for the neighbors who are living in such close proximity. There are no proposed walls on the Cornwell side of this development to protect us.

Moved here in 2012. We chose to live here because of the character of this neighborhood. It is quiet and peaceful. The streets have had minimal traffic. Our yards have been a safe space for my son and grandchildren to play.

If this proposed development is approved, it will completely alter our daily lives. The traffic, noise, and pollution will have negative consequences for my son, grandchildren, and the lives we've become accustomed to. We are not opposed to the development of this property. It has been a couple different low volume car sales companies since we have lived here. The traffic those businesses brought to our neighborhood were minimal, and there was no additional noise or pollution created by them. A car wash is a very atypical business, which is not compatible co-existing within a residential neighborhood.

Respectfully,

Nan Knight

503-847-5797

8215 SE Cornwell St

Happy Valley, Or 97086

Spam Email
Phishing Email

Riederer, Anthony

RECEIVED

From: John Minto <jminto2442@gmail.com>
Sent: Monday, October 28, 2019 6:20 PM
To: Riederer, Anthony; Ahrens, Melissa; ZoningInfo
Subject: Washman Carwash Application 82nd and Cornwell

OCT 28 2019

Clackamas County
Planning & Zoning Division

To whom it may concern my name is John Minto and I have lived on Cornwell Ave for the last 15 years in my cute little house. If Washman was to go through with their plan to put in a car wash at the end of my street it would directly effect me and my family's way of life. Right now I live on a street where I feel happy and comfortable walking my dog and talking to neighbors. My fear about Washman putting in their car wash at the end of my street would be a lot of traffic and more speeding cars driving down our residential street where kids play. As a neighbor, family man, dog owner and concerned citizen about my neighborhood I urge you to please vote "No" against Washman putting in their car wash at the end of our street, it would ruin our tight knit community and make us feel less safe. Thank you for your consideration.

Sincerely,

John Minto

I'm writing you

Sent from my iPhone

--

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 031jdlTWT) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=031jdlTWT&m=7d69398e1bd0&rlm=base&t=20191028>

Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=031jdlTWT&m=7d69398e1bd0&rlm=base&t=20191028>

END-ANTISPAM-VOTING-LINKS

Stephanie Wilson

8506 SE Garden Lane
Happy Valley, OR 97086
(503) 997-6683
stett14@msn.com

RECEIVED

OCT 22 2019

22nd October, 2019

Regarding application # Z-0353-19-D.

Clackamas County
Planning & Zoning Division

I am writing because of my concern over the potential of Washman building and opening a car wash in my neighborhood. I believe having a car wash at the end of Cornwell Street will be detrimental to the traffic getting into our neighborhood, the noise pollution, air and soil quality around my home, and the character of this area.

I previously lived near 82nd and Glisan, which is the location of a Washman car wash. That location was constantly busy, and frequently inhibited traffic, even though the inlet and outlet were (in my opinion) planned well. I was frequently frustrated about the traffic jam, as it added time to my daily commute. I fully believe that if a Washman car wash was installed in that vacant lot, it would be much worse than what I endured previously. The intersection of Cornwell and 82nd is the only way to get to my street coming from the west. If a high traffic business (like Washman) moved in, we would be blocked from being able to enter our own neighborhood. Even in low traffic times, there will still be a much higher rate of cars on our street. Currently, it is already difficult to cross onto 82nd from Cornwell due to the traffic on 82nd. If there is a rate of 100 cars per hour trying to cross onto 82nd from Cornwell, the street will become incredibly backed up. It will be impossible to get in or out. I am also concerned for my neighbors living on Lindy street. Lindy is a dead end, with no other entrance or exit. They will also have the same issue. We have quite a few older folk in our neighborhood who need quick access for ambulance and health professional personnel. For example, my next door neighbor has needed an ambulance to come to his house multiple times in the

last two years. It would be awful if the ambulance were to be caught in a traffic jam and get to him late.

When I lived near the Glisan Washman, I did not live quite close enough that the noise and air quality affected my residence. However, I am still well acquainted with what the noise and air are like near the car wash, and I don't want that near my home. The air smells like chemicals, and I'm certain those chemicals will also leach into the soil. I have a garden, and small children. I would like to eat the food from my garden and not worry about what chemicals may have grown into it. It is also impossible to keep children from playing in the dirt. I don't want to worry about what chemicals may be getting into their system through their skin. Keeping my children indoors all the time is not an option.

My neighborhood has a lot of character and charm. We are semi-secluded, and have a sense of privacy much like that of a cul de sac. We get a few people every now and then who use our streets as a through street, and some of them race through at way too high of speeds. I am highly concerned that the amount of those people driving through will be increased. I don't want to worry about accidents happening in my neighborhood by careless drivers who have no invested interest in the well-being of my neighbors, their cars, or the streets themselves. I don't want to worry about the higher potential of my children getting run over when playing in the front yard. I also want others with children to want to move to this area. I grew up on Cornwell, and the charm of the area has stayed much the same. I fully believe that if Washman succeeds in opening a car wash, that will change for the worst, and the livability of the area will be lessened.

Thank you for reading my comments and concerns. Please contact me if you have any questions.

Sincerely,

Stephanie

Addendum to Comments Submitted October 6, 2019
Comments for the Planning Department and Commission
Re: Z-0353-19-D Washman Car Wash
October 24, 2019
Re: Clackamas County Roadway Standards

RECEIVED

OCT 24 2019

**Clackamas County
Planning & Zoning Division**

Clackamas County Roadway Standards

From the Director

The Clackamas County Roadway Standards (hereafter referred to as the “Standards”) provides a “handbook” for both roadway design and construction of public and private roadway improvements in Clackamas County. The purpose of these Standards is:

1. To provide specific, consistent and acceptable road design and construction elements for applicants, developers and other private parties constructing or modifying road right-of-way facilities or on-site improvements which require County permits.
3. To implement the Clackamas County Zoning and Development Ordinance (ZDO), the Clackamas County Comprehensive Plan (Comprehensive Plan), and the Clackamas County Capital Improvement Plan (CIP).
4. To allow for practical approaches to road design and construction challenges that provide the **best fit solution given the realities of financial constraints and community context.**

Roadway designs in Clackamas County shall strive to achieve sustainable outcomes when **safety**, convenience, aesthetics, resource protection, ease of maintenance, and **community livability are considered.**

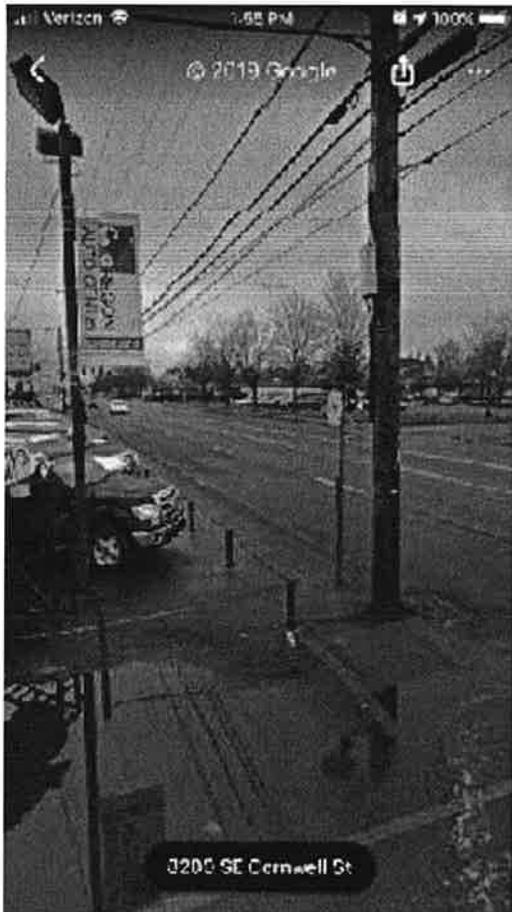
These Standards provide the **minimum criteria for design** and construction of roadways, accesses, **site development**, and integrated drainage facilities under the jurisdiction of Clackamas County.

<https://dochub.clackamas.us/documents/drupal/4f9e3ac4-ab1d-4cef-9907-3ac4114c1fc8>

**Clackamas County Code – Title 7.03 Road Use
7.03.090 Road Use Impediments – Prohibited Activity**

C. Impediments that Compromise Clear Zone – No person shall allow any fixed object to exist within the road right-of-way, or on property that abuts a road that person owns or occupies, or in the airspace above a road if it compromises the clear zone criteria of the Clackamas County Roadway Standards.

The development of a 210-foot long building taking up 70% of the site running north to south along the west/82nd side of the site, will create a visual obstruction for residential cars turning both north and south on 82nd from Cornwell. It would be beneficial for the applicant to submit a design plan or markup (such as the one below) with the actual designed setbacks of the car wash building from both 82nd and Cornwell. The applicant's submitted design plan is an aerial view draft. It is not possible to determine the extent of vision which will be obstructed for drivers at this intersection. As you can see in the side-by-side images below, the proposed building has potential to obscure the Cornwell driver's field of vision down 82nd. Though the speed limit is 35 mph, it is not uncommon for vehicles to exceed the speed limit along this stretch of 82nd. **240.4 Intersection Sight Distance Measurement** also applies.



**Table 2-9 Intersection Sight Distance for Very Low-Volume Local and Connector Roads
Design Speed (MPH) of Major Roadway = 25 mph
Intersection Sight Distance (feet) = 115 feet**

0-100 ADT

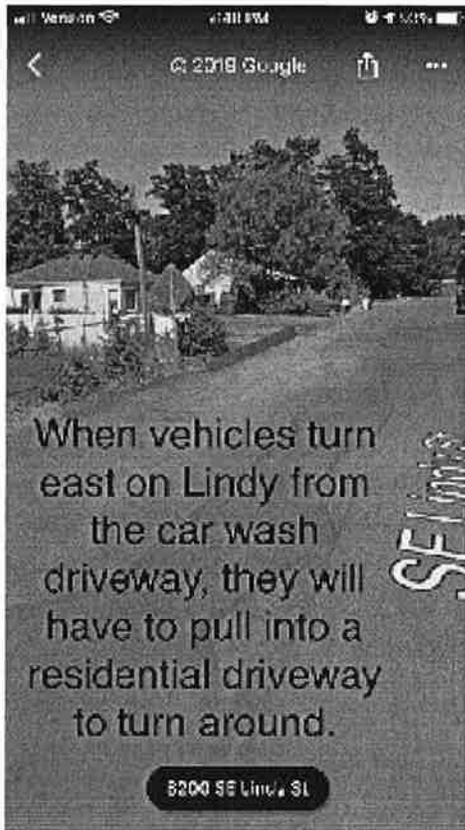
According to Table 2-9, the sight distance should be 115 feet. This is crucial for the 66 residential homes in the Garden Gate subdivision. I have reviewed our surveillance recordings over a 24-hour period and found less than 100 cars in that timeframe. Neither Garden Lane, nor Cornwell are intended to be through streets, as they are not straight and Garden Lane does not lead to a major road. Their sole purpose is for the residents of this neighborhood.



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

It is not possible for the proposed development to contain or prevent the car wash fluid residue from dripping onto the traveled portions of abutting roads. This fluid residue will create a nuisance condition and impede safe use of the traveled portion of the roadway for local residents, the vulnerable population accessing the Clackamas Service Center, and patrons of the local businesses entering Lindy via the easement road. The waxes, detergents and hazardous chemicals will prematurely erode abutting streets, both Lindy and 82nd, and create safety hazards for pedestrians, bicyclists, and vehicular traffic. Freezing temperatures, with or without precipitation, will further complicate this hazard at the heavily travelled intersection of 82nd/Lindy. These Google images of other Washman Car Washes clearly show that fluids are "otherwise discharged" to roads abutting their businesses.



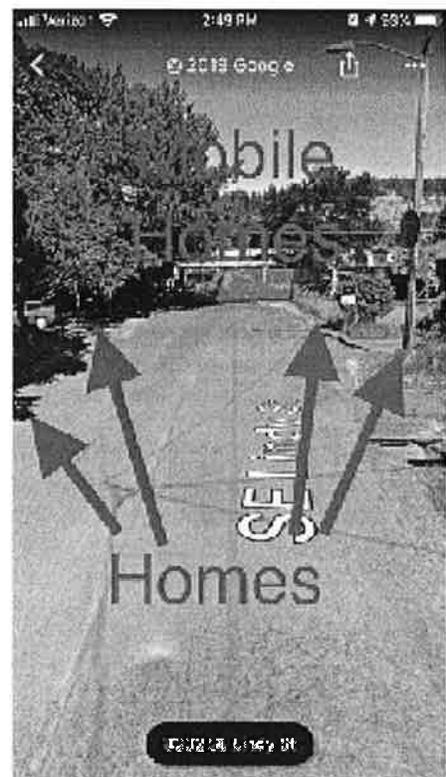


220.6 Driveway Access to Connector Roadways
220.7 Driveway Access to Local Roadways
Commercial, industrial and institutional developments proposing access to roadways with a local road functional classification that serve existing residential neighborhoods located within the UGB are discouraged and any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

Lindy is a dead-end street with five R5 residential homes and some CC zoned homes with residential occupants. There are no mitigations which will proportionately negate the impacts to these neighbors. Likewise, Cornwell should never be accessed for purposes of this high-traffic business. The Garden Gate neighborhood has 66 R5 residential homes where there would be no proportionate level of mitigation to diminish the impacts of such traffic. It is safe to assume this car wash will exceed the queuing capacity, and request the county allow use of the emergency Cornwell driveway for everyday customer access. I would ask if the application is approved that there be a stipulation that Cornwell will never be permitted for anything other than an emergency driveway.

225.6 Existing Roadway Deficiencies and Improvements
e. If an existing County or public road terminates along a development's frontage without the benefit of a cul-de-sac or turnaround and the roadway cannot be extended, the development shall construct a full County cul-de-sac or approved turnaround.

Lindy was not designed to become a turnaround or cul-de-sac. The end of Lindy is the property line for the mobile home court with its driveway on Fuller Road. On either side of Lindy at the end of the street are residential homes. They should not be subjected to the forfeiture of their front yard property to create a turnaround. Nor should they be subjected to the turnaround traffic within their own existing driveways that will be inevitable with the unlimited amount of traffic this car wash is designed to bring. Whether it's the 56 cars per hour as suggested by the applicant, or the more realistic potential of 180 cars per hour, these Lindy residents are going to bear the brunt of this car wash's traffic. Any patron who changes their mind about using the cars wash as they discover the queue is too long, will be forced to use a residential driveway to turn around.



295.13.3 Holidays

Turning movement counts shall not be conducted within one week of a federal holiday.

The applicant's submitted study was performed May 24, 2018. Memorial Day, a federal holiday, fell on May 28th in 2018. This is less than one week from a federal holiday.

295.13.4 Current Counts

Traffic counts should be based upon counts collected within 12 months of the completed land use application. Counts older than 12 months may not be accepted or may require adjustment to current traffic conditions.

The "Application for Design Review" is stamped "Received Sep 9, 2019." Thus, traffic counts are older than 12 months.

295.16 Queuing Analysis

c. In cases where the anticipated 95th percentile queue exceeds the available storage:

1. A development may be required to mitigate a queue back to the background condition if a safety issue would result without mitigation.

2. Additional or alternative methods of analysis may be required to provide an accurate analysis if HCM methodology is limited.

d. Microsimulation utilized to substantiate queuing shall comply with Section 295.11.

Given the understated estimated average volume of cars per hour and outdated traffic impact studies which were performed within one week of a federal holiday, I am confident that this queuing analysis is invalid and would exceed the available queuing storage. In that case, the following criteria would apply: **295.11 Microsimulation Models**

a. Highly congested conditions will require the use of microsimulation models.

b. The use of microsimulation models shall require general adherence to the procedures of FHWA's Traffic Analysis Toolbox Volume III: Guidelines for Applying Microsimulation Modeling Software.

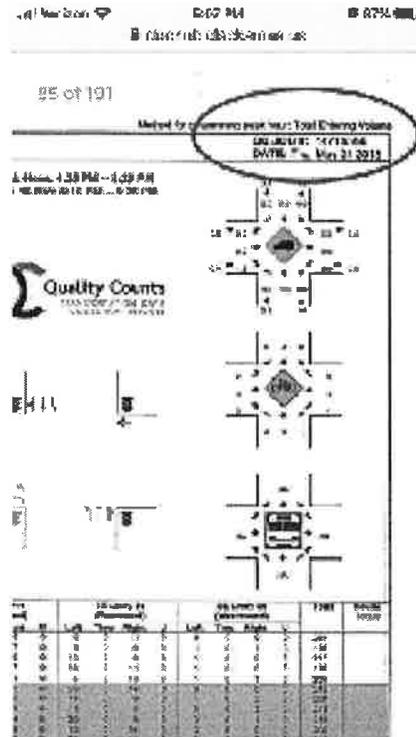
295.17.2 Crash History

d. Intersection crash rates in excess of typical crash rates require an in depth safety analysis based upon the Highway Safety Manual and may require proportional mitigation.

e. Segment crash rates in excess of typical crash rates require an in depth safety analysis based upon the Highway Safety Manual and may require proportional mitigation.

f. A discussion of Safety Priority Index System (SPIS) rankings, if required. SPIS data will be provided to the applicant, if required.

The report by Clemow states, "3. The **observed** crash rate at the SE 82nd Avenue and Lindy intersection are less than the 1.0 crashes/mev threshold and the 90th percentile crash rate of the reference population." If this was indeed an observation performed on the same day as the impact study, it is invalid as well. This observation was made during a federal holiday week and is more than 12 months old.



295.17.4 Truck Circulation

a. An analysis of the ability of the onsite design and control vehicle to circulate on-site and at access locations.

b. The minimum onsite design vehicle is a fire truck.

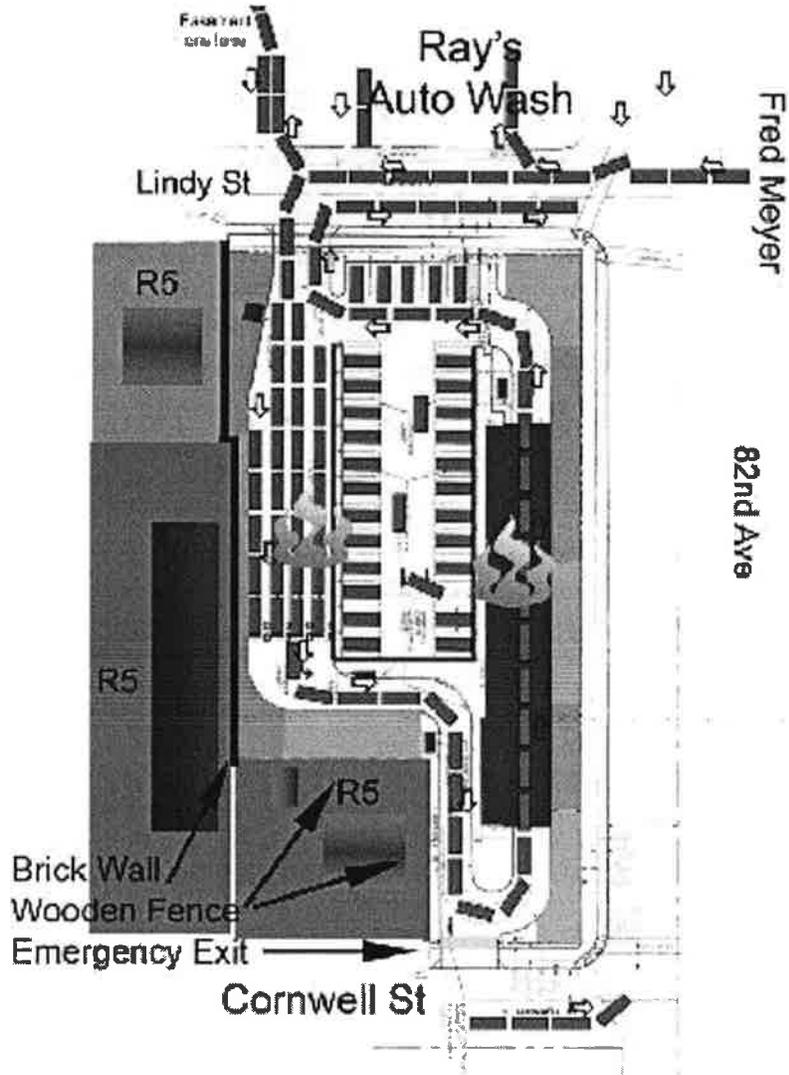
I cannot find any data provided by the applicant to support that this analysis was performed. Below are my concerns.

Queuing area safety:

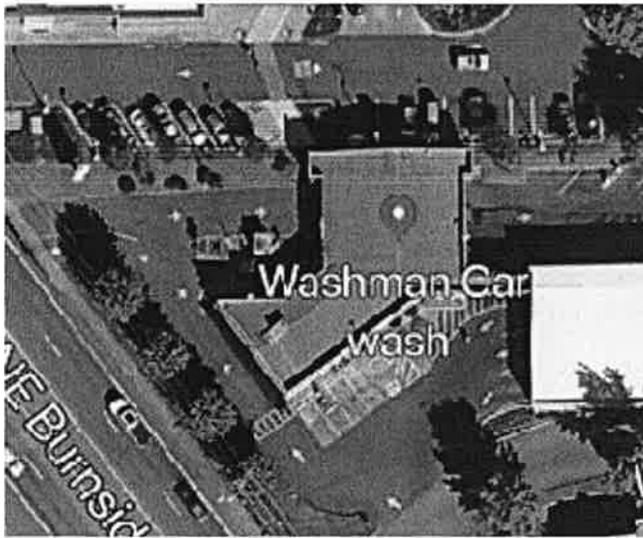
I would like to point out the safety concerns presented in this queuing design. The queuing area illustrates four side-by-side lanes, with a depth of five cars. All of these sandwiched-in cars are followed by three side-by-side lanes at a depth of three cars. When queuing is near or at capacity, how will a fire truck or EMS be able to access a vehicle in the middle of this stacked queuing area, within the car wash, in employee parking or vacuum areas?

The proposed design at 82nd would create a nightmare if there were a car fire especially within a fully stacked queuing area, and other vehicles in the queue need to evacuate quickly.

Between the 210-foot building, the cinder block wall to the east, the requirements for greenery, curbs, and backed up traffic at 82nd/Lindy and 82nd/Cornwell, these cars will literally be boxed in. The car wash attendant would need to open the emergency exit gate to allow cars to move forward and off the property. It will be a frenzied fight for vehicles in the queue behind a car fire (or a medical emergency) to back out from the property, given the cars are stacked three and four cars wide. While these cars are attempting to back out of the stacked queuing area onto Lindy, how will EMS or a fire truck be able to enter the property? There doesn't even seem to be enough space between the stacked cars to fit a gurney.



I have used Google Maps to view the queuing at some other Washman Car Wash locations. I do not see any other queuing areas with more than two lanes, and none of them appear to be even a third as deep as this proposed design. Additionally, the other locations have ample space to maneuver vehicles, especially fire trucks and EMS. Please take a moment to look at the design plan above and compare it with some of their other locations below.



Fires are not uncommon at a car wash, as evidenced in these links below.

1. <https://www.westernslopenow.com/news/local-news/car-wash-nightmare/>
2. <https://www.wvlt.tv/content/news/Honda-pickup-trucks-under-recall-due-to-fire-at-car-wash-hazard-505997761.html>
3. <https://www.seattlepi.com/seattlenews/article/Fire-Bellevue-car-wash-crews-extinguish-13454203.php>
4. <https://www.12newsnow.com/article/news/local/chemical-fire-breaks-out-at-car-wash-supply-company-in-orange-county/502-625556513>

“Do not be fooled or lulled into a false sense of security at car wash fires. There is plenty that can burn inside and quickly transition the area or structure to flashover. Two cars burning inside would be enough to flashover the entire area of the structure. Similarly, the large automated brushes and synthetic materials used in ‘brushless’ applications that are part of the automated assembly line that scrub your car provide ample fuel to flashover and involve the entire structure.” <https://www.firehouse.com/operations-training/hoselines-water-appliances/article/21068151/common-occupancy-uncommon-response-car-wash-facilities-firehouse>

Imagine a fire within the 210-foot building, and a fire truck attempting to negotiate the tight corners and at either end of the building. Will the fire department have to fight the fire from 82nd? Will fleeing cars block the pathways for fire trucks?

The only other facility that I can think of that has a multiple lane queuing design such as this is the DEQ on 82nd. As you can see in this Google image, there is significant space between these lanes which would accommodate EMS vehicles or allow queued cars to maneuver out of the way.

There are numerous medical conditions where treatment time is relative to survival rates and outcome - heart attack, asthma/respiratory distress, anaphylaxis, and stroke are just a few. If the occupant of a car near the middle of the queuing area were to have a life-threatening emergency, the proposed queuing design will create unnecessary obstacles for emergency services to reach the person in need. It is irresponsible to allow this queuing design to move forward, as is.

“**Stroke** often occurs with little or no warning, and the results can be devastating. It is crucial that proper blood flow and oxygen be restored to the brain **as soon as possible**. Without oxygen and important nutrients, the affected brain cells are either damaged or die within a few minutes. Once brain cells die, they generally do not regenerate and devastating damage may occur, sometimes resulting in physical, cognitive and mental disabilities.”

<https://www.aans.org/en/Patients/Neurosurgical-Conditions-and-Treatments/Stroke>



Clackamas DEQ Test Station
4.2 ★★★★★ (190)

295.18.3 Analysis of Neighborhood Impacts

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

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

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

This criteria appears to have been completely overlooked and needs to be thoroughly addressed. There are no means by which to keep Lindy residents and the Garden Gate neighborhood as safe or livable as they are currently when adding a business intentionally designed to draw unlimited amounts of traffic. I have thought about the potential mitigation/calming solutions. Mitigation cannot prevent countless cars from using the residential driveways to turn around on Lindy street when drivers overshoot the driveway or change their mind when they see the stacked queuing area is too busy. They cannot prevent the increase traffic to Lindy, Cornwell, and Garden Lane. They cannot prevent Google and other maps apps from suggesting the use of our residential streets to access this car wash business. Speed bumps/humps are ineffective. They offer incentive to many speeders to drive faster, and repeatedly driving over speed bumps will have detrimental effects on the local residents cars/shocks.

The only remedy/mitigation I have come up with is to have residential automated street gates for Lindy and Cornwell residents to access their homes, yet prevent non-residential vehicles from accessing our streets. I have mentioned this to many of our neighbors and they are interested in this. Though, given we live two blocks from the ninth poorest neighborhood in the State of Oregon, we cannot afford the estimated \$35-40,000 per gate cost. I have read in the Roadway Standards that this is an option in approved circumstances. There are many subdivisions in unincorporated Happy Valley whose neighborhoods maintain low traffic due to the use of automatic street gates. We would appreciate full consideration for mediations such as this if the application is to be approved.

295.18.4 Other Mitigation

Other mitigation, such as the installation of stop signs, warning signs, signal timing modifications, additional through travel lanes, roundabouts, traffic circles, pedestrian and bicycle improvements and other potential improvements, will be evaluated on a case by case basis on their own merits. Suggested mitigation shall be accompanied by appropriate engineering analysis to allow for the review of such proposals.



Again, none of these mitigation options are appropriate measures for the impact that the volume of traffic this development will bring to our residential streets. As you can see from the image, the Garden Gate neighborhood only has two ways in and out - Cornwell off 82nd, and Garden Lane off Fuller. It is very quiet and peaceful by design. Children play in our streets, ride bikes, shoot hoops. Folks from neighboring streets come to Garden Gate to run, jog, and walk. It is an ideal space for exercise as one lap is 1/4 mile similar to a track. These streets also provide a thoroughfare for our vulnerable population accessing the Clackamas Service Center across 82nd at Cornwell. As you can see, an increase in traffic in our subdivision will not only affect the livability for our immediate neighbors, it will also affect those who depend on our streets for exercise, and a means to get from the multi-use path parallel to Fuller to the Clackamas Service Center. As there are only two streets to get to our homes, and access to Fuller at Johnson Creek is only permitted when driving east, we cannot afford to have any further diminished capacity to enter our neighborhood from 82nd traffic at Cornwell. These mitigation options simply will not work here, nor the Lindy neighborhood.

How unfortunate for our neighbors on Lindy. They have already been subjected to an increase in traffic from the Foster Fred Meyer closure, the addition of the easement road serving Columbia bank, Black Rock Coffee, Agusta Gas Station, and Agusta Smoker Friendly Store. Once the proposed queuing for the car wash fails, and it assuredly will, how will these neighbors get home? Will Lindy neighbors have to park at Fred Meyer and walk home when queuing spills onto Lindy? Will Lindy neighbors feel uncomfortable in their own front yards, with the increased number of car wash customers using their driveways as a turnaround?

This is simply not an appropriate location for this type of business abutting two residential roads with the traffic it will bring. Additionally, any possible mitigation features cannot predict the future growth of this business. The applicant has clearly stated on the record during a rezoning hearing that this business is highly dependent on weather, which means there will be times our streets experience unimaginable surges in traffic.

Additional concerns to which I cannot find appropriate material to support, yet should be, at minimum, a consideration.

Earthquake rating: Will the development of this massive structure be subjected to a specified earthquake rating? Imagine this 210-foot long building, setback a matter of feet from 82nd avenue, collapsing. The proximity to a State Highway and the mammoth size of this building certainly have the potential to block access to this highly utilized highway if it is not designed to withstand an earthquake.

Testimony from the Planning Commission Meeting January 28, 2019.

This is a video posted by Clackamas County and can be found at:

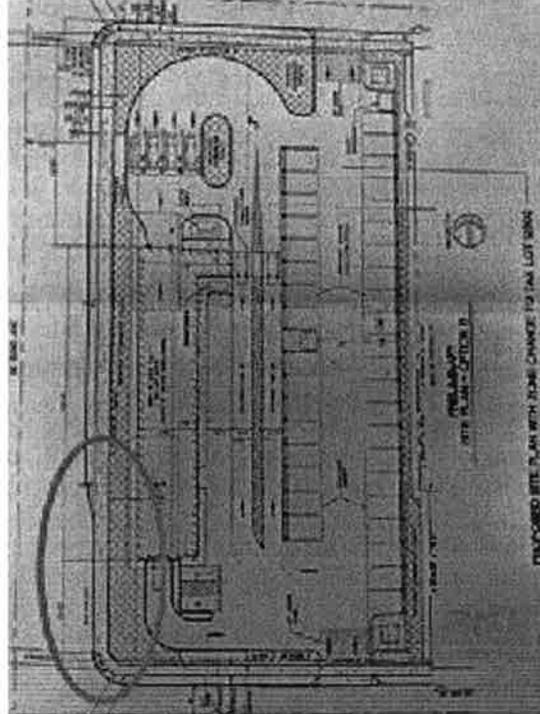
<https://www.youtube.com/watch?v=K0ZhDqocsjA>

Regarding TriMet Cutout

The applicant mentioned on the record at the **49:25 mark**:

“TriMet wants to move their bus stop south onto the site so we would not only have the bite out of it from that, we would also have this bus stop that didn't really work very well in our new design.”

I do not see that there is a cutout for TriMet in the current site design plan, and would like to make sure that this has been addressed prior to approval since this particular TriMet stop serves countless individuals - those accessing Fred Meyer, Columbia Bank, Black Rock, Agusta Smoker Friendly, and Clackamas Service Center. Have TriMet's plans changed? Does the applicant need to create this TriMet cutout in the current design plan? This image is one of two design plans submitted during this hearing and clearly shows a cutout for this bus stop.



Regarding Anticipated Traffic Volume and Impacts to Residential Roads

This can be found at the **1:13:30 minute mark**:

County:

“How many per hour are gonna be going through there?”

Applicant:

“Hello. Thanks for meeting us. Mark Hanna, managing member of Washman. Well, you have to remember that it rains half the time. So we have 160, 180 days of rain where there's zero to very few cars being washed a day. And then you, uh, on a dry day you could ramp up to 30 cars per hour, or you can max out on a busy Saturday, if the sun is shining, which doesn't happen all that often, but it does happen, thank God, **up to 100 cars an hour**, max. So you're dealing with, you know, about **a car and a half a minute**, and that's probably less than 1% of the time.”

County:

“You obviously have other facilities?”

Applicant:

“Yes, sir.”

County:

“Okay. So, can you tell me what's the average volume for those?”

Applicant:

“Sure. If you averaged it out probably a busy side would probably average about 250 cars a day, and a slow side probably about 150.”

County:

"So those folks that are down Lindy and the other side, they're going to be involved in seeing all this traffic coming through on both streets, is that correct?"

Applicant:

"Yeah. I don't think it's a lot of traffic but it's limited to that area."

I have called the Glisan Washman. Though I don't remember the specific date, it was in the winter between January and March, 2019. When asked how many cars they wash daily, the attendant stated that they easily wash **1000 cars per day** at that location, and they were on shorter winter hours at that time. The numbers stated by the applicant in the testimony above vary, but it is safe to say there will be days our residential streets and the intersection of 82nd/ Lindy can expect **"a car and a half a minute," "100 cars per hour,"** or **"easily 1000 cars per day."** If we use the numbers provided by Sonny's car wash (explained in my previously submitted comments) for the most appropriate car wash equipment given the size of the building, that possibility increases to **three cars per minute.**

Regarding Queuing Back Up

Found at the **1:16:33** mark.

County:

"What's the approximate size of the Glisan and 82nd location?"

Applicant:

"Yeah, it's probably about 50,000 square feet in its entirety."

County:

"Sometimes it backs up, you know, as far as egress."

Applicant:

"Yeah. Again, this isn't a hard corner, so it's hard to access."

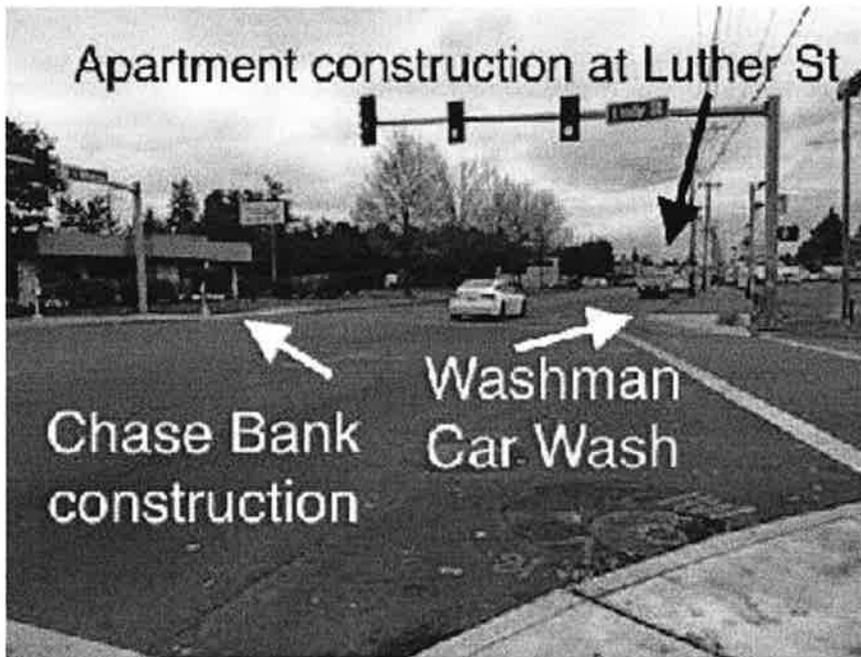
County:

"Thank you."

Applicant:

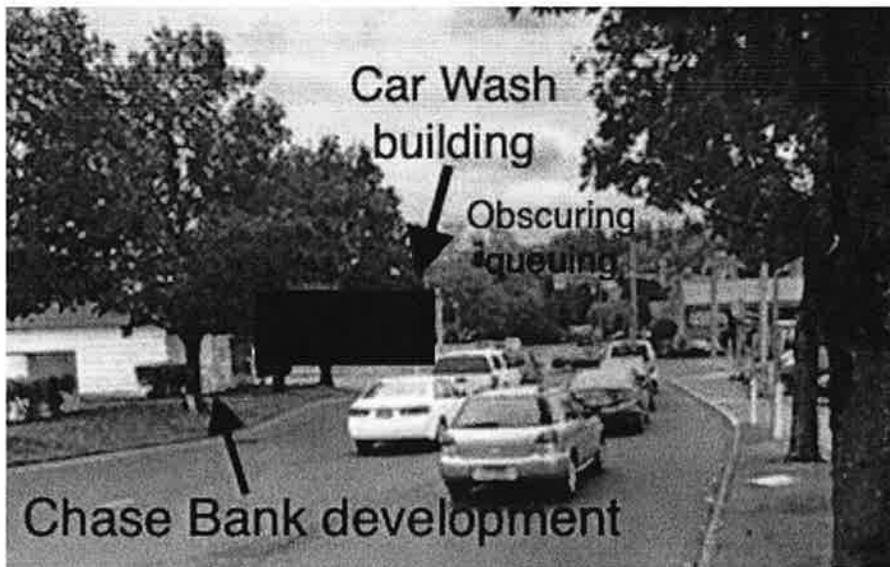
"And, on Glisan it backs up sometimes because you enter off of Glisan. You don't enter off the side streets."

If we use the figures provided by the Sonny's car wash, the potential becomes 180 cars per hour. 180 cars per hour divided by 60 minutes equals **three cars per minute.** Using these numbers, it would take less than 20 minutes for the onsite queuing area to backup onto Lindy. Given Fred Meyer serves 7,000-14,000 customers daily, it is safe to say that a drive-thru car wash across the street will reach its threshold more regularly than the applicant's other locations.



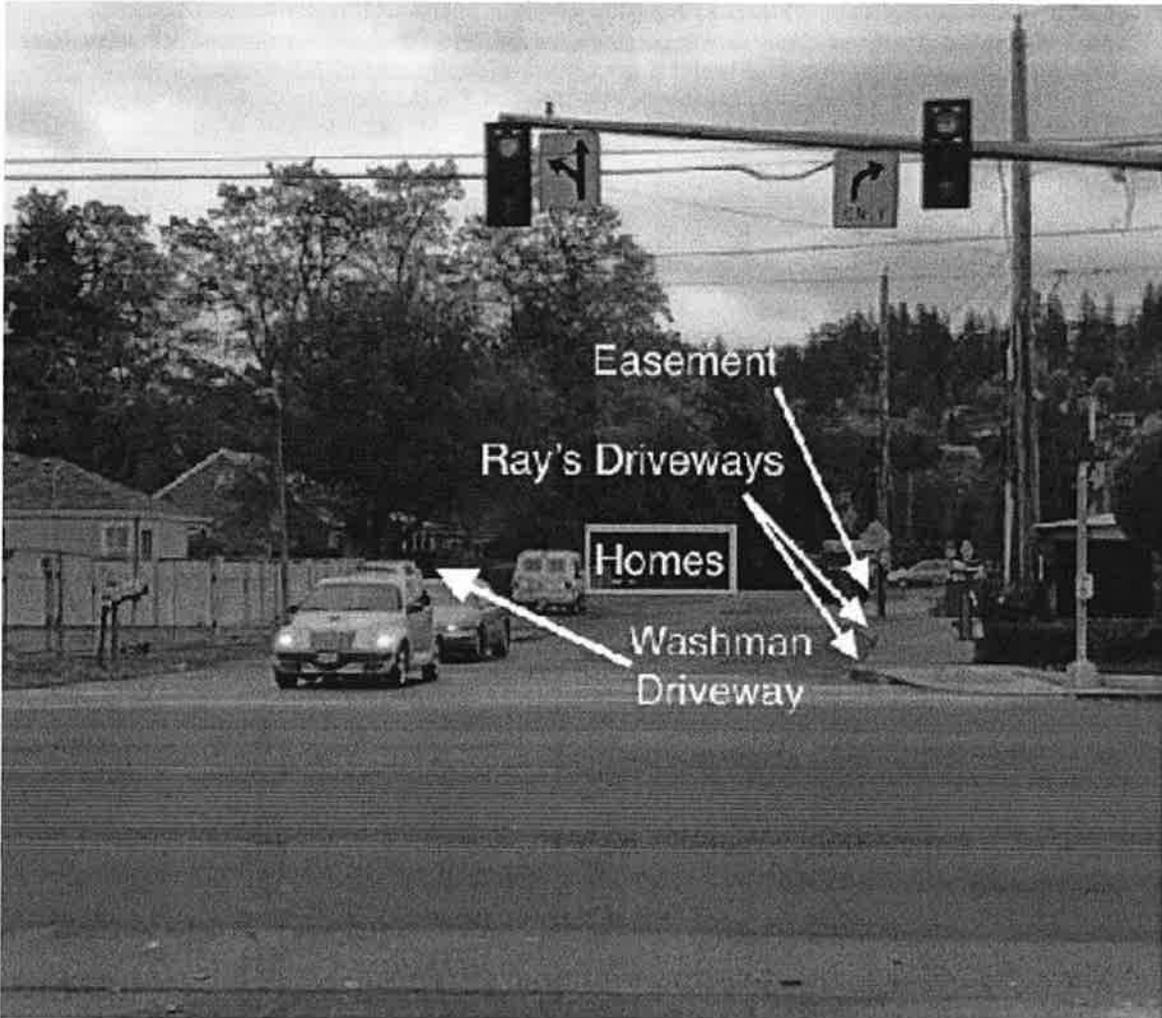
Chase Bank Development
 Additionally, there will soon be a Chase Bank with drive-thru services at this same intersection. Please see the photo for perspective on all of these developments and businesses relative to Lindy residents and Cornwell. Will these two businesses be in development at the same time? Was the development of Chase Bank taken into consideration for traffic study at 82nd/Lindy?

If customers are leaving Fred Meyer, Great Clips, T-Mobile, Five Guys, and now Chase Bank and plan on having their car washed, the queuing area of the car wash and the vacuum



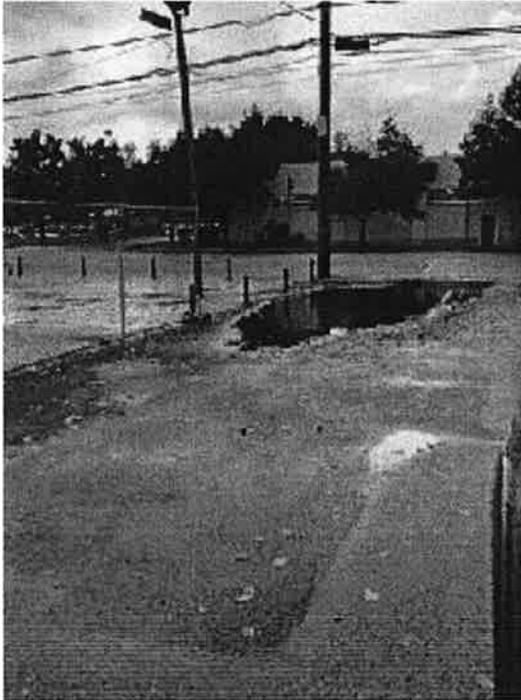
stations will be obscured by the 210-foot building. Drivers exiting Fred Meyer will not be able to see the volume already in the queuing area to determine whether it's worth the wait. If it turns out the queue is too long for them, they will be forced to use a residential driveway or another business driveway on Lindy to turn around. Additionally, when the car wash

queuing area backs up onto Lindy, folks leaving Fred Meyer, Chase Bank, etc at the Lindy/82nd intersection will hold up the exit line at the Fred Meyer stop light or increase the grid lock that occasionally happens at this intersection. Traffic leaving Fred Meyer is already prone to backing up as evidenced in the picture here. This photo was taken Monday, October 21st, 2019 at 12:19 pm. This is not a holiday, evening or weekend when they are considerably busier.



Here is another perspective. I was standing at the southwest crosswalk at 82nd/Lindy looking east on Lindy. If just two or three cars are unable to enter the proposed car wash site because of inadequate queuing, it will obstruct access to Ray's Car Wash on the right and the easement road servicing Columbia Bank, Black Rock, Agusta Gas and Agusta Smoker Friendly. There is no way to mitigate this traffic and its impacts on Lindy residents and the existing businesses whose driveways will be blocked.

I have already addressed the stormwater report in previously submitted comments, however, just recently had the opportunity to add a highly relevant photo of the conditions at 82nd/ Cornwell where the overflow Basin B will be directed, further flooding our street. This was after light but constant rain. This body of water is a constant for the end of Cornwell, except in dry weather. The storm drain is located on 82nd, just west of the power pole on the right.



Stormwater Report

2.0 Methodology. The most valuable information I glean from the methodology is that there are “site design constraints.” Google maps shows the distance between the north corner of the site at 82nd/SE Cornwell to Johnson Creek (the creek, not the boulevard) to be 0.2 miles. I would hope that the utmost consideration be given to stormwater runoff given the short distance to our natural waterways. It should be noted that the north side of the site on Cornwell at 82nd historically has a large body of standing water accumulate even with small amounts of rain. The body of water extends to the middle of Cornwell and as far as ten feet east across Cornwell. The “Proposed Stormwater Systems” suggest “overflow from Basin B results in curb directed street flow to SE Cornwell,” which as stated is a historically problematic water collection area. 4.5 Downstream capacity/conveyance suggests that the site is currently 78% impervious and will be reduced to 66% impervious post-development. Though this sounds acceptable on paper, it must be noted the type of fluids which will be collected on this site. The contaminated fluids risk seeping into the ground and contaminating the yards of 8220 Cornwell and the sixplex, which are both adjacent to the proposed development. Should residents living there eat the food they grow knowing their food source may be contaminated?

Air Quality

The Garden Gate neighborhood has welcomed Green Lents to help us understand and define the level of air quality that we are currently experiencing. We are grateful to have a baseline.

Their study yielded these results:

On September 12th 2019, an AE51 micro-ethylometer was used to test airborne black carbon (BC) concentrations at the proposed site for a new Washman car wash facility which is an empty lot at SE 82nd Ave and Cornwell Street, with testing occurring immediately adjacent to the queue of vehicles waiting to be washed. Observational notes were taken at the site in order to corroborate BC concentrations with local conditions.

At the site the AE51 collected data for approximately 32 minutes, sampling the air every thirty seconds. Of 61 samples taken the average BC reading was 523 nanograms per cubic meter (ng/m³). This is more than five times the benchmark for BC exposure established by the Oregon Department of Environmental Quality which is 0.1 micrograms per cubic meter (µg/m³) or 100ng/m³. The highest BC reading was measured at 1453ng/m³ and coincided with a large Penkse commercial truck moving southbound through the area. Two other spikes of 742ng/m³ and 769ng/m³ were also found to co-occur with the passage of large commercial trucks along 82nd Ave. The lowest BC reading never fell below the DEQ benchmark.

What is clear however is that BC concentrations along 82nd Ave already exceed DEQ benchmarks across the board and major interventions are needed to reduce the amount of traffic along that corridor which obviously cannot include approving the construction of new facilities like car washes that support the use of single-occupancy vehicles.

--
Tristan Isaac, (he/they)
Community Organizer
(614) 282-5736

8220 SE Cornwell

The last issue I would like to address is the residential home at 8220 SE Cornwell. This property was purchased by the applicant on 4/13/18 according to Zillow. 8220 SE Cornwell is a gem of a home built in 1925. The single family home is 1,824 square feet on a 10,000 square foot lot. The applicant purchased the home with the intention of rezoning from R5 to CC. Rezoning was denied by the Clackamas County Board of Commissioners due to its encroachment into a residential neighborhood.

The previous owner lived there for more than 60 years. 8220 Cornwell was very well kept until it came into the applicant's possession. The fence surrounding the property was removed, the windows were boarded up, and it is abandoned. These alterations to the property have invited chronic trespassing, drug use, littering, loitering, squatting and graffiti which did not exist before. The previous owner of 8220 Cornwell took pride in this property. The yard and home were well maintained and appealing.

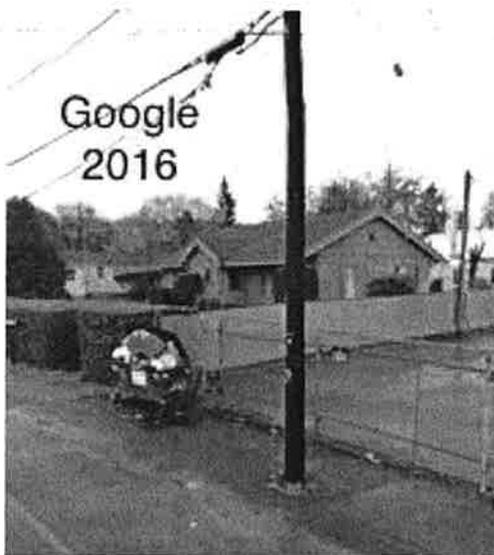
It would take little effort and minimal expense to restore this property. There have been five homes renovated and sold in the Garden Gate neighborhood in the last year. This area is highly desirable, as it offers affordable housing investments with large yards and quiet streets. Mortgage payments for homes in our neighborhood are more affordable than renting locally.

Even though this particular property is in the applicant's possession, they have such little concern for the future occupants that their design plan of the car wash only calls for a six-foot wooden fence which will not protect future occupants from chronic noise or exhaust fumes that will be within mere inches from their property. This carelessness also raises questions as to an ulterior motive for the applicant to find a loophole to incorporate this R5 property in future plans for expansion, as the currently proposed car wash business will shortly outgrow the confines of this limited lot size.

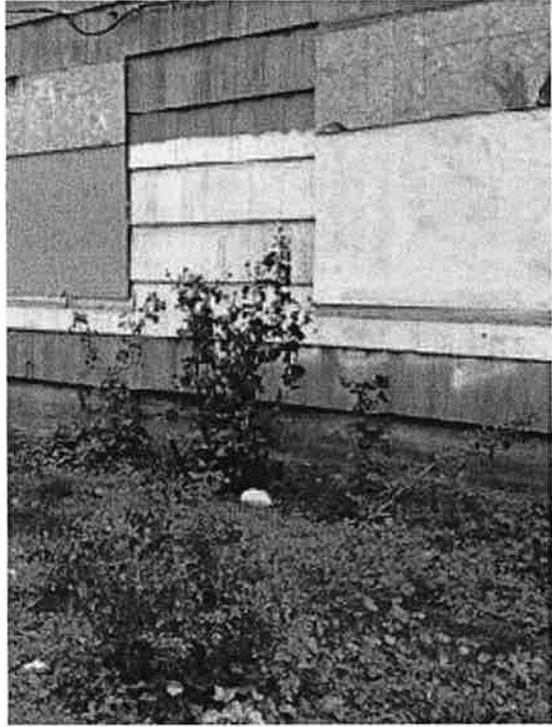
It is clear the applicants do not regard our neighborhood respectfully. Police are called routinely because the neglected appearance and abandonment of this property draws illegal activity. This neglect affects not only the adjacent homes, but the character of our entire neighborhood, as it is the first property seen driving into our subdivision. At least two neighbors have stated that they regularly see hypodermic needles on this property. One neighbor living nearby has had to call 911 when trespassers were physically damaging the property. They have also had to call non-emergency several times for squatters living in this property. Other neighbors have had to call police to this property as well. Despite these calls and reports, the home at 8220 Cornwell remains in a sad state of abandonment.

The year-and-a-half of neglect and lack of improvements to the home at 8220 Cornwell establishes the level of respect our neighborhood will be given by the applicant if this proposed development of a car wash is approved. There will be no regard for the livability of our neighborhood. Our calls and complaints will fall on deaf ears, just as they have with 8220 Cornwell. No considerations or changes will be made to keep our neighborhood free from blight, keep us safe, and maintain our livability.

Please take a moment to look at the before and after photos of the home which sits at the entrance of our neighborhood.



More present day images.



In summary, Cam Gilmour, the Director of Clackamas County Department of Transportation and Development had a vision for the standards of our roadways. This vision and its standards included **safety** for the community and considerations for the **livability** of existing neighborhoods.

There are numerous concerns with respect to **safety** - intersections sight distance; flow of water impeding safe use of traveled portion of the roadway; lack of evidence that the control vehicle, a fire truck, can navigate a stacked queue to reach a car fire or medical emergency victim; safe evacuation of a stacked queuing area in the event of a fire; increased traffic to residential streets; and air quality for residential streets which are already severely exceeding DEQ standards.

With regards to **livability** - developments proposing access to roadways with a local road functional classification that serve existing residential neighborhoods located within the UGB are discouraged, and this has not been addressed; lack of analysis of the impacts of detrimental effects upon existing neighborhoods, such as traffic volume increases, potential speed increases, safety impacts and other livability issues; lack of consideration for unimpeded access to existing businesses and residential homes in peak car wash times which are certain exceed the proposed queuing area.

There were also **requirements which were not met** or overlooked, such as - traffic counts being performed within one week of a federal holiday, queuing analysis performed using an understated figure and lack of consideration to the extreme peaks this business will draw to residential streets and intersections already exceeding capacity, crash history data older than 12 months old, and the TriMet cutout that is not shown in the current design plan.

The location for this proposed development of a car wash is inappropriate. The site is too small to accommodate the realistic peak volumes this business will draw. Unlike the applicant's other locations, there are no other roadways for the Lindy residents to access their homes when queuing is exceeded. Unlike the applicant's other locations, this four-lane, stacked queuing is not designed with the safety of their patrons or employees in mind. Unlike their other locations, there is no room for growth as this is a finite amount of square footage. One item of consideration that is in likeness with their other locations is the inability to prevent water to overflow, seep or otherwise discharge into the traveled portion of the roadway that abuts their property. Another similarity with the applicant's other locations is the overflow of queuing onto the abutting streets. Because the criteria set forth by the Clackamas County Roadway Standards cannot be met, this application should be denied.

Thank you for your time,
Tonya Reed

Riederer, Anthony

From: crystalmendiola@yahoo.com
Sent: Wednesday, October 16, 2019 4:57 PM
To: Riederer, Anthony
Subject: Fw: Rogers Land Co L.L.C./ Washman L.L.C. Application
Attachments: ClackCoLetter.pdf; Summons.pdf; Complaint.pdf; Survey - Paul.pdf

Anthony,

I received an auto reply asking to forward this to you.

Have a great day,
Crystal Mendiola

----- Forwarded Message -----

From: crystalmendiola@yahoo.com <crystalmendiola@yahoo.com>
To: MAhrens@clackamas.us <MAhrens@clackamas.us>
Sent: Wednesday, October 16, 2019, 04:52:45 PM PDT
Subject: Rogers Land Co L.L.C./ Washman L.L.C. Application

Melissa,

Please see all attachments.

Kindest regards,
Crystal Mendiola

RECEIVED

OCT 16 2019

**Clackamas County
Planning & Zoning Division**

Spam Email
Phishing Email

October 16, 2019

Melissa Ahrens and/or To Whom It May Concern:

It has been brought to our attention that Washman, LLC has submitted an application to the Department of Design and Review in Clackamas County to develop certain real property purported to be leased by Washman, LLC and purported to be owned by Rogers Land Co., L.L.C., commonly known as 8864 SE 82nd Ave Happy Valley, OR 97086 ("Purported Rogers Property"). At this time, the Purported Rogers Property is involved in a pending lawsuit in Clackamas County Circuit Court regarding title, ejectment, conversion and injunction issues.

The current lawsuit follows a prior lawsuit initiated by Washman, LLC and Rogers Land Co., L.L.C. regarding similar title issues. That case was dismissed for failure to prosecute, but the title issues remain unresolved. Therefore, the current lawsuit was filed by counsel for John M. Paul and Peggy R. Paul, as Trustees of the Paul Family Trust 7-15-05. I have attached the Summons and Complaint from the prior lawsuit, as well as the Complaint from the current lawsuit. I have also attached a survey for any clarifying needs, which survey is registered in Clackamas County.

If you have any questions or concerns with this information, please feel free to contact me. If I am unable to provide further information, I can refer you to our attorney covering the legal proceedings.

Hope this information finds you well,

Crystal Mendiola



Paul Properties

503*421*7121

8240 SE Cornwell St Happy Valley OR, 97086

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

WASHMAN, LLC, an Oregon limited liability company,
and ROGERS LAND CO., L.L.C., an Oregon limited
liability company,

Plaintiffs,

v.

JOHN M. PAUL, an individual, PEGGY R. PAUL, an
individual, and all Unknown Owners of 8240 SE Cornwell
Avenue, Happy Valley, Oregon 97096,

Defendants.

Case No. 18CV38764

SUMMONS

TO: John M. Paul, Defendant
5172 Bluemound Road
Rolling Hills Estates, CA 90247

You are hereby required to appear and defend the Complaint filed against you in the above-entitled cause within thirty (30) days from the date of service of this Summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the Court for the relief demanded in the Complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS
CAREFULLY!

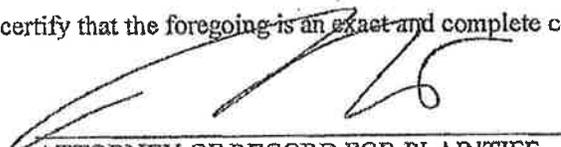
You must "appear" in this case or the other side will automatically win. To "appear" you must file with the Court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court administrator within thirty (30) days along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, proof of service upon the Plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636, or at <http://www.osbar.org/public/ris/ris.html#referral>.

s/ Thomas R. Rask, III
SIGNATURE OF ATTORNEY/AUTHOR FOR PLAINTIFF
Thomas R. Rask, III 934031
ATTORNEY'S/AUTHOR'S NAME BAR NO. (IF ANY)
520 SW Yamhill St., Suite 600
ADDRESS
Portland OR 97204-1329 (503) 222-3531
CITY STATE ZIP PHONE
TRIAL ATTORNEY IF OTHER THAN ABOVE BAR NO.

STATE OF OREGON, County of Multnomah) ss:

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the original Summons in the above-entitled action.


ATTORNEY OF RECORD FOR PLAINTIFF

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this Summons, together with a true copy of the Complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this Summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

/s Thomas R. Rask, III
ATTORNEY OF RECORD FOR PLAINTIFF

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

WASHMAN, LLC, an Oregon limited liability company, and ROGERS LAND CO., L.L.C., an Oregon limited liability company,

Plaintiffs,

v.

JOHN M. PAUL, an individual, PEGGY R. PAUL, an individual, and all Unknown Owners of 8240 SE Cornwell Avenue, Happy Valley, Oregon 97096

Defendants.

Case No. 18CV _____

COMPLAINT

(Quiet Title, Declaratory Judgment, Slander of Title, Ejectment)

Statutory Authority for Filing Fee: ORS 21.160(1)(c)

(NOT SUBJECT TO MANDATORY ARBITRATION)

For their complaint, plaintiffs Washman, LLC ("Washman") and Rogers Land Co., L.L.C. ("Rogers LLC") (collectively, "Plaintiffs") allege as follows:

1.

Plaintiff Washman is an Oregon limited liability company having a ground lease interest in real property commonly described as 8864 SE 82nd Ave., Happy Valley, Oregon (the "Washman Property") under the terms of that certain Ground Lease dated November 1, 2017 by and between Washman and Rogers LLC (the "Ground Lease"). True and correct copies of the legal description for the Washman Property and of the Ground Lease are attached hereto as Exhibit 1 and Exhibit 2, respectively.

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2.

Plaintiff Rogers LLC is an Oregon limited liability company having a fee interest in the Property. A true and correct copy of Rogers LLC's deed to the Property (the "Rogers Deed") is attached hereto as Exhibit 3.

3.

Defendants John Paul and Peggy R. Paul (collectively, "Defendants") are individuals residing in, doing business in, and/or owning real property in Oregon, including real property adjacent to the Washman Property commonly described as 8240 SE Cornwell Ave., Happy Valley, Oregon (the "Paul Property"). The Paul Property consists of residential rental units. A true and correct copy of the Defendants' deed to the Paul Property is attached hereto as Exhibit 4.

4.

Jurisdiction and venue are proper in the Circuit Court for the State of Oregon for the County of Clackamas because each of the Defendants own real property in Clackamas County and the properties that are the subject of this dispute are located in or do business in Clackamas County.

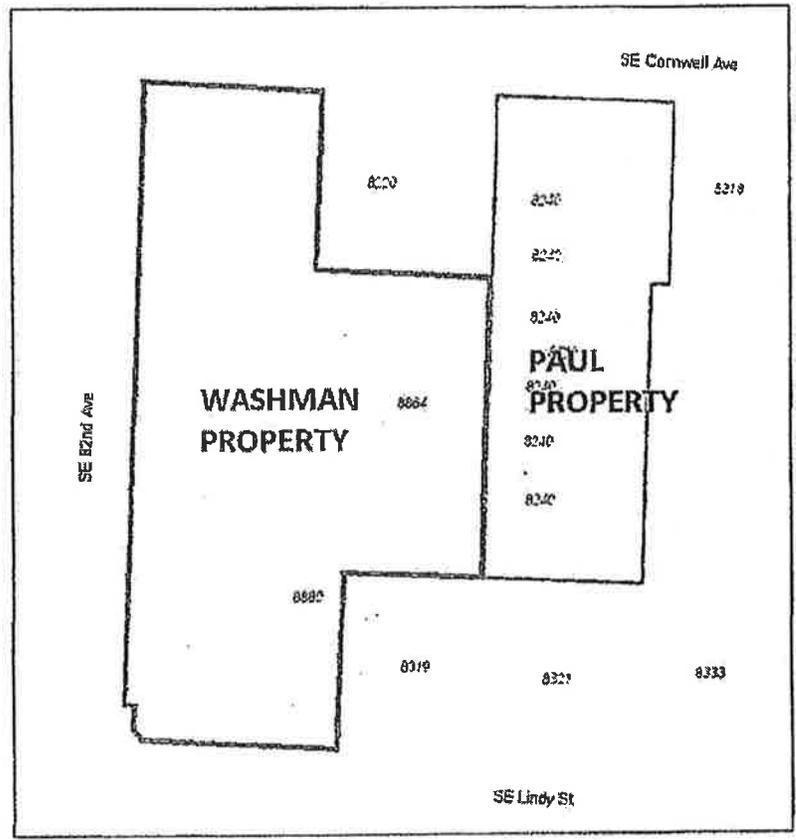
COMMON ALLEGATIONS

5.

The relative positions of the Washman Property and the Paul Property are shown on the illustrative diagram below:

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6.

A prior tenant of the Washman Property built a chain link fence around the perimeter of the Washman Property in order to secure the business located thereupon (the "Fence"). The Fence was built parallel to but five (5) feet from the eastern boundary of the Washman Property abutting the western boundary line of the Paul Property (the "Five Foot Strip"). Upon information and belief, the Fence was built approximately five feet from the boundary line to accommodate a then-existing sidewalk easement but otherwise does not match any true boundary line of the Washman Property or the Paul Property.

7.

A dispute has arisen between the parties with respect to the Five Foot Strip. In an effort to resolve the dispute, Washman hired Lee Spurgeon of Township Surveys, LLC to conduct a

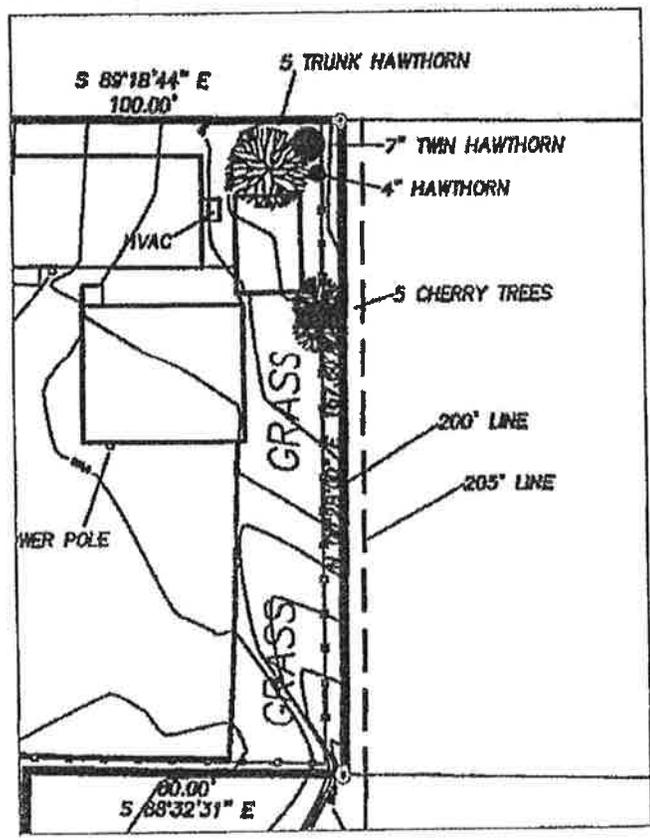
1 survey of the Washman Property. Mr. Spurgeon completed a survey of the property resulting in
2 that certain Site Map and Topography for Washman Car Wash dated January 5, 2018 (the
3 "Spurgeon Survey Map." A true and correct copy of the Spurgeon Survey Map is attached
4 hereto as Exhibit 5.

5 8.

6 Mr. Spurgeon located thick-walled iron pipe monuments in good condition located in
7 accord and agreement with the legal description of the Washman Property marking the true legal
8 boundary between the Washman Property and the Paul Property (the "Monuments"). Under
9 ORS 93.310(2) and other applicable rules of law and equity, the Monuments conclusively
10 establish the true boundary between the properties.

11 9.

12 The Monuments are designated below in RED on the illustrative diagram below:



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10.

As shown by the Spurgeon Survey Map and the diagram in Paragraph 9, the Fence is located five feet west of the property line designated by the Monuments upon and within the boundary of the Washman Property.

11.

At some prior time, the owners of the Paul Property purchased an additional five feet of land from the prior owners of the Washman Property. The former property line prior to this purchase is shown as a long-dash dotted line to the east of the Monuments. The additional five feet purchased by the owners of the Paul Property is different from the Five Foot Strip in dispute.

12.

Despite knowledge of the true boundary line and knowledge that the Fence was constructed by the owners or tenants of the Washman Property for their own convenience, the Defendants now claim ownership of the Fence and the Five Foot Strip.

13.

The Defendants have no legal or equitable basis for assertion of ownership of the Fence or the Five Foot Strip located between the Monuments and the Fence.

14.

Plaintiffs have no plain, speedy, or adequate remedy at law.

FIRST CAUSE OF ACTION
(Quiet Title – ORS 105.605 and Common Law)

15.

Plaintiffs reallege and incorporate by reference the allegations set forth in paragraphs 1-14 above, as though fully set forth herein.

16.

The Washman Property is not in the actual possession of any person other than Washman. The Defendants claim some interest adverse to Plaintiffs' in the Washman Property,

1 but their claim is without merit. The Defendants have no estate, title, claim, lien, or interest in
2 the Washman Property or any portion thereof.

3 17.

4 Plaintiffs are entitled to judgment confirming the boundary lines of the Washman
5 Property as set forth in the Washman Property's legal description and the Spurgeon Survey Map,
6 and as further evidenced by the Monuments.

7 **SECOND CAUSE OF ACTION**

8 **(Declaratory Judgment)**

9 18.

10 Plaintiffs reallege and incorporate by reference the allegations set forth in para-
11 graphs 1-14 above, as though fully set forth herein.

12 19.

13 Plaintiffs are entitled to judgment confirming the boundary lines of the Washman
14 Property as set forth in the Washman Property's legal description and the Spurgeon Survey Map,
15 and as further evidenced by the Monuments.

16 **THIRD CAUSE OF ACTION**

17 **(Slander of Title)**

18 20.

19 Plaintiffs reallege and incorporate by reference the allegations set forth in para-
20 graphs 1-14 above, as though fully set forth herein.

21 21.

22 Defendants have falsely asserted ownership of the Fence, the Five Foot Strip and/or
23 portions of the Washman Property by sending written correspondence to the Clackamas Planning
24 and Zoning Division.

25 22.

26 The Clackamas Planning and Zoning Division put a hold on Washman's application for

1 permit and development approval in response to Defendants' claim of ownership. Defendants'
2 false and unsupported claim of ownership has delayed Washman's project, development and
3 business opening date, causing significant damage to Washman.

4 23.

5 Defendants' false claim of ownership through written correspondence to the Clackamas
6 Planning and Zoning Division constitutes the uttering and publication of slanderous words by
7 Defendants. These words are false and intended to willfully prevent and maliciously frustrate
8 Washman's intended use and enjoyment of the Washman Property.

9 24.

10 As a result of Defendants' false claim of title to a portion of the Washman Property,
11 including publication of Defendants' false claim to third persons and the local building and
12 zoning authorities, Washman has been damaged in the amount of \$100,000, or such other
13 amount to be proven at trial.

14 **FOURTH CAUSE OF ACTION**

15 **(EJECTMENT)**

16 **(in the alternative)**

17 25.

18 Plaintiffs reallege and incorporate by reference the allegations set forth in para-
19 graphs 1-25 above, as though fully set forth herein.

20 26.

21 Plaintiffs are the owners of the leasehold and fee interests of the Washman Property and
22 are entitled to possession of the Fence, the Five Foot Strip, and the entirety of the Washman
23 Property.

24 27.

25 To the extent that Defendants assume or assert possession of any portion of the Washman
26 Property, Defendants wrongfully withhold possession of said property, and have prevented and

1 frustrated Washman's ability to build and develop the Washman Property for Washman's
2 intended purpose to Washman's damage in the sum of \$100,000, or such other sum as may be
3 proven at trial.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for a decree, order, and judgment as follows:

- 6 (i) Requiring Defendants and all persons claiming under Defendants to set forth the
7 nature of their claims, if any, to the Washman Property;
- 8 (ii) Determining all adverse claims, if any, of Defendants and all persons claiming
9 under Defendants;
- 10 (iii) Declaring Washman's leasehold interest and Rogers LLC's fee interest in the
11 Washman Property to be superior to Defendants and all persons claiming under
12 Defendants, and free from any estate, title, claim, lien, or interest of Defendants or
13 those claiming under Defendants and quieting title in the premises in Plaintiffs;
- 14 (iv) Enjoining Defendants and those claiming under Defendants from asserting any
15 estate, title, claim, lien, or interest in the Washman Property or any portion
16 thereof, or taking any action inconsistent with Plaintiffs' possession, use and quiet
17 enjoyment of the Washman Property;
- 18 (v) Awarding Plaintiff Washman damages in the amount of \$100,000 or such other
19 amount to be proven at trial caused by Defendants' slander of title;
- 20 (vi) Awarding possession of the Washman Property to Plaintiffs without limitation
21 together with damages in the sum of \$100,000 for Defendants' wrongful
22 withholding possession;
- 23 (vii) Awarding Plaintiffs their costs and disbursements incurred herein; and

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(viii) Awarding such other relief as may be equitable and proper.

Dated this 5th day of September, 2018.

KELL, ALTERMAN & RUNSTEIN, L.L.P.

s/ Thomas R. Rask, III
Thomas R. Rask, III, OSB # 934031
Mathew W. Lauritsen, OSB # 083949
Telephone: (503) 222-3531
Fax: (503) 227-2980
trask@kelrun.com
mlauritsen@kelrun.com
Of Attorneys for Plaintiff Washman, LLC

s/ Steven C. Johnson
Steven C. Johnson, OSB # 780519
Telephone: (503) 667-6789
Fax: (503) 669-7703
stevejohnsonatty@aol.com
*Of Attorneys for
Plaintiff Rogers Land Co., L.L.C.*

Legal description of leased premises at 8864 SE 82nd Avenue, Portland, Oregon

PARCEL I:

Lots 9 and 10, Block 6, DOVER PARK, in the County of Clackamas, State of Oregon.

PARCEL II:

Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S. 28, T. 1 S. R., 2E. of the W.M., in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point 651 feet South and 30 feet East of the Section Corner common to Sections 20, 21, 28 and 29, in Townships 1 S.R. 2E. of the W.M., and on the East line of SE 82nd Avenue; thence East and parallel with the North line of Section 28, 205 feet; thence South, and parallel with the East line of SE 82nd Avenue, 168 feet; thence West and parallel with the North line of Section 28, 95 feet; thence South and parallel with the East line of SE 82nd Avenue, 100 feet; thence West and parallel with the North line of Section 28, 120 feet to the East line of SE 82nd Avenue; thence North along the East line of SE 82nd Avenue, 268 feet to the place of beginning, all in Clackamas County, State of Oregon and also commonly known as 8864 Southeast 82nd Avenue, Portland, Clackamas County, Oregon.

GROUND LEASE

This Ground Lease (this "Lease") is made and entered into as of this first day of December, 2017 (the "Effective Date") by and between Rogers Land Co., L.L.C., an Oregon limited liability company ("Landlord"), and Washman, LLC, an Oregon limited liability company ("Tenant"), in witness of the following:

1. Premises

Landlord hereby leases exclusively to Tenant, and Tenant hereby leases from Landlord that certain parcel of land consisting of approximately 55,757 square feet located at 8864 S.E. 82nd Avenue, Happy Valley, Oregon, and more particularly described by the attached Exhibit A (the "Premises"). It is the intent of the Lessee to enter into a purchase and sales agreement to purchase the subject property at the time the Option to Purchase is exercisable.

2. Term

The term of this Lease shall be 20 years and shall commence on the Effective Date. Tenant shall have two renewal options of 10 years each, as provided in Section 5 below.

3. Annual Fixed Rent; Option Rent

The annual fixed rent shall be as follows, increasing by 15 percent at the end of every five years, including for and during any renewal terms:

<u>Year</u>	<u>Monthly Rent</u>
Effective Date through April 1, 2018	\$13,000.00
May 1, 2018 through June 30, 2018	\$6,500.00
July 1, 2018 through November 30, 2022	\$13,000.00
December 1, 2022 through November 30, 2027	\$14,950.00
December 1, 2027 through November 30, 2032	\$17,192.50
December 1, 2032 through November 30, 2037	\$19,771.38
December 1, 2037 through November 30, 2042	\$22,737.08

December 1, 2042 through November 30, 2047	\$26,147.64
December 1, 2047 through November 30, 2052	\$30,069.78
December 1, 2052 through November 30, 2057	\$34,580.24

The first rent shall be due and payable at the execution of this Lease. The last months' rent shall be payable upon Tenant receiving all necessary governmental licenses and permits to construct the Car Wash Facility with a design, operation and placement of structures approved by Tenant in tenant's sole discretion.

Rent for the Premises shall be payable monthly on or before the first day of each month, without demand or offset. Rent not received by the 10th day of any month shall be delinquent, and shall constitute a default under this Lease. Tenant shall pay a late fee of 5 percent of the current monthly amount owing for any delinquent payment of rent. Imposition of a late fee shall not constitute a waiver of default.

4. Structures and Improvements to Premises

The parties acknowledge that Tenant intends to design and construct a car wash upon the Premises (the "Car Wash Facility"). They agree that Tenant shall have sole discretion in the design and construction of the Car Wash Facility provided it meets applicable codes and specifications of the governing municipalities. The Car Wash Facility construction designs proposed by Tenant shall be subject to the prior approval of Landlord which shall not be unreasonably withheld or delayed. To the extent Landlord fails to approve the construction designs proposed by Tenant, Tenant shall have the right to terminate this Lease and Landlord shall be responsible to reimburse Tenant for all rent paid under this Lease and expenses incurred in completing the construction design.

At its own cost and risk, Tenant shall construct the Car Wash Facility on the Premises in accordance with all approved plans, and in accordance with all applicable laws, ordinances and regulations. Tenant shall have the right to, and Landlord shall cooperate with, place a lien or encumbrance upon the Car Wash Facility only, and not the land on which the Car wash Facility is located. Tenant shall pay, before delinquency, for all work, labor services or materials provided for Tenant's improvements or structures upon the Premises, and shall discharge within 30 days any construction lien filed upon the Premises or any structures or improvements thereupon.

Tenant is not intended to be an agent of Landlord for the construction of improvements or structures upon the Premises, and Landlord shall have the right to post on the Premises and improvements any notices which Landlord deems appropriate for the protection of Landlord and the Premises.

5. **Option to Renew**

Provided Tenant is not in default and this Lease has not been terminated earlier, Tenant shall have an option to renew this Lease for up to two additional terms of 10 years each on all of the same terms and conditions hereof except for the monthly fixed rent which shall increase fifteen percent (15%) every five years as set forth in Section 3 above. The option to renew may be exercised only by written notice delivered to Landlord no sooner than one year, and no later than 120 days prior to, the expiration of the previous term. If Tenant fails to exercise an option to renew, in the manner provided by this paragraph, all provisions of the Lease shall terminate at the end of the initial 20 year term of this Agreement.

6. **Use**

Tenant shall use the Premises for construction and operation of the Car Wash Facility and for related purposes. Tenant shall use the Premises for no other purpose without Landlord's express written consent, which shall not be unreasonably withheld.

7. **Additional Rent**

Rent shall consist of the monthly fixed rent described above, and of certain operating expenses attributable to the Premises. Tenant shall pay all personal property taxes attributable to the Car Wash Facility. Landlord agrees to pay \$17,600 per year towards the real property taxes assessed ("Property Taxes" Landlord shall also pay an additional annual 3 percent increase on the Improvement Taxes every year over the Term of this Lease, including any renewal terms. Tenant agrees to pay on an annual basis the remaining balance owing of Property Taxes on the Premises above the total annual amount. the Landlord has agreed to pay in this Section 7.

Tenant agrees to provide extended coverage liability and fire insurance on account of the Premises.

8. **Compliance with Law/Uses Prohibited**

Tenant will not make any unlawful use of the Premises; Tenant will not suffer any strip or waste thereof; Tenant will not permit any objectionable noise or odor to escape or to be emitted from the Premises or do anything or permit anything to be done upon or about the Premises in any way tending to create an unlawful nuisance. Tenant shall keep the Premises free from any liens arising out of work performed, materials furnished or obligations incurred by Tenant.

Tenant will not allow the Premises at any time to fall into such a state of repair or disorder as to invalidate the property damage insurance maintained on account of the Premises. Tenant will not store gasoline or other highly combustible materials on the Premises at any time, except such amounts as may be necessary in the conduct of Tenant's business. Tenant shall store all necessary combustibles safely.

Tenant shall comply at Tenant's own expense with all laws and regulations of any municipal, county, state, federal or other public authority respecting Tenant's use of the Premises. These include, without limitation, all laws, regulations and ordinances pertaining to air and water

quality, Hazardous Materials as herein defined, waste disposal, air emissions, and other environmental matters. As used herein, Hazardous Material means any hazardous or toxic substance, material or waste, including, but not limited to those substances, materials and waste listed in the U.S. Department of Transportation Hazardous Materials Table or by the U.S. Environmental Protection Agency as hazardous substances and amendments thereto, petroleum products, or such other substances, materials, and waste that are or become regulated under any applicable local, state, or federal law.

9. Condition and Repairs

The Premises shall be accepted in an "as is, where is" condition. At its own expense, Tenant shall maintain in good condition and repair the Premises and all buildings, structures, and improvements constructed thereupon, together with all elements thereof.

10. Assignment and Subletting

Tenant shall not have the right to assign or pledge this Lease, or to allow any third party to occupy the Premises, whether voluntarily or by operation of law, or permit the use or occupancy of the Premises by anyone other than Tenant, without the prior written consent of Landlord, which consent shall not be unreasonably withheld or delayed.

Any assignee or successor shall be subject to all of the covenants, terms, and conditions of this Lease. Notwithstanding an assignment or sublease, Tenant shall remain liable for the payment of rent, and for compliance with all other obligations of this Lease.

Tenant shall keep the Premises free of all liens or encumbrances of any kind created by Tenant. This provision shall not prohibit Tenant from encumbering its movable personal property or trade fixtures.

11. Insurance/Subrogation

Neither Landlord nor Tenant shall be liable to the other for loss arising out of damage to or destruction of the Premises, or the building or improvement of which the Premises are a part or with which they are connected, or the contents of any thereof, when such loss is caused by any of the perils which are or could be included within or insured against by standard forms of flood and earthquake coverage. All such claims for any and all such flood and/or earthquake loss, however caused, are hereby waived. Such absence of liability shall exist whether or not the damage or destruction is caused by the negligence of either Landlord or Tenant or by any of their respective agents, servants, or employees. It is the intention and agreement of Landlord and Tenant that the rentals reserved by this Lease have been fixed in contemplation that both parties shall fully provide their own flood and earthquake insurance protection at their own expense, and that both parties shall look to their respective insurance carriers for reimbursement of any such loss, and further, that the insurance carriers involved shall not be entitled to subrogation under any circumstances against any party to this Lease. Neither Landlord nor Tenant shall have any interest or claim in the other's flood and earthquake insurance policy or policies, or the proceeds thereof, unless specifically covered therein as a joint assured.

FDR

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Tenant agrees to purchase at its own expense, and to keep in force during the term of this Lease, fire insurance with all-risk coverage, including sprinkler leakage insurance, if any, for all structures and improvements upon the Premises for their full replacement value. The policy shall name Landlord as an additional insured. Tenant shall provide reasonable proof of such insurance to Landlord.

Tenant agrees to purchase at its own expense and to keep in force during the term of this Lease, a commercial general liability insurance policy, on an occurrence basis, insuring Tenant's activities upon, in or about the Premises against claims of bodily injury, or death, or property damage with a combined single limit of not less than \$2,000,000. The policy shall name Landlord as an additional insured. Tenant shall provide reasonable proof of such insurance to Landlord.

12. Utilities, Taxes

Tenant shall provide for and pay for water, sewer, gas, heat, electricity, janitorial service, and other services or utilities supplied to the Premises, together with any taxes thereon. Tenant shall pay before delinquency all personal property taxes assessed against the property of Tenant.

13. Option to Purchase

In the event of (a) the deaths of Frank L. Rogers and his spouse; or (2) such time as Landlord desires to list the Premises for sale, Tenant shall have 30 days to exercise an option to purchase the Premises (the "Option to Purchase"), and an additional 60 days to close the sale of the Premises. The option purchase price (the "Option Price") shall have two components: 1) the average of two separate appraisals of Premises (land only, not improvements) conducted by MAI designed appraisers, one procured by the Landlord and one procured by the Tenant, with each party responsible for the cost of their respective appraisals; and 2) the value of the improvements at the commencement of the Lease agreed to be \$275,000.

In exchange for the Option to Purchase, Tenant agrees to deposit \$200,000 (the "Option Deposit") with a mutually agreed escrow agent at the execution of this Lease, at which time a mutually agreed form of notice of option will be recorded against the Premises. Landlord shall be entitled to any interest earned from the Option Deposit placed with the escrow agent. Such Option Deposit shall be applied to the Option Price at such time the Option to Purchase is exercised. In the event Tenant fails to exercise the Option to Purchase when eligible, the Option Deposit shall become nonrefundable. Should Tenant decide not to exercise the Option to Purchase prior to Tenant's eligibility to exercise same, which decision must be provided in writing to Landlord, the Option Deposit shall be immediately refunded by Landlord to Tenant.

14. Default

The following shall constitute default by Tenant:

- a. The abandonment of the Premises by Tenant.
- b. The failure by Tenant to make any payment of rent or any other payment required to be made by Tenant to Landlord within 10 days after written notice of delinquency, provided

Landlord shall not be required to give more than two notices within any 12-month period, after which Tenant shall be in default without notice if fixed rent or any other payment required of Tenant under this Lease is not paid within 10 days after it is due, until the 12-month period has passed.

c. The failure by Tenant to perform any of the other covenants, conditions, or provisions of this Lease, where such failure shall continue for a period of 30 days after written notice thereof by Landlord to Tenant. If the nature of Tenant's default is such that more than 30 days are reasonably required for the cure of such default, then Tenant shall not be deemed to be in default if Tenant commences such cure within said 30-day period and thereafter diligently prosecutes such cure to completion.

d. The making by Tenant of any general assignment for the benefit of creditors; or the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt, or a petition or reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within 60 days; or the appointment of a trustee or a receiver to take possession of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this Lease, where possession is not restored to Tenant within 30 days; or the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Premises or Tenant's interest in this Lease, where such seizure is not discharged within 30 days.

15. Landlord's Remedies

Upon default by Tenant, Landlord may, without waiver, take any of the following actions:

- a. Declare this Lease terminated by giving notice of the termination to Tenant.
- b. Terminate Tenant's right to possession of the Premises by any lawful means, in which case this Lease shall not terminate, but Tenant shall immediately surrender possession of the Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default or breach including, but not limited to, the cost of recovering possession of the Premises; expenses of reletting, reasonable attorney fees; the worth, at the time of award by the court having jurisdiction thereof, of the amount by which the unpaid rent and other charges and adjustments called for herein for the balance of the term exceeds the amount of such loss for the same period that Tenant proves could be reasonably avoided or mitigated; and that portion of any leasing commission paid by Landlord and applicable to the unexpired term.
- c. Maintain Tenant's right to possession, in which case this Lease shall continue in effect whether or not Tenant shall have abandoned the Premises. In such event Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover rent and any other charges as may become due hereunder.
- d. Pursue any other remedy available to Landlord at law or equity.

16. **Fire/Casualty**

In the event the Premises are damaged as a result of any cause not covered or not fully covered by available insurance proceeds, then Landlord shall have the option: (a) to repair or restore such damage in the manner and with the effect described above, or (b) give notice to Tenant of Landlord's intent to terminate this Lease as of the date specified in such notice. Upon receipt of Landlord's notice to terminate, Tenant shall have the option to give notice within 10 days to Landlord of Tenant's intent to reconstruct the structures upon the Premises, using all available insurance proceeds and at the additional expense of Tenant, and the Lease shall remain in full force and effect subject to Tenant's right of abatement of rent. If neither party elects to reconstruct the Premises, this Lease shall expire and all interest of Tenant in the Premises shall terminate.

If the Premises or any part thereof shall be taken or appropriated by any public or quasi-public authority under the power or threat of eminent domain, either party hereto shall have the right, at its option, to terminate this Lease upon 30 days' written notice.

17. **Surrender**

Upon expiration of the term, or upon earlier termination of this Lease, Tenant shall surrender and deliver up the Premises; however Tenant may remove, at its own cost, all fixtures, improvements and structures located upon the Premises within sixty (60) days after expiration of the term or earlier termination of this Lease.

18. **News Release**

Neither Landlord nor Tenant will issue or approve a news release or other public announcement concerning this Lease without the prior approval of the other as to the contents of the announcement and its release, which approval will not be unreasonably withheld.

19. **General Provisions**

a. Landlord shall have the right to enter the Premises (but not any buildings or improvements) at all reasonable times upon 24 hours' notice, except no notice shall be required in case of emergency or in cases of necessary access to respond to the emergency. Landlord will make every effort not to unreasonably disrupt Tenant's business.

b. Waiver of any term, covenant, or condition of this Lease shall not be deemed to be a waiver of such term, covenant, or condition, or of any subsequent breach of the same or any other term, covenant, or condition of this Lease. The subsequent acceptance of rent by Landlord shall not be deemed to be a waiver of any preceding default by tenant of any term, covenant, or condition of this Lease, other than the failure of Tenant to pay the particular rent so accepted, regardless of Landlord's knowledge of such preceding default at the time of the acceptance of such rent.

c. Time is of the essence of this Lease.

d. The covenants and conditions herein contained, subject to the restrictions hereof as to assignment, shall apply to and bind the heirs, successors, executors, administrators, and assigns of the parties hereto.

e. This Lease contains all of the agreements of the parties hereto with respect to any matter covered or mentioned in this Lease and no prior agreements or understanding pertaining to any such matters shall be effective for any purpose. No provision of this Lease may be amended or added to except by an agreement in writing signed by the parties hereto.

f. This Lease shall be governed by and interpreted in accordance with the laws of the state of Oregon.

g. In the event of any action or proceeding brought by either party against the other to enforce or interpret this Lease, or relating thereto, the prevailing party shall be entitled to recover the fees of its attorneys in such action or proceeding, including on appeal, in such amount as the court may adjudge reasonable.

h. Upon request of Landlord, Tenant will in writing subordinate its rights hereunder to the lien of any mortgage or deed of trust, to any bank, insurance company, or other lending institution, now or hereafter in force against the Premises (but not the improvements, fixtures or buildings), and to all advances made or hereafter to be made upon the security thereof, provided the writing shall provide that Tenant shall continue to enjoy quiet enjoyment of the Premises in the absence of default by Tenant.

i. All notices and demands to be given by either party shall be in writing. All notices and demands by Landlord to Tenant may be hand delivered or sent by United States Mail, via certified mail, return receipt requested, postage prepaid, addressed to Tenant at the Premises, or to such other place as Tenant may from time to time designate by written notice to Landlord. All notices and demands by Tenant to Landlord may be hand delivered or sent by United States Mail, via certified mail, return receipt requested, postage prepaid, addressed to Landlord at the address set forth below, or to such other person or place as Landlord may from time to time designate by written notice to Tenant.

To Landlord at:

Rogers Land Co., L.L.C.
Attn.: Frank L. Rogers
8864 SE 82nd Street
Portland, OR 97266

With a copy to:

Steven C. Johnson
21825 SE Stark Street, Suite C
PO Box 1003
Gresham, OR 97030

To Tenant at:

Washman, LLC
Attn.: David B. Tarlow
PO Box 4124
Portland, OR 97208

With a copy to:

Thomas R. Rask, III
Kell, Alterman & Runstein, L.L.P.
520 SW Yamhill St., Suite 600
Portland, OR 97204-1329

j. The parties acknowledge and agree that Tenant may elect to terminate this Lease at any time without any liability to Landlord whatsoever if Tenant is unable to obtain all necessary governmental licenses and permits to construct the Car Wash Facility with a design, operation and placement of structures approved by Tenant in Tenant's sole discretion.

k. If a condemning authority takes all the Premises or a portion sufficient to render the remaining Premises reasonably unsuitable for Tenant's use, Tenant shall have the option to terminate the Lease upon written notice to Landlord given within sixty (60) days of Tenant's receipt of notice of the taking. In such event, the Lease shall terminate as of the date title vests in the condemning authority. Landlord shall be entitled to all the proceeds of condemnation for the Land, and Tenant shall be entitled to all of the proceeds of condemnation of the Car Wash Facility and all damages associated with the condemnation of the Car Wash Facility; provided, however, Landlord shall be entitled to a pro-rata share of the proceeds of the condemnation of the Car Wash Facility equal to the percentage \$275,000 is of the total value of the Car Wash Facility. For example, if the Car Wash Facility is valued at \$2,750,000, then the Landlord would receive ten percent (10%) of the damages associated with the condemnation of the Car Wash Facility.

l. Each individual executing this Lease on behalf of Tenant represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of Tenant and that this Lease is lawful and binding on Tenant.

IN WITNESS HEREOF, we have signed this Ground Lease effective as of the day and year first mentioned above.

LANDLORD:

ROGERS LAND CO., L.L.C., an Oregon
limited liability company

BY Frank L. Rogers
Frank L. Rogers, Managing Member

12-12-17

TENANT:

WASHMAN, LLC, an Oregon limited
liability company

BY Mark A. Hanna 12-13-17
Mark A. Hanna, Member

BY Kirk D. Hanna 12-13-17
Kirk D. Hanna, Member

FLR

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KA

COMMERCIAL LEASE AGREEMENT
EXHIBIT "A"

Legal description of leased premises at 8864 SE 82nd Avenue, Portland, Oregon

PARCEL I:

Lots 9 and 10, Block 6, DOVER PARK, in the County of Clackamas, State of Oregon.

PARCEL II:

Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S. 28, T. 1 S. R., 2E. of the W.M., in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point 651 feet South and 30 feet East of the Section Corner common to Sections 20, 21, 28 and 29, in Townships 1 S.R. 2E. of the W.M., and on the East line of SE 82nd Avenue; thence East and parallel with the North line of Section 28, 205 feet; thence South, and parallel with the East line of SE 82nd Avenue, 168 feet; thence West and parallel with the North line of Section 28, 95 feet; thence South and parallel with the East line of SE 82nd Avenue, 100 feet; thence West and parallel with the North line of Section 28, 120 feet to the East line of SE 82nd Avenue; thence North along the East line of SE 82nd Avenue, 268 feet to the place of beginning, all in Clackamas County, State of Oregon and also commonly known as 8864 Southeast 82nd Avenue, Portland, Clackamas County, Oregon.

EXHIBIT "A"

101

Rogers

Grantor's Name and Address
Rogers Land Co., LLC

Grantee's Name and Address
 After recording, return to (Name, Address, Zip):
Steven C. Johnson
P.O. Box 1003
Gresham, OR 97030

Until requested otherwise, send all tax statements to (Name, Address, Zip):
No Change

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2002-041189



\$31.00

04/30/2002 11:11:44 AM

D-D Cnt=1 Stn=2 MIKE
\$10.00 \$11.00 \$10.00

FOR RECORDEES USE No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that Lonnie A. Rogers and Dorothy L. Rogers, Husband and Wife, and Frank L. Rogers and Joyce A. Rogers, Husband and Wife hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by Rogers Land Co., LLC

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows, to-wit:

See attached Exhibit A

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): Lease dated March, 2000 to Fleetwood Retail Corp of Oregon

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration. (The sentence between the symbols , if not applicable, should be deleted. See ORS 93.002.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on April 25, 2002; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.950.

Lonnie A. Rogers Dorothy L. Rogers
Lonnie A. Rogers Dorothy L. Rogers
Frank L. Rogers
Frank L. Rogers
Joyce A. Rogers
Joyce A. Rogers

STATE OF OREGON, County of Multnomah ss.
This instrument was acknowledged before me on April 25, 2002,
by Lonnie A. Rogers; Dorothy L. Rogers; Frank L. Rogers; and
This instrument was acknowledged before me on Joyce A. Rogers
by _____



[Signature]
Notary Public for Oregon
My commission expires 10-9-03

EXHIBIT "A"

PARCEL I:

Lots 9 and 10, Block 6, DOVER PARK, in the County of Clackamas, State of Oregon.

PARCEL II:

Part of the NW 1/4 of the NW 1/4 of S. 28, T. 1 S. R., 2E of the W.M., in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point 651 feet South and 30 feet East of the Section Corner common to Sections 20, 21, 28 and 29, in Townships 1 S.R. 2E. of the W.M., and on the east line of SE 82nd Avenue; thence East and parallel with the north line of Section 28, 205 feet; thence South, and parallel with the east line of SE 82nd Avenue, 168 feet; thence West and parallel with the north line of Section 28, 85 feet; thence South and parallel with the east line of SE 82nd Avenue, 100 feet; thence West and parallel with the north line of Section 28, 120 feet to the east line of SE 82nd Avenue; thence North along the east line of SE 82nd Avenue, 268 feet to the place of beginning, all in Clackamas County, State of Oregon and also commonly known as 8864 Southeast 82nd Avenue, Portland, Clackamas County, Oregon.

(2)

Exhibit "A"

NO

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

John M. Paul & Peggy R. Paul
5172 Bluemound Rd
Rolling Hills Estates, California 90247

Grantor's Name and Address

John M. Paul & Peggy R. Paul, Trustees
Paul Family Trust, 7-15-05
5172 Bluemound Rd
Rolling Hills Estates, California 90247

After recording, return to (Name, Address, Zip):

John M. Paul & Peggy R. Paul *Chris Curran*
5172 Bluemound Rd
Rolling Hills Estates, California 90247

Until requested otherwise, send all tax statements to (Name, Address, Zip):

John M. Paul & Peggy R. Paul
5172 Bluemound Rd
Rolling Hills Estates, California 90247

STATE OF OREGON,
County of _____) ss.

Clackamas County Official Records 2005-078582
Sherry Hall, County Clerk



\$31.00

00871103200500785820020026

08/17/2005 02:00:21 PM

D-D Cnt=1 Str=9 TNAJAR
\$10.00 \$11.00 \$10.00

By _____, Deputy.

WARRANTY DEED

(INDIVIDUAL OR CORPORATE GRANTOR)

John M. Paul & Peggy R. Paul, husband & wife, Grantor,

conveys and warrants to John M. Paul & Peggy R. Paul, Trustees, Paul Family Trust 7-15-05, Grantees,
the following described real property free from encumbrances, except as specifically set forth herein, situated in Clackamas
County, Oregon, to-wit:

Parcel I:

Lots 5 and 6, Block 6, Dover Park, in the County of Clackamas and State of Oregon.

Parcel II:

Part of the Northwest quarter of the Northwest quarter of Section 28, T. 1s., R. 2E. of the W.M., in the
County of Clackamas and State of Oregon, described as: Beginning at a point which is the Northeast
corner of that certain tract of land conveyed to L.W. Rogers by deed, recorded April 1, 1946 in Book 364,
page 140, Deed Records, which point is South 651 feet and East 235 feet from the Northwest corner of
(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The property is free from all encumbrances except (if none, so state):

The true consideration for this conveyance is \$ 0 (Here, comply with the requirements of ORS 93.030.)

Dated July 22, 2005: if a corporate grantor, it has caused its name to be signed and its seal, if any,
affixed by an officer or other person duly authorized to do so by order of its board of directors

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-
LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPRO-
PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES
AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

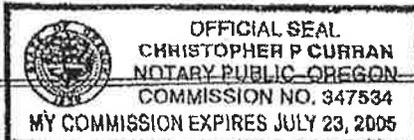
John M. Paul
Peggy R. Paul

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on July 22, 2005
by John M. Paul & Peggy R. Paul

This instrument was acknowledged before me on _____
by _____
as _____
of _____

Christopher P. Curran
Notary Public for Oregon
My commission expires 7-23-2005



Section 28; running thence south along the East line of said Rogers tract 168 feet; thence East parallel with the North line of said Section 28, 85 feet to the East Line of a tract conveyed to Edith B. Rogers, by deed recorded June 28, 1946, in Book 370, page 413, Deed Records; thence North along the East line of said Rogers tract 168 feet to the Northeast corner thereof; thence West parallel with the North line of said Section 28, 85 feet to the place of beginning.

Parcel III:

Part of the Northwest quarter of the Northwest quarter of Section 28, T. 1s., R. 2E. of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows: Beginning at a point which is the Northeast corner of that tract of land conveyed to L. W. Rogers, by deed recorded April 1, 1946 in Book 364, page 140 Deed Records; which point is South 651 feet and East 235 feet from the Northwest corner of said Section 28; thence South along the East line of said Rogers tract, 168 feet; thence West, parallel with the North line of said Section 28, a distance of 5 feet; thence North 168 feet; thence East 5 feet to the point of beginning.

Aka, 8240 SE Cornwell St, Portland, Oregon 97266

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PARCEL II

Part of the Northwest quarter of the Northwest quarter of Section 28, T. 1S., R. 2E. of the W.M., in the County of Clackamas and State of Oregon, described as: Beginning at a point which is the Northeast corner of that certain tract of land conveyed to L.W. Rogers by deed, recorded April 1, 1946 in Book 364, page 140, Deed Records, which point is South 651 feet and East 235 feet from the Northwest corner of Section 28; running thence South along the East line of said Rogers tract 168 feet; thence East parallel with the North line of said Section 28, 85 feet to the East line of a tract conveyed to Edith B. Rogers, by deed recorded June 28, 1946, in Book 370, page 413, Deed Records; thence North along the East line of said Rogers tract 168 feet to the Northeast corner thereof; thence West parallel with the North line of said Section 28, 85 feet to the place of beginning.

PARCEL III

Part of the Northwest quarter of the Northwest quarter of Section 28, T. 1S., R. 2E. of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows: Beginning at a point which is the Northeast corner of that tract of land conveyed to L.W. Rogers, by deed recorded April 1, 1946 in Book 364, page 140, Deed Records; which point is South 651 feet and East 235 feet from the Northwest corner of said Section 28; thence South along the East line of said Rogers tract, 168 feet; thence West, parallel with the North line of said Section 28, a distance of 5 feet; thence North 168 feet; thence East 5 feet to the point of beginning.

and commonly known as 8240 SE Cornwell Ave., Happy Valley, Oregon 97086 ("Paul Property").

2.

Parcel III of the Paul Property was conveyed by Defendant Rogers Land Co., L.L.C.'s ("Rogers") predecessor to the Pauls' predecessor by Warranty Deed recorded June 22, 1958 in the real property records of Clackamas County as Book 542, Page 120.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

JOHN M. PAUL and PEGGY R. PAUL, as
Trustees of the Paul Family Trust 7-15-05,

Plaintiffs,

v.

ROGERS LAND CO., L.L.C., an Oregon
limited liability company; and WASHMAN,
LLC, an Oregon limited liability company,

Defendants.

Case No. _____

COMPLAINT

(QUIET TITLE, EJECTMENT,
CONVERSION, INJUNCTION)

Filing Fee Pursuant to ORS 21.160(1)(a):
\$170

Prayer Amount: \$5,000.00

**NOT SUBJECT TO MANDATORY
ARBITRATION**

For their Complaint, Plaintiffs John M. Paul and Peggy R. Paul, as Trustees of the Paul
Family Trust 7-15-05 (collectively, the "Pauls") allege as follows:

1.

Plaintiffs are now, and at all material times have been, the fee simple owners of certain
real property located in Clackamas County, Oregon and described as follows:

PARCEL I

Lots 5 and 6, Block 6, DOVER PARK, in the County of
Clackamas and State of Oregon.

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3.

4.

The real property owned by Defendant Rogers' predecessor was thereafter described in relevant part as follows:

Part of the Northwest quarter of the Northwest quarter of Section 28, T. 1S., R. 2E., of the W.M., in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point 651 feet South and 30 feet East of the Section Corner common to Sections 20, 21, 28 and 29, in Townships 1 S. R. 2E. of the W.M., and on the east line of SE 82nd Avenue; thence East and parallel with the north line of Section 28, 205 feet; thence South, and parallel with the east line of SE 82nd Avenue, 168 feet; thence West and parallel with the north line of Section 28, 85 feet; thence South and parallel with the east line of SE 82nd Avenue, 50 feet; thence West and parallel with the north line of Section 28, 120 feet to the east line of SE 82nd Avenue; thence North along the east line of SE 82nd Avenue, 218 feet to the place of beginning, EXCEPTING THEREFROM that tract conveyed to Fred C. Warmier, et ux, by deed recorded June 22, 1958 in Book 542, page 120 Deed Records. * * *

("Rogers Property").

Defendant Rogers now purports to own certain real property located in Clackamas County, Oregon and described as follows:

PARCEL I

Lots 9 and 10, Block 6, DOVER PARK, in the County of Clackamas, State of Oregon.

PARCEL II

Part of the Northwest 1/4 of the Northwest 1/4 of Section 28, T. 1S. R. 2E. of the W.M., in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point 651 feet South and 30 feet East of the Section Corner common to Sections 20, 21, 28 and 29, in Townships 1 S.

1 R. 2E. of the W.M., and on the east line of SE 82nd Avenue;
2 thence East and parallel with the north line of Section 28, 205
3 feet; thence South, and parallel with the east line of SE 82nd
4 Avenue, 168 feet; thence West and parallel with the north line of
5 Section 28, 85 feet; thence South and parallel with the east line of
6 SE 82nd Avenue, 100 feet; thence West and parallel with the
north line of Section 28, 120 feet to the east line of SE 82nd
Avenue; thence North along the east line of SE 82nd Avenue, 268
feet to the place of beginning, all in Clackamas County, State of
Oregon

7 and commonly known as 8864 Southeast 82nd Ave., Happy Valley, Oregon 97086 ("Purported
8 Rogers Property").

9 5.

10 The description of the Purported Rogers Property unlawfully includes Parcel III of the
11 Paul Property.

12 6.

13 In or about December 2017, Defendant Rogers entered into a lease with Defendant
14 Washman, LLC ("Washman") for the property described as the Purported Rogers Property,
15 which unlawfully included Parcel III of the Paul Property.

16 7.

17 Rogers and Washman are now attempting to develop the Purported Rogers Property.

18 8.

19 In the process of their attempted development, Rogers has held itself out to be the owner
20 and lessor of the Purported Rogers Property, and Washman has held itself out to be the lessee of
21 the Purported Rogers Property.

22 9.

23 On or about March 19, 2018, Rogers and Washman unlawfully removed a fence that was
24 located on Parcel III of the Paul Property ("Fence").

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10.

Rogers and Washman have attempted, and continue to attempt, to take possession of Parcel III of the Paul Property.

FIRST CLAIM FOR RELIEF
(Quiet Title)

11.

The Pauls re-allege paragraphs 1 through 10, above.

12.

Rogers claims an interest adverse to the Pauls' interest in Parcel III of the Paul Property, and the claims of Rogers are without merit.

13.

Washman claims an interest adverse to the Pauls' interest in Parcel III of the Paul Property, and the claims of Washman are without merit.

14.

To the extent Parcel III of the Paul Property is not in the possession of Rogers and/or Washman, it is not in the actual possession of any person other than the Pauls.

15.

The Pauls have no plain, speedy, or adequate remedy at law.

16.

The Pauls are entitled to a declaration that the Pauls are the fee simple owners of Parcel III of the Paul Property and entitled to possession thereof, free of any estate, title, claim, lien or interest of Rogers or Washman, or those claiming under Rogers or Washman, and quieting title in Parcel III of the Paul Property in the Pauls.

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SECOND CLAIM FOR RELIEF

(Ejection—In the Alternative to First Claim for Relief)

17.

The Pauls re-allege paragraphs 1 through 10, above.

18.

To the extent that Rogers and/or Washman assume or assert possession of any portion of Parcel III of the Paul Property, Rogers and/or Washman wrongfully withhold possession of said property.

19.

The Paul are entitled to possession of Parcel III of the Paul Property as fee simple owners of that property.

20.

The Pauls are entitled to a declaration that the Pauls are the fee simple owners of Parcel III of the Paul Property and entitled to possession thereof, free of any estate, title, claim, lien or interest of Rogers or Washman, or those claiming under Rogers or Washman, and ejecting Rogers and Washman from Parcel III of the Paul Property.

THIRD CLAIM FOR RELIEF

(Conversion)

21.

The Pauls re-allege paragraphs 1 through 10, above.

22.

The removal of the Fence by Rogers and Washman was an intentional exercise of control over the Fence which so seriously interfered with the right of the Pauls to control the Fence that Rogers and Washman should be required to pay for the full value of the Fence.

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23.

The Pauls are entitled to an award of damages against Rogers and Washman, jointly and severally, in an amount to be proven at trial, but estimated to be no less than \$5,000.00, for the full value of the Fence, together with prejudgment interest at the statutory rate from March 19, 2018 until paid;

24.

The Pauls reserve the right to amend their Complaint to seek punitive damages as provided by ORS 31.725.

FOURTH CLAIM FOR RELIEF

(Injunction)

25.

The Pauls re-allege paragraphs 1 through 10, above.

26.

Rogers and Washman are currently attempting to develop the Purported Rogers Property.

27.

The Court should enjoin any attempted development of the Purported Rogers Property until the parties' claims herein are resolved.

WHEREFORE, the Pauls pray for judgment against Rogers and Washman as follows:

1. On their First Claim for Relief, for a declaration that the Pauls are the fee simple owners of Parcel III of the Paul Property and entitled to possession thereof, free of any estate, title, claim, lien or interest of Rogers or Washman, or those claiming under Rogers or Washman, and quieting title in Parcel III of the Paul Property in the Pauls.

2. On their Second Claim for Relief, for a declaration that the Pauls are the fee simple owners of Parcel III of the Paul Property and entitled to possession thereof, free of any

1 estate, title, claim, lien or interest of Rogers or Washman, or those claiming under Rogers or
2 Washman, and ejecting Rogers and Washman from Parcel III of the Paul Property.

3 3. On their Third Claim for Relief, for an award of damages against Rogers and
4 Washman, jointly and severally, in an amount to be proven at trial, but estimated to be no less
5 than \$5,000.00, for the full value of the Fence, together with prejudgment interest at the
6 statutory rate from March 19, 2018 until paid;

7 4. On their Fourth Claim for Relief, for an injunction against Rogers and Washman
8 enjoining any attempted development of the Purported Rogers Property.

9 5. For an award of costs and disbursements incurred herein; and

10 6. For such other and further relief as this Court may deem just and equitable.

11

12 DATED this 3rd day of September, 2019.

13

McEWEN GISVOLD LLP

14

15

s/ Katie Jo Johnson
Katie Jo Johnson, OSB No. 063823
Email: katiejoj@mcewengisvold.com
Of Attorneys for Plaintiff

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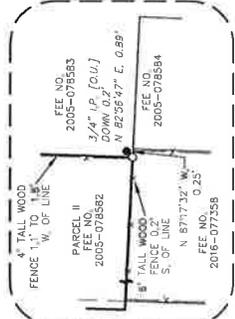
CLACKAMAS COUNTY SURVEYOR
 RECEIVED: _____
 ACCEPTED FOR FILING: _____
 SURVEY NO. _____

RECORD OF SURVEY
 FOR:
PEGGY & JOHN PAUL
 IN THE NW 1/4 OF SECTION 28
 T.1S, R.2E, W.M.
 CLACKAMAS COUNTY, OREGON

APRIL XX, 2019



NORTH



SE. CLATSOP STREET

MULTNOMAH COUNTY
 CLACKAMAS COUNTY

SE. CORNWELL STREET
 (PLAT NO. 1917)

PLEASANT LITTLE HOMES NO. 3
 (PLAT NO. 34)

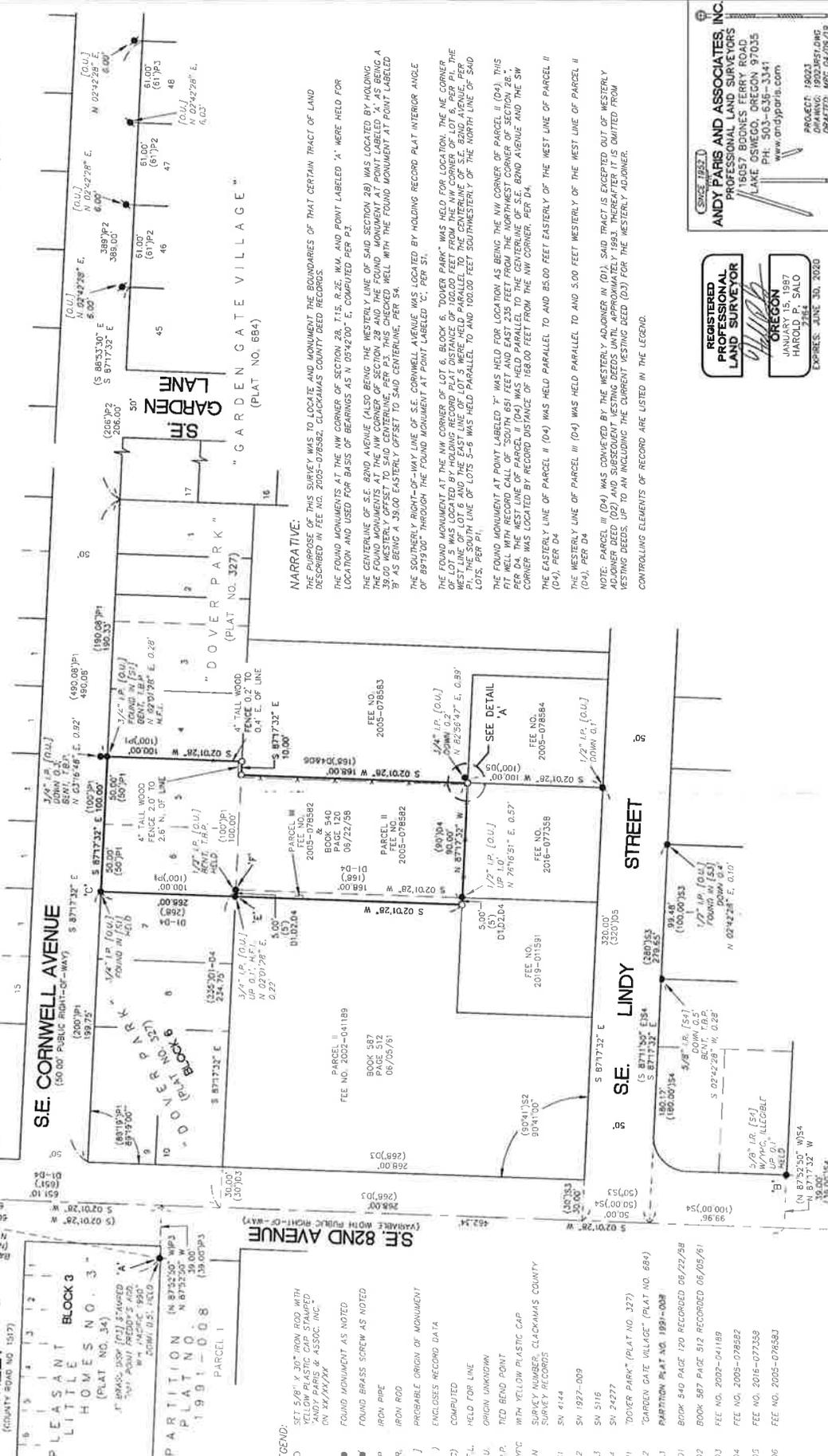
PARTITION (N 87°52'50\"/>
 191-008

SE. CORNWELL AVENUE
 (50' PUBLIC RIGHT-OF-WAY)

SE. 82ND AVENUE
 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

LEGEND:

- O SET 5/8\"/>
- FOUND BRASS SCREW AS NOTED
- IP IRON PIPE
- IR IRON ROD
- () PROBABLE ORIGIN OF MONUMENT
- () ENCLOSED RECORD DATA
- (C) COMPUTED
- H.F.L. HELD FOR LINE
- D.L. ORIGIN UNKNOWN
- T.B.P. TIED BEND POINT
- W/M/C WITH YELLOW PLASTIC CAP
- SW SURVEY NUMBER, CLACKAMAS COUNTY
- S1 SV 4144
- S2 SV 1927-009
- S3 SV 5116
- S4 SV 24277
- P1 "DOVER PARK" (PLAT NO. 327)
- P2 "GARDEN GATE VILLAGE" (PLAT NO. 684)
- P3 PARTITION PLAT NO. 199-008
- D1 BOOK 540 PAGE 120 RECORDED 06/22/58
- D2 BOOK 587 PAGE 912 RECORDED 06/05/61
- D3 FEE NO. 2002-04189
- D4 FEE NO. 2005-078582
- D5 FEE NO. 2016-077358
- D6 FEE NO. 2005-076583



NARRATIVE:
 THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MONUMENT THE BOUNDARIES OF THAT CERTAIN TRACT OF LAND DESCRIBED IN FEE NO. 2005-076582, CLACKAMAS COUNTY DEED RECORDS.
 THE FOUND MONUMENTS AT THE NW CORNER OF SECTION 28, T.1S, R.2E, W.M. AND POINT LABELED 'A' WERE HELD FOR LOCATION AND USED FOR BASIS OF BEARINGS AS N 05°42'00\"/>

THE CENTERLINE OF S.E. 82ND AVENUE (ALSO BEING THE WESTERLY LINE OF SAID SECTION 28) WAS LOCATED BY HOLDING THE FOUND MONUMENTS AT THE NW CORNER OF SECTION 28 AND THE FOUND MONUMENT AT POINT LABELED 'A', AS BEING A 39.00 FOOT EASTERLY OFFSET TO SAID CENTERLINE, PER 34.
 THE SOUTHERLY RIGHT-OF-WAY LINE OF S.E. CORNWELL AVENUE WAS LOCATED BY HOLDING RECORD PLAT INTERIOR ANGLE OF 89°19'00\"/>

THE FOUND MONUMENT AT THE NW CORNER OF LOT 6, BLOCK 6, "DOVER PARK" WAS HELD FOR LOCATION. THE NE CORNER OF SAID LOT 6, BLOCK 6, "DOVER PARK" WAS HELD FOR LOCATION. THE WEST LINE OF SAID LOT 6, BLOCK 6, "DOVER PARK" WAS HELD PARALLEL TO THE CENTERLINE OF S.E. 82ND AVENUE, PER P1, AS BEING A 39.00 FOOT EASTERLY OFFSET TO SAID CENTERLINE, TO AND 100.00 FEET SOUTHWESTERLY OF THE NORTH LINE OF SAID LOTS, PER P1.
 THE FOUND MONUMENT AT POINT LABELED '7' WAS HELD FOR LOCATION AS BEING THE NW CORNER OF PARCEL II (D4). THIS POINT WAS HELD WITH RECORD CALL OF "SOUTH 851 FEET AND EAST 238 FEET FROM THE NORTHWEST CORNER OF SECTION 28\"/>

THE WESTERLY LINE OF PARCEL II (D4) WAS HELD PARALLEL TO THE CENTERLINE OF S.E. 82ND AVENUE AND THE SW CORNER WAS LOCATED BY RECORD DISTANCE OF 186.00 FEET FROM THE NW CORNER, PER D4.
 THE EASTERLY LINE OF PARCEL II (D4) WAS HELD PARALLEL TO AND 85.00 FEET EASTERLY OF THE WEST LINE OF PARCEL II (D4), PER D4.
 THE WESTERLY LINE OF PARCEL III (D4) WAS HELD PARALLEL TO AND 5.00 FEET WESTERLY OF THE WEST LINE OF PARCEL II (D4), PER D4.
 THE WESTERLY LINE OF PARCEL IV (D4) WAS HELD PARALLEL TO AND 5.00 FEET WESTERLY OF THE WEST LINE OF PARCEL II (D4), PER D4.
 PARCEL III (D2) WAS CONVEYED BY THE WESTERLY ADJOINER IN (D1). SAID TRACT IS ERECTED OUT OF WESTERLY ADJOINER DEED (D2) AND SUGGESTED RESTING DEEDS UNTIL APPROXIMATELY 1981, THEREAFTER IT IS LIMITED FROM WESTING DEEDS, UP TO AN INCLUDING THE CURRENT VESTING DEED (D3) FOR THE WESTERLY ADJOINER.
 CONTROLLING ELEMENTS OF RECORD ARE LISTED IN THE LEGEND.

REGISTERED PROFESSIONAL LAND SURVEYOR
 ANDY PARIS AND ASSOCIATES, INC.
 1000 NE 10TH AVENUE
 LAKE OSWEGO, OREGON 97035
 PH: 503-635-5341
 www.andyparis.com

REGISTERED PROFESSIONAL LAND SURVEYOR
 HAROLD P. SALO
 OREGON
 JANUARY 15, 1987
 EXPIRES: JUNE 30, 2020

PROJECT: 19021
 DRAWN: 19021.DWG
 DATED: MFC 04/05/19

RECEIVED

Projected traffic overload Oct 9 2019

OCT 9 2019

Clackamas County
Planning & Zoning Division

\ This in regards to the property at 8864 S.E. 82nd Avenue and the proposed Washman Car Wash project.

This project has been in the works for two years and there have been several changes to the layout, specifically the entry and exit location. This will impact residential, investment, and/or business property. These are my personal concerns, and whichever category you fall under, you should be concerned. At one point Ray's Auto Wash was neither for or against Washman at this location, the opinion changed after their final plan was submitted. First and upfront is the location of the entry and exit. Lindy avenue can only handle so much traffic before it becomes a traffic jam. This could have a financial impact to the surrounding businesses when there's too much congestion, making it inconvenient to enter the side streets, and the residential properties could be an impractical place to live. Two-way traffic from a high volume business will create an overwhelming situation for Lindy avenue, the easement road, and Augusta National avenue. The easement road on the William Bitar and associates property was never intended to feed a high volume business with two-way entry/exit traffic at the same location. Also, it is in direct line for their main feed to the facility and will see a large percentage of customer travel. There have been no impact studies for Lindy avenue, Augusta National avenue, the easement road, or Cornwell avenue

I am a second generation Self-Service Car Wash owner. My parents bought Ray's Auto Wash in 1965 and passed it on to me 25 years ago. We have been at this location for 55 years, and I know the Car Washing industry inside and out with trends, traffic flow, seasonal peaks and production possibilities. In terms of numbers and expected impact on Lindy avenue, you can

look online at the amount of cars per hour an automatic tunnel car wash can turn over. Coleman Hannah offers a conveyor tunnel which washes 130 cars per hour. Sonny's carwash factory has a full hybrid tunnel that does up to 180 cars per hour. Tommy carwash has a tunnel that can do 196 per hr and 2,300 in a day. This is Washman's biggest location by far with a capability that is far beyond what the other locations are capable of, and by looking at those numbers, the technology has the capacity to change the traffic layout of Lindy Ave., surrounding side streets and 82nd Ave. I have not found any written information on what size/type of tunnel Washman will employ in their design. Washman's impact study to Clackamas County lists the proposed output is anticipated to generate 58 primary pm peak hour trips. I don't believe this number is realistic - The technology they may implement could produce 3 times that. They are a four lane feed carwash on two acres, and have a tunnel length 210 feet. They have made statements that their projected output will wash near 100 per hr, and even this number is not realistic. This same impact study indicates the queue lengths at all study areas are at or slightly exceed storage capacity, indicating that the S.E. 82nd avenue corridor is nearing capacity conditions. Ray's Auto Wash moves about 30 cars per hour on busy days. July 2019 was very busy for Ray's Auto Wash with several maximum production days, and many that were almost there. Sometimes the entire month of July near maximum production, weather permitting. I would suggest Washman follows the same business/output trends.

That leads me to my proposition. Lindy avenue, the easement road, Augusta National avenue and Cornwell avenue should be evaluated regarding these concerns:

1. Peak season potential
2. Maximum production capability
3. Easement road capabilities,

- Specifically, the sharp corner that goes around Columbia bank, which limits two large vehicles at a time.
4. Max production capability, and the effects on the Southbound turn access onto 82nd avenue from Augusta National avenue. Customers leaving the Washman facility will most likely choose the easement road for an exit when Lindy avenue becomes backed up. With no traffic control, south bound turns are tough.
 5. Max production capability, and the effects on the Southbound turn access onto 82nd avenue from Lindy avenue. There are a high amount crosswalk pedestrians due to the closing of Foster Road Fred Meyer. This slows the whole process drastically. As it works now, sometimes the light to go is green but the traffic from southbound 82nd avenue is backed up from a congested Johnson creek intersection, making it even more difficult to turn onto 82nd. Also, including holiday season traffic may make the situation even more impractical. That pattern starts in mid Nov. and goes to Jan.
 6. Traffic load capabilities for Lindy avenue on seasonal peak washing days by similar businesses. Both businesses have the same trends for input/output.
 7. Traffic impact studies, and traffic load capabilities for Lindy ave, Augusta National ave, the easement road and Cornwell avenue
 8. Residential property. Lindy avenue is a dead end road with seven residential properties that only have one entrance/exit.
 9. Emergency services capabilities with maximum production on Lindy avenue, Augusta National avenue and the easement road.
 10. Ray's Auto Wash #5 Bay was designed to accommodate Large Vehicles such as Motor Homes, Large Box and Tractor Trailer Trucks, and sailboats (as seen on

www.raysautowash.com), Entry and exit will be compromised by excess traffic on Lindy avenue or the easement road. With the traffic increase they may not be able to use the easement road to exit creating a tough situation that's not currently being planned for. The bay can be seen on the Ray's Auto Wash website.

11. Currently the bus stop at 82nd and Lindy slows traffic to one lane that impedes traffic flow, that encourages people to turn down Augusta National avenue and use the back easement road. A relief bus lane on the Washman Property was proposed at one time and was never passed on to the final plan. This is the only opportunity to allow 82nd Ave to continue to flow at a busy trimet bus stop. Previously the bus cut out was forced on the Unocal gas station Smoker Friendly convenience store all done during the design and review of that development. Whoever develops that property should be required to accommodate 82nd by doing this. A bus relief lane should be developed to relieve traffic on 82nd during bus stopping times.

Currently there are 2 separate pieces of property on the Bitar and Associates property that are looking for lease tenants, they will also be using these side streets. One of which is on the easement road. Currently there are 4 residential properties on the south side of Lindy avenue east of the projected Washman site that are zoned commercial. When and if those investment properties sell, those tenants will also need access to 82nd. Lindy is a dead end with one way in/out

As stated before, Ray's Auto Wash was open to the idea of being able to coexist with the Washman project until the final plan projected an overwhelming and obvious problem. When the pros and cons of Washman are layed out, there are a lot of good pros such as economic growth

and tax dollars from 82nd avenue corridor. It has one overwhelming con. and that's the traffic flow increase imposed by allowing a high flow entry and exit on the same side of businesses right next to each other. Impact studies have not been done on the aforementioned side streets. Correct real number studies have to be made in the right locations or there will be financial implications for existing businesses and residential investment properties. There are a lot of concerns that need to be addressed before this plan as projected is allowed to move forward. Disappointment in what Washman has been able to use as information on their application.

Using a car wash/gas station for a noise evaluation from N. Lombard that's half the size as the proposed Happy Valley site in square footage and not even close to the production possibilities. Also, the noise evaluation was conducted on the 4th of July, which could be considered one of the loudest days of the year.

It's absolutely deceiving to submit to Clackamas County that the expected output for Washman is around 58 cars per hour. With the addition of a 4 lane feed tunnel wash on 2 acres of the current car wash technology, it is ridiculous to submit an unrealistic number, when it's very possible for them to wash 3 times what they are submitting to Clackamas County Planning. I think the applicant should be held accountable to a more accurate number of max production.

Its upsetting to me, as a business owner of 55 years at this location, to accept a new, similar business right at Ray's Auto Wash entry/exit, while also having their final plan accepted on inaccurate, deceiving numbers to appease an oversaturated 82nd avenue. Through deception to Clackamas county planning, who took it as fact. On some days this will have a financial impact for Ray's Auto Wash. Clackamas County Planning should be protecting existing

businesses and evaluate how the proposed plan fits into the mix. This is exactly why accurate studies need to be done.

1. Clackamas County Plannings rebuttal to their traffic report states adding a signal modification to 82nd Ave/SE Lindy street signal would be needed. I'm taking into question if that's all that needs to be done? Just stopping 82nd Ave traffic for a few seconds to a minute backs it up more. The Lindy ave. turn signal should not be controlling 82nd avenue due to a poorly placed entry exit from a business that has too many concerns to be located in this congested corridor. With only six cars able to fit on Lindy ave -a dead end street with residential properties - there is not enough storage space. The signal for southbound traffic will have to change at a non productive pace for 82nd avenue traffic flow. For example, look at the Kaady Carwash @ 2900 S.E. 70th in Hillsboro,. It is located on highway 8 for a reason.
2. In my experience, dripping wet cars leaving a carwash leave a trail to the street. I have watched that straightforward problem for years. Ray's Auto Wash does not produce enough cars (30 per hour) for water to reach the 82nd Ave intersection. Lindy avenue does get wet at times. Adding another 100 plus cars to the situation, and 82nd avenue will have a wet trail leading into the intersection and down the street. For example, shown here is the Washman Longview location satellite image taken from Google Earth. This will increase the traffic accident hazard due a wet street on a dry day. This could be a future liability concern.



3. Is this proposal to Clackamas County the most efficient utilization for land development.

There are more appropriate business scenarios that would be better served in this location. 55,000 square feet land with 4 employees at time would not be optimal. Most would have a less substantial impact and will come if the larger space is available.

Considering what is proposed in surrounding apartment complexes and with the closing of Ron's Restaurant, a business like Ron's restaurant would be a better fit for the current traffic situation or services offices to augment Clackamas Service Center both would be less of an impact on the corridor.

4. The traffic study that is being used (Thursday in May 2018) is not updated. 82nd Avenue South of Foster road has changed since the closing of Foster road Fred Meyer. Johnson Creek Fred Meyer now attracts more customers and there has been a big shift in the ways people access their local Fred Meyer. For example, look at the way they had to restructure their inside entry/exit to prevent thievery all in conjunction with the closing of the Foster road Fred Meyer. The pedestrian situation is not the same, and that does have an impact on traffic patterns on 82nd avenue.

5. The Rosewood Terrace Apartment complex with 215 parking places on Otty Road will have an impact on the Johnson Creek 82nd avenue intersection along with an additional 439 parking places for Heirloom Apartment complex on Luther and 82nd avenue. This is their direct access to I -205. This is all coming and being developed at the same time, and this area is being set up for a major change. If Washman reaches full production numbers before they congest the traffic situation, they will add up to 160 cars per hour for a possibility of 1500 or more a day. How is it possible for any study deduct that this will have a minor effect on 82nd avenue and the Lindy avenue intersection, and not a major

one? All cars that come to the area may come for one purpose - to wash and leave. The Max line was created to do directly the opposite and alleviate traffic from the I 205/82nd Ave corridor.

6. If Max production numbers are allowed to be used and should. 180 cars add up to 3 cars per minute, on a two way street that adds up to a mess of traffic. Storage on Lindy Ave. is known to be 6 in/6 out. In just 2 min the storage on Lindy is full not factoring that you have Ray's Auto Wash that will be having the same type for busy flow, if you can get in and out. A growing Black Rock Coffee, a busy Columbia Bank , a high volume gas station convenience store and two more properties to be leased will add traffic. At some point, Lindy avenue will have too big of an influence on 82nd avenue. I sympathize with the residents. It has been suggested that on some days it might be easier to park at Fred Meyer and walk home. When vacuum service is offered, this adds an irregular traffic flow that's hard to predict when customers will finish and leave. Washman has provided 27 vacuums that in fact could discharge 10 or more vehicles at the same time. Again, Lindy Ave does not have the storage, so the easement road will be utilized. This road was paid for and maintained by The Bill Bitar and Associates for service for their four lease tenants and was not meant for overflow traffic from a high volume car wash. I have not found any information that refers to this road. It has to factor into the situation? If not, it needs to be considered.
7. Ray's Auto Wash is well within the 300 foot limit for notice from the Clackamas County planning. I have never received any correspondence or notice regarding this project. I checked with Columbia Bank last week and it was the same situation. In fact, they had no knowledge of what was proposed. They now are behind the times in making their

concerns known. This has high level implications for access and structure of what we do everyday to survive

The financial implications run high as Washman has more than likely put out over 1mil. for this project considering law suits, lost property due to rezoning issues, lease fees and permit fees. This is small compared to what the surrounding community will be experiencing as property values will most likely decline, if you lose 5% of the value of a residential or rental house because of an undesirable location was imposed on your property that adds up alone to an undesirable number. Now think of what the financial loss could be for an entire high density neighborhood . Investment property could lose a percentage due to no traffic access on a dead end street or an undesirable living situation . Ray's Auto Wash had its best year ever in 2018, 2019 is right behind it. I made the 2.1 mile trip mile from Clackamas Town Center to the Multnomah county line, Ray's Auto Wash is the oldest running business in the Clackamas County 82nd avenue Corridor at 55 years and doing better than ever. It is also known as the oldest self Service Car Wash in Oregon. I would certainly hope Clackamas County Planning would be looking out for this as a factor in what this business has provided for the community over this 5 decade run. It's overwhelming to me as a second generation Car Wash owner to think I would turn a blind eye to the deception and consequences this project has projected on the community of Garden Gate, Lindy avenue, the surrounding business and commuters that shop and travel to these areas. This near saturate 82nd avenue Corridor is just not suitable for this type of high volume business.

1 Washman, LLC - ZO353-19

OCT 8 2019

I. Introduction

Clackamas County
Planning & Zoning Division

My name is Nadine Hanhan, and these preliminary comments are in response to an application for site design review filed on behalf of Washman, LLC (“Washman” or “Applicant”) on September 9, 2019. The application is for a proposed car wash in unincorporated Clackamas County. These preliminary comments are a response to the Washman’s application and how it does not meet certain criteria in the Clackamas County Zoning and Development Ordinances (“ZDO”).

II. The Transportation Impact Study (TIS) Submitted by the Applicant is Flawed and Merits Resubmission to the County.

This section will discuss the pertinent planning criteria regarding planning impacts, in particular ZDO 1007, which states, in part: The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.”

There is sufficient reason to believe that the Washman application will not meet this planning criteria. It is well-known that traffic on SE 82 Ave is heavy throughout the day. The subject site is located across the street from a Fred Meyer and, importantly, part of the subject site is adjacent to SE Lindy, which is a **dead-end** street. I also do not advocate for the opening up of the Cornwell Avenue exit (currently an emergency exit as stated by the applicant), because this would cause commercial traffic coming down our neighborhood. As the site design currently demonstrates in the application, the major entrance and exit is on SE Lindy Ave., which is a dead-end street that will wreak havoc on an already heavily-congested area. The neighborhood streets, Lindy (the dead-end street) and Cornwell, were not intended to be used as a through street for heavy commercial traffic.

I am currently still in the process of reviewing the applicant’s (TIS), which is based on analysis that analyzes additional generated trips within a narrow peak time. The TIS analysis results in the

2 Washman, LLC - ZO353-19

application state that the car wash would ultimately only generate 58 PM cars to peak times. These hours are arbitrary when one takes into consideration the peak-and-valley nature of the car wash business. The car wash business thrives on generating as much traffic as possible, and weather, holidays, and other factors play a role. Thus, it is misleading to apply general standards demonstrated in the TIS.

SE 82nd in particular is a major thoroughfare. As a visual example of current traffic conditions *outside of peak times*, see *Figure 1* below, which is a graphic depicting a TriMet bus and a school bus on the western side of the subject site. This photograph was taken at key hours to show what traffic is like when Tri-Met and the school bus stop drops off schoolchildren:

Figure 1 – Why Another Car Wash on 82nd is a Bad Idea



As demonstrated above, the two buses on 82nd turn this major thoroughfare going Northbound into a one-lane street. Envisioning a swarm of cars queueing up, with Fred Meyer to the left, and Johnson Creek to the South, will only serve to catalyze a “Car-pocalypse” on 82nd Ave. As of these comments, the Applicant has failed to represent how the traffic system will be impacted in a worst-case scenario,

3 Washman, LLC - ZO353-19

let alone how the school bus might be impacted by developing a drive-through service on a state highway. Given that the TIS only considered a limited peak time scenario for the subject site without incorporating the relevant nuances of a car wash business, the applicant has failed to make clear the real impacts to the transportation system.

I highly recommend that the County require the applicant to submit a new TIS to more appropriately evaluate traffic impacts as the TIS submitted in the application is misleading. The Clackamas County Comprehensive plan anticipates that the The Clackamas Regional Center (within which the subject site and our neighborhood are located) will be the focus of the most intense development and highest densities of employment and housing in our area.¹

III. Conclusion

A car wash is fundamentally different from other businesses. The profitability of a car wash lies in its ability to generate as much traffic as possible. 82nd Avenue is already congested, and residents on Cornwell and SE Lindy already have a difficult enough time getting in and out of our neighborhood. The way the roads are currently laid out, exiting onto 82nd, a major artery in the area, is a major challenge at most times, not just peak times of the day. A business designed to maximize traffic would exacerbate the situation to unknown and adverse levels.

Thus, the Applicant does not meet ZDO 1007.

Respectfully submitted,

Nadine Hanhan

¹ Clackamas County Comprehensive Plan Chapter 10. Page 10-CRC-2.

RECEIVED

OCT 6 2019

Comments for the Planning Department and Commission
Re: Z-0353-19-D Washman Car Wash

Clackamas County
Planning & Zoning Division

October 6, 2019

My husband and I are residents of the Garden Gate Neighborhood and our house is 2 houses down from the proposed car wash. We have a lot of concerns about what the effects of Washman are going to be on the neighborhood. We have found that there has been little transparency in the process as residents have not always been notified about what proposals are submitted, what stage the process is in, and cancelling or notifying about meeting with short term notice.

Traffic is already at capacity on 82nd almost any time of the day. Adding another 100 or so cars an hour from the car wash that will be using the stoplight on Lindy is going to increase both the risk for car accidents, but pedestrians accidents as well. That light was not meant for the kind of capacity that Washman is proposing. Lindy is a small neighborhood street and it is going to get backed up creating a slew of problems for the residents including intake of pollution from all the cars. The traffic study submitted does not take into account the specific factors that are involved with a Car Wash such as weather and time of year. Also the application states that 58 cars are expected, but judging from the size and scope of this wash it is likely to be much higher. What business aims to not run at capacity?

Having an entrance and exit on the same street is going to create traffic problems that will be frustrating to residents as well as to users of the wash. The plans show that there is an emergency exit on Cornwell that is used for deliveries as well. Who is going to be monitoring that this exit is not taken advantage of by cars frustrated by the long wait at the light on Lindy? We are concerned that this will not be monitored and eventually cars will just start using that exit and will just become a norm.

Noise is another major concern. This Carwash is less than 300 feet away from our house. We already deal with the noise of 82nd, the freeway and Max when we are home. Adding a car wash that is going to be open from 7 am to 10 pm is going to create a huge noise burden on my property and will make enjoying the yard frustrating. The noise barrier that is proposed is not going to do enough to help abate the noise pollution. Imagine hearing the sounds of vacuums all day every day from your house or yard.

Yet, another major concern is crime. This area already does see a lot of drug and other negative types of traffic due to our location near a community support center, the Springwater trail and the 205 path. Cornwell is one of the few streets that connects these things. Who is going to ensure that the Car Wash doesn't become another place for drugs to be used, bought and sold?

Air quality and water pollution are other issues of concern. Adding that many more cars to the area is sure to increase not only air pollution but water and ground pollution as well. As

someone that are new house owners trying to start our lives here we are concerned that all of these environmental factors are going to take away from a healthy future for us and our family. From reading the report these things are not very well addressed and seem to just gloss over the real environmental effects.

We are not opposed to development, but this car wash does not belong here. Instead of helping lift up 82nd and making improvements the car wash is going to continue that blight. What benefits does this car wash bring to the community? There is already a locally owned car wash right next door. The car wash is only proposing to add 4 jobs that is not bringing new jobs to our community. In short this car wash will decrease our property values along with our health. We ask you to consider these comments along with our neighbors when deliberating about this car wash. Would you want this in your backyard? I bet not.

Thanks,
Megan Babbitt & Timothy Caton

Comments for the Planning Department and Commission
Re: Z-0353-19-D Washman Car Wash
October 6, 2019

827 Drive-Thru

The application proposal describes the development as a “drive through car wash station.” However, the design process has omitted the Zoning and Development Ordinance 827 Drive Thru Window Services. Google search defines “drive through” as: denoting a facility through or to which one can drive, especially to be served without leaving one’s car.
“a drive-through car wash”

The criteria included in 827 is applicable, as is it relevant to the drive-through services provided by the proposed car wash. This business will be selling monthly/yearly package deals, individual car washes and gift cards via a customer service representative, in which the consumer will not have to leave their car for services. The criteria set forth in 827 would result in an accessory use within Commercial Corridor 82nd.

827 D. Shall not create offsite congestion due to lack of onsite vehicle queuing area commensurate with the estimated volume of traffic to be generated.
Offsite congestion due to lack of onsite vehicle queuing will be established.

Authorization

The “Notice of Incomplete Application” provided by the county to the applicant required missing information. “The application was signed by a party acting as the agent of the property owner. This is acceptable only if it is accompanied with a letter duly authorizing that party to submit the application on their behalf. [1307.07(A)(3)]” However, the authorizing letter from Rogers Land Co, LLC includes only parcels #R00046355 and #R00046364. The letter provided has omitted **parcel #00046435** which is included in the site design and leased to the applicant for use in this development.

Preliminary Statements of Feasibility

510.03 is pursuant to 1203. 1203.02 Submittal Requirements: Preliminary statements of feasibility required pursuant to Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control. The Preliminary Statement of Feasibility in the application lists the title/description of proposed development as “Washman Car Wash/comprehensive Plan Change and Zone Change to TL 12500,” dated and signed both 6/6/18 and 7/6/18. TL 12500 refers to the home at 8220 SE Cornwell Street, and efforts to rezone this R5 residential property were denied on March 27, 2019. As such, 8220 Cornwell cannot be used for this statement of feasibility and must be re-analyzed.

1001 General Provisions

Ensure that land is:

A. Used efficiently to support broad-based economic development and the adequacy of housing and public services.

The proposed development is on 55,127 square feet of land, yet it will employ a maximum of four employees. This number is finite according to the applicant’s design plan. There is inadequate space in the design plan which is already pushed to the limits, to add additional parking spaces for employees. Additional employees will not be needed by the design of this business even as sales increase. This operation is designed to bring in large amounts of profits to the owner(s), while employing the fewest number of people possible. 82nd Avenue is oversaturated with car washes. There are five car washes on 82nd within three miles between SE McBride St and Liebe. One of these car washes is immediately across the Lindy on 82nd.

The economic and social consequences of a car wash at the end of our street will be devastating. A recent article in the Oregonian listed the Lents neighborhood as the ninth poorest neighborhood in the State of Oregon! Cornwell is 1/10 of a mile south of Lents. https://www.oregonlive.com/trending/2017/03/the-20-poorest-zip-codes-in-oregon.html?mid=facebook_keywee&kwp_0=1121471&fbclid=IwAR3BUzx6WAqeng8OIW4Q4D_7iR_6Xd525z8IM4PbuSrdS1k_IkaNOL2lxu8

I have contacted several realtors, real estate brokers, and appraisers. They all stated that having a business which is inherently designed to draw an unlimited number of vehicular traffic will increase traffic on our residential streets. They further stated that this increase in traffic will decrease our home values. Given that we are two blocks from the ninth poorest neighborhood in the State of Oregon, we truly cannot afford the economic and social consequences of a decrease in home values.

It is becoming rare to find older neighborhoods with spacious yards and quiet streets like ours. The development of a car wash is certain to bring nuisances like pollution, noise, traffic, decreased home values, litter, and increased crime. Adding another car wash on 82nd does not address needed public services. This development does not support the adequacy housing, as the homes in our neighborhood will be undesirable as a result.

1001 General Provisions

Ensure that land is:

B. Developed in an environmentally sustainable and aesthetically appealing manner.

There simply is no way for a car wash with a capacity of 160 cars per hour with upwards of 20 minute idle/wait times to be considered “environmentally sustainable” or “maintain and/or improve local air quality.” A few trees and strategically placed foliage cannot prevent air flow, nor adequately filter the amount of airborne pollutants that will come from car wash chemicals and car exhaust.

A neighbor and I visited Eco Car Wash which is situated similarly to the proposed car wash for our neighborhood. The most notable difference is that the driveway to Eco Car Wash is located *on 82nd*, and the surrounding homes are structured within city blocks. The driveways to the proposed car wash for our neighborhood, however, will be placed *on residential streets, not 82nd*. The Garden Gate neighborhood has *only* two streets. Another notable difference is the that Eco Car Wash is significantly smaller in scale than the one proposed for our neighborhood.

We interviewed three households around the Eco Car Wash. The information they shared was alarming. They have soot covering their yards since the development of the car wash four years ago. The vegetation in their yards is suffering. The offensive odor of the detergents, waxes and exhaust can be detected not only from their yards, but *inside their homes!* They complain of irritated respiratory tracts and burning eyes. They do not feel safe growing their own food in their yards.

They further stated they can also hear a cacophony from their yards and even inside their homes *with their doors and windows closed!* One stated she has to call the police regularly for these nuisances.

oregon.gov states, “Several toxic air pollutants that are known or suspected to cause serious health effects, including cancer. Vehicle exhaust contains benzene, acetaldehyde, butadiene and formaldehyde. National studies estimate that levels of these toxic air pollutants in the Portland region exceed health-based benchmarks that are guidelines for safe levels.”

<https://www.oregon.gov/deq/aq/Pages/for-Cleaner-Air.aspx?fbclid=IwAR24kcEkywjHvqo8fhhivXavNjNFWtDCVhWVaYKhkZwPvkM3tw7D73rDDRw>

National Institute of Health 2017 study supports neurological decline, including short- and/or long-term memory impairment, anxiety and depression in relation to exhaust exposure. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5559575/>

“Just 1 minute of idling puts more carbon monoxide into the air than 1.5 packs of cigarettes.”

<https://www.lung.org/local-content/colorado/our-initiatives/clean-air-for-schools-engines-off.html>

“Air pollution from motor vehicles can harm health in a range of ways. For example, nitrogen oxides worsen asthma and increase risk of infection. Particulate matter from motor vehicles can also cause asthma attacks, respiratory and cardiovascular harm and even early death. Particulate matter can also lead to lung cancer, and some VOCs are connected to other cancers as well.”

<https://www.lung.org/about-us/blog/2017/08/highway-air-pollution-and-your-health.html>

Our neighborhood is already comprised of people living with asthma, cardiac and respiratory diseases, have infants, have children or babysit children of all ages. We are already subjected to the exhaust emitted from the ever-increasing traffic on I-205, 82nd, and Johnson Creek Blvd.

I have contacted OSU Extension Services, which referred me to the EPA, which referred me to SEPA and the DEQ. The Oregon DEQ Justice Coordinator directed us to share our concerns with Clackamas River Water, which suggested that Water Environment Services would be a more appropriate forum to suggest an environmental impact study. WES has yet to return my call.

I have contacted OSU Extension Services, the EPA, SEPA and the DEQ. None of the entities have any record of an environmental impact study **ever** having been performed for a car wash. This is alarming. Our neighborhood will have an increase in chronic exposure to car exhaust, new exposure to chemicals, waste water (containing lead from brake linings and tires, cadmium, chromium, zinc from brakes and tires, and degreasers containing petroleum, phosphorus, salts, particulate matter, oil, grease, chlorinated solvents, detergents, lubricants, additives, heavy metals, antifreeze, and acid/alkaline wastes), waxes, soaps, fragrances and detergents. These unsafe materials will be atomized and carried by the wind or dripped from cars and their undercarriages, settling on nearby streets and property. Rainwater will carry it to our streets, yards, and storm drains. The people in our neighborhood will walk through the noxious fluid and sediment left on our streets and carry it inside our homes. <https://www.researchgate.net/publication/237366603> The Perceived Environmental Impact of Car Washing

The chemicals used in the car wash and their effects on our environment need to be studied. One of the realtors I spoke with stated the tire shine product the applicant used a Portland location led to the premature erosion of nearby streets. The chemicals being used have caused slip and fall situations, and subsequent lawsuits for the applicant. The Google map image on the next page is of the recently renovated Washman Car Wash located in Longview, WA. You can clearly see the cars have completely saturated the nearby streets for significant distances (as indicated with red arrows).



After hearing of soot covered yards, the smell of soaps and exhaust fumes being carried to homes throughout the neighborhood, chemicals and oils dripping from cars as they drive away, don't we owe it to our environment to determine if a car wash should be in close proximity to a neighborhood? Shouldn't we have a better understanding of what we are contaminating our residents, streets, homes, and waterways with?

1001 General Provisions

Ensure that land is:

C. Supplied with public facilities sufficient to meet demand.

In an effort to determine market demand and human needs, I created a poll on Facebook in our local community group. This is what it read: "In our immediate area, we have Pinky's car wash on 82nd and McBride by Town Center, Ray's Car Wash on 82nd and Lindy by Johnson Creek Fred Meyer, Eco Car Wash on 82nd and Liebe by IHOP and Super King Buffet, Jackson's/Shell Gas with a car wash on 82nd and Foster, and Washman on 82nd and Glisan across from Burgerville and the Montavilla Park. Do you see a need for another car wash

on 82nd?" The poll received 68 "no" votes and 6 "yes" votes. None of the group members who voted live in the Garden Gate or Dover Park neighborhoods, nor are any of them personal or Facebook friends. This helps establish that there is little too demand for a sixth car wash within this three mile stretch on 82nd.

I called all of the local car dealerships on or near 82nd - Car Max, Lot 74, Steve & Son's, Vital Auto Brokers, Eastside Auto Sales, Southeast Auto Sales, Enterprise Rent-A-Car, Budget Car Rental, Rally Auto Market and U-Haul. All of these companies either have their own in-house car wash or prefer to have detailers clean their cars onsite. None of them see a need for another car wash on 82nd. None of them said they would use this car wash.

The general consensus is that our community would be best served by the addition of medical clinics, daycare centers, libraries or a parcel service, which are lacking in our immediate area. There are countless other businesses which would genuinely serve our local market demand and human need.

1005 Site and Building Design

A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas.

The proposed car wash is redundant and not an efficient use of land on this stretch of 82nd. When the queuing suggested in the design plan exceeds its maximum capacity, the backup onto Lindy will negatively impact both residential homes and nearby businesses.

An additional consideration in efficient utilization of land is the balance of adding one single development on 55,127 square feet of land, who will employ a maximum of four employees

versus the likelihood of harming nearby businesses whose employment rates are substantially higher. The nearby small kiosk at Black Rock, alone, has eight employees.

D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street.

As there is no way for the applicant to contain runoff from the cars as cars leave their lot dripping fluid, they are putting pedestrians and bicyclists at risk. As queuing becomes insufficient, cars will be forced to block access to the sidewalk at the driveway as they wait in line to enter or leave. The pedestrians and bicyclists will have to choose to walk behind the car in the driveway and onto the car wash property, or to walk in front of the car and out into the street. As it is safer, most will opt to walk onto the lot and risk slip and fall situations.

Though Oregon is a moderate climate, we get our fair share of freezing temperatures. As many of our vulnerable population use Lindy and Cornwell to access the Clackamas Service Center on Cornwell, they will risk slip and fall situations as they walk along the frozen sidewalks and crosswalks to access needed services. The runoff from cars could also create serious complications as the intersection of 82nd/Lindy will be saturated from car drippings and freeze, even when there is no precipitation in the air.

Safety is further discussed in the Comprehensive Plan, Chapter 8 b.10.k. Site Security.

E. Reduce impacts of development on natural features and vegetation.

Though the impacts to the development site, itself, may be minimal, the impacts to the residential neighbors near the site can expect damage to the vegetation on their property. This was discussed in 1001, General Provisions, B.

1007 Roads and Connectivity

1007.01 General Provisions

G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

The intersection at 82nd/Lindy has been experiencing increasing instances of grid lock for about a decade now. Grid lock has increased with the recent closure of Foster Fred Meyer, and the resulting influx of our neighbors to the north using Johnson Creek Fred Meyer.

I find it challenging walking across 82nd and Lindy in the time allotted by the crosswalk signal. I do not have any limitations to walking. The crosswalk signal should not be shortened to accommodate the influx of cars from the car wash development, as this crosswalk serves patrons of TriMet Fred Meyer and the Clackamas Service Center. Patrons from Fred Meyer come from all walks of life, and will be carrying their groceries across the street to access the TriMet stop on this corner. The people who access the Clackamas Service Center are among the most vulnerable population in our county. Most of these people are homeless, disabled and/or veterans. Any changes to shorten the crosswalk time at 82nd and Lindy would be a disservice to county residents who are using mass transit as a necessity or to be conscientious of our environment. The time constraints of the crosswalks are already too short for able bodied people.

Adding a drive-through business which draws high volumes of vehicular traffic to 82nd/Lindy does not balance the need for safe and efficient flow of traffic.

Application TIS

The statement in the application, "The applicant conducted a Traffic Analysis that concluded that all impacted intersections will continue to function at an appropriate level" is incongruous with the discovery in their Transportation Impact Study which says, "Queue lengths at all study intersections during the PM peak hour are at, or slightly exceed, storage capacity indicating the SE 82nd Avenue corridor is nearing saturated/capacity conditions."

In addition, the traffic impact study (TIS) was performed on a Thursday in May, **2018**, nearly a year-and-a-half ago, which was cloudy spring day according to AccuWeather.com. This particular type of day is not indicative of the activity a car wash would draw on a warmer, sunny day with present-day traffic statistics. The ODOT crash summaries cited in the TIS also used outdated data from **2016**. This crash data would not have accounted for the additional traffic from the closure of Foster Fred Meyer in February 2018 which lead to a massive increase in patronage at Johnson Creek Fred Meyer. The Foster Fred Meyer closure affects both the 82nd/Lindy intersection and 82nd/Johnson Creek intersection collision rates and traffic data. It does not seem appropriate to cite outdated data, when newer data was available at the time this report was prepared. The 2017 data was available in spring 2019 according to ODOT. I contacted Robin Ness at ODOT on 9/27/19, she is going to email 2017 material to me.

Growth Rate

I appreciate that the 286-unit Heirloom Apartments with 439 parking spots at 79th/Luther (Z0625-18) is included in this TIS as requested by Clackamas County. These apartments will increase traffic to 82nd/Cornwell, 82nd/Lindy and 82nd/Johnson Creek intersections. The Heirloom Apartment development is approximately 0.4 of a mile from 82nd/Johnson Creek. It is unclear why the Heirloom Apartments were suggested to be part of this TIS, yet the Rosewood Terrace Apartment Development at 8110 SE Otty Rd behind Walmart were not, given the Rosewood Apartments are equal distance from 82nd/Johnson Creek as the Heirloom Apartments. The Rosewood Terrace Apartments will house an additional 212 units and design plans show 215 parking spaces.

Yet, these two new apartment developments account for a small portion of the expected growth in our county in the coming year. I would ask that these factors be taken into consideration for the growth factors used in the traffic impact study. Below is a copy/past from Clackamas County's Housing Authority Page.

Housing Authority

Clackamas County awards \$623k for affordable housing and services

<https://www.clackamas.us/taxonomy/term/421?page=1>

What Does The Metro Bond Mean For Clackamas County?

Clackamas County currently has about 41 percent of the affordable homes needed to meet our residents' needs. This includes single family homes, apartments in the private market that do not have rent limits and apartments with rent limits (regulated affordable housing lower-income families can qualify for).

The bond will cost homeowners, on average, about \$60 per year over the next 30 years. These funds allow the county to shape the landscape of housing that will serve our communities affordable housing needs for decades to come. The county's goals for the bond funds are to:

- Create housing for over 2500 county residents
- Develop approximately 812 new affordable housing units
- Meet the needs of families by making at least 406 units two bedroom or larger
- Create affordable homes for low-income families earning between 61 – 80% of AMI by using up to 10% of the funding

Develop and make accessible at least 333 units to extremely low-income families earning 30% or less of AMI

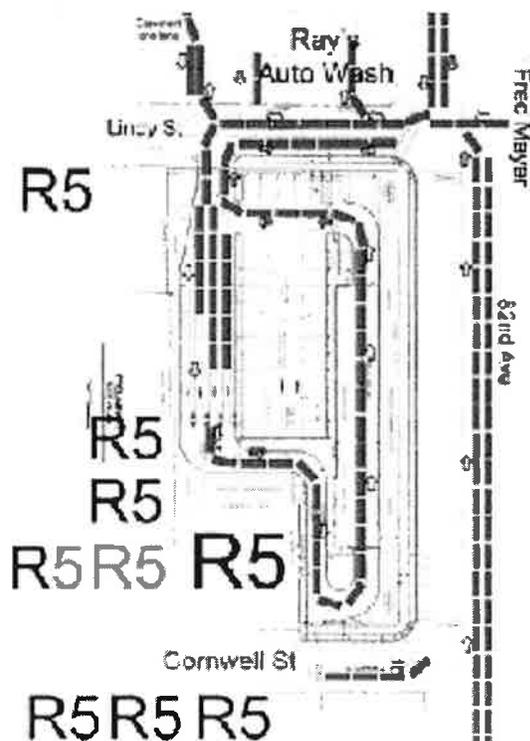
Estimated Cars/Hour

I have consulted with a representative of Sonny's Car Wash equipment sales in Florida. I described the building structure to house the car wash tunnel as being 210 feet as listed in the application. I explained that the application describes the car wash mechanism being set back 30 feet into the 210 foot building. Then, I asked if he thought 58 cars per hour, as mentioned in the application, was a reasonable estimate for the number of cars that could be processed in the remainder of the building. The representative stated that if they were developing a car wash within a 210 foot building that was only processing 58 cars per hour, that would be "serious overbuilding." He explained that overbuilding meant poor utilization of the building's size and potential. It would only take a 50 foot tunnel to process 60 cars per hour. He further stated that he would expect a 160-foot car wash to be used in this size of building. Last, he stated that a 160 foot car wash can process 180 cars per hour.

It would be beneficial for the Planning Department, the provider of the traffic impact study, the provider of the noise studies, nearby businesses, and residents near this development to have specific information, such as the model number and maximum capacity of the car wash equipment being used. It is safe to say that a car wash service profits the most on a dry and sunny day, and 58 cars per hour is a gross underestimate of the traffic and queuing nightmare that will ensue under ideal circumstances. **A cap of 58 cars per hour should be implemented** since this is what was presented in the application, and required studies were based upon.

If we use the figures provided by the Sonny's car wash representative of a recommended sized car wash given the building size of 210 feet, the applicant's 58 cars per hour becomes 180 cars per hour. 180 cars per hour divided by 60 minutes equals **three cars per minute**. If we take into consideration outdated TIS tables, the 286-unit Heirloom Apartments, the 212-unit

Rosewood Apartments, the closure of Foster Fred Meyer, crash rates greater than the threshold, queue lengths that are "at, or slightly exceed storage capacity indicating the SE 82nd Avenue corridor is nearing saturated/capacity conditions," it should **not** be concluded that "the subject development has de minimum transportation impacts," especially knowing the car wash development has the potential to increase traffic at 82nd/Lindy at a rate of three cars per minute.



58 Cars

This image is a copy of the applicant's preliminary site plan map. The original scale has been retained. A temporary overlay of Google Map was used to determine the precise location of neighboring business driveways, and the easement road off of Lindy. Using Photoshop, I have added red cars in addition to the applicant's queuing cars in the illustration. The red cars and distance between cars are the same scale as provided by the applicant. The queuing area of the design plan can hold 59 cars at maximum capacity. This number does not reflect the

necessary spacing within the car wash tunnel required for safety purposes, as I do not have information related to the required spacing. It is estimated that it takes three minutes for a single car to pass through the tunnel.

The County road, Lindy, will become backed up if the car wash were to have a rush of more than 59 cars. With more realistic capacity numbers closer to 180 cars per hour, processing time within the car wash tunnel, and a finite queuing area, the lot will overflow onto Lindy. The queuing area between Lindy's entrance to the queuing area and the cashier's station allows for 32 cars. The main entrance to Johnson Creek Fred Meyer is located at this same intersection of 82nd/Lindy. Johnson Creek Fred Meyer serves between 7,000 and 14,000 customers daily, according to their director. It is not only inevitable that a rush of 32 cars will happen, it will happen regularly.

If just one car is backed up onto Lindy, Lindy residents, postal services, and emergency services will not be able to access these homes. If two cars are backed up onto Lindy because of a rush of 32 customers, this will effectively shut down the ingress easement road access serving Columbia Bank customers. This scenario of a two car back up onto Lindy will also prevent egress from Columbia Bank, Black Rock Coffee, Augusta Unocal Mart and Augusta Gas station by blocking the street for customers trying to access the controlled intersection at 82nd/Lindy via the easement road.

If four cars are backed up onto Lindy, this would effect all four of the above mentioned businesses and prevent egress from Ray's Auto Wash. With eight cars backed up onto Lindy, ingress to Ray's Auto Wash will be inaccessible. If ten cars are backed up onto Lindy, this will effectively shut down TriMet access to the northbound stop at Lindy, block northbound traffic in the right lane of 82nd, and disrupt access to the services provided by five businesses.

Because of this reality, I would urge the county to further assess queuing capacity, the car wash equipment's volume potential, and the County roads Lindy and Cornwell prior to allowing this development.

When 827 Drive-Thru ordinance is applied, the above information establishes that this development will create offsite congestion due to lack of onsite vehicle queuing area commensurate with the estimated volume of traffic to be generated.

Final Noise Evaluation

With respect to the "Final Noise Evaluation" listed in the application, I am baffled. I Googled Moore Noise, LLC out of curiosity, as the prepared evaluation was raising questions. Moore Noise, LLC is not listed in ANY business directories, nor do they have a website. In fact, when I Google "Moore Noise, LLC," there are only five results. Two results are chatroom sites, and the other three are oregon.gov new business listing sites, which offer only a mailing address to a residential home. It is disappointing to not be able to verify a company, their scope of practice or expertise, and reputation. It is also discouraging to know that there is no contact person and phone number to have questions answered.

It is stated in the report that this study was performed on the Fourth of July. Performing any studies on a holiday weekend skews results. Google search for July 4, 2019 yields:

AAA predicts record Fourth of July holiday travel
That includes about 583,000 in Oregon

<https://www.ktvz.com/news/aaa-predicts-record-fourth-of-july-holiday-travel/1089740995>

The “Noise Analysis Methodology” took measurements at the Lombard Street Washman location. Lombard Street Washman is an accessory use to a gas station and is listed on Google as an “express car wash.” It should be considered **unsuitable** to compare the unknown model car wash for the proposed site with a car wash which is known to be an accessory use to a gas station, on a smaller lot, and described as an express car wash. The total land area for BOTH the Chevron gas station and the accessory use Washman car wash on Lombard is 25,800 square feet, according to portlandmaps.com. The proposed development site in our neighborhood is over 55,127 square feet.



The “regulations” listed in the Final Noise Evaluation have neglected to address the R5 residence at 8220 SE Cornwell which is on the northeast border and abuts the car wash site. The entire length of the backyard and the entire length of the side yard of 8220 SE Cornwell are immediately adjacent to the car wash. This is also echoed in the “Result” portion of the noise evaluation. “Properties directly to the north, south, and west of the site are commercial uses and are not considered noise sensitive.” I’ll reiterate that the R5 residence of 8220 is adjacent to the car wash on two sides, and is northeast of the car wash. And, again, the properties directly to the north on Cornwell are residential R5 homes.

Given that the decibel ratings at the proposed development are already exceeding DEQ commercial standards, I would ask for the county to go above and beyond in protecting the most vulnerable residents, and not rely on “assumptions” used in this study regarding the potential source sound levels from construction, idling cars, the car wash, the dryer, the attendant’s speaker system, and the vacuums.

1009 Landscaping

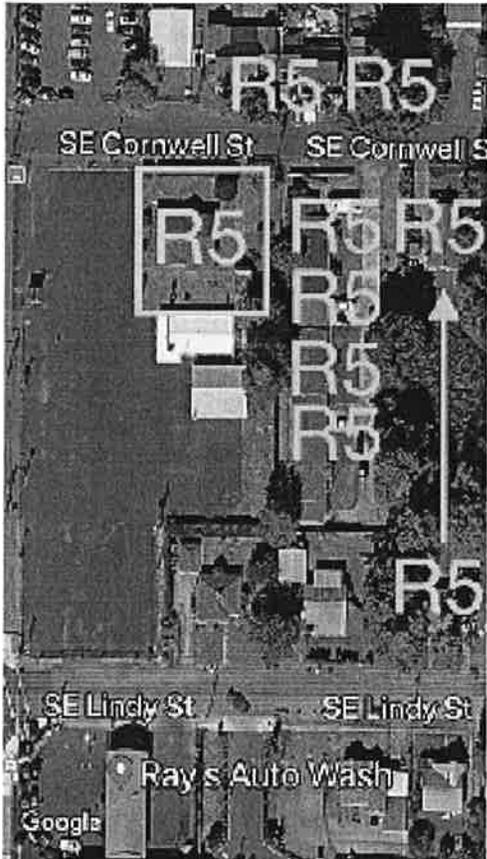
1009.04 Screening and Buffering

Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution and to provide for compatibility between dissimilar adjoining uses. Special considerations shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.

Based on the noise impact study, the applicant has proposed to use a six foot masonry wall and cedar board fence wall along the residential use to the east as buffering. However, the residential R5 home at 8220 which was denied rezoning and will remain R5 residential housing immediately abuts the car wash property on the car wash site’s northeast corner as seen in the below photo. Common sense tells us that a six foot wooden fence is not adequate to protect a residential home literally abutting a car wash development from visual impacts, dust, noise or pollution.

Additionally, if there are not adequate barriers surrounding the 8220 Cornwell residence, most of the six-plex residents east of 8220 Cornwell will also be subjected to the immediate visual impacts, dust, noise and pollution from the car wash. There are other residential homes to the north and northeast of the site to take into consideration, as well. These homes are across the

street from the car wash site. One of these neighbors has an adult autistic son. Being that there is no barrier proposed on the the north side, and minimal barrier around 8220 Cornwell, 1009.04 has not and **cannot be met by means of "providing compatibility between dissimilar adjoining uses."**



With demolition and construction slated to run from 6 a.m. until 10 p.m., and the operation of the car wash to be open from 7 a.m. until 10 p.m., this will leave only eight and nine hours respectively for the neighbors on adjacent residential property and in closest proximity to sleep in a noise-free environment. I would propose at a minimum that a ten foot masonry wall be placed around the home at 8220 SE Cornwell and along the entire length of the east portion of the site prior to breaking ground.

A neighbor and I visited the Washman Car Wash on Glisan and 82nd. We used two different decibel recording apps. Sitting across the street on 81st, recordings of the vacuums were as high as 87 dB. There were only two vacuums in use. It has been stated that the Washman will use a below ground vacuum system to decrease the noise production. However, we found that the vacuum noise is not isolated to the vacuum motor. There are considerable noises that come from the vacuum wand. As the vacuum wand makes contact with the carpet and upholstery of a car, the suctioning sound is a much higher pitch than that of the motor. When miscellaneous car items (coins, rocks, Legos, etc) are suctioned into the vacuum hose, there are loud banging and clanking noises. Even when the vacuum wand is not touching any surfaces, it is a nuisance.

Another local car wash posted a video of their brand new vacuum system that they installed in January, 2018. The applicant has not specifically stated which type of vacuum system they are planning on using; however, this link is a good example of the noise produced from a newer central vacuum system.

"New and Improved central vacuum system Jantzen Beach Hayden Island Location"
<https://www.facebook.com/ecocarwashoregon/videos/1793462360699150/>

The noise from the car wash is in no way isolated to the vacuum system. We did another set of decibel recordings at Washman on Glisan while we were waiting to exit onto 82nd where the cars come out of the car wash tunnel. The car wash at the dryer end emitted decibels as high as 91.

The CDC states that being subjected to decibel levels above 85 can lead to hearing loss.
https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

The car wash attendants near the dryer tunnel were wearing noise cancelling protective equipment, which is great, but further illustrates that noise from a car wash is not isolated to vacuums. We should also be considering the noise from construction, the the car wash itself, the car wash dryer, the car wash sprayers, vacuum hoses, idling cars, honking cars, poorly

maintained cars, car stereo systems, attendants yelling out instructions, and patrons as they attempt to speak louder than the ambient nuisance noise.

The customer service representative at the Glisan Washman stated that they easily wash a thousand cars or more daily. There will be no way for our neighborhood to escape this source of chronic and harmful noise. Even if the applicant uses foliage and a buffer wall, noise will escape the site. Anyone who walks near the site will be exposed to these distracting and unhealthy noise levels. All of the nearby homes, neighbors outside playing or exercising, underserved people who walk down Cornwell to access the Clackamas Service Center across 82nd, and children waiting for the school bus will suffer long-term exposure to this cacophony.

Stormwater Report

2.0 Methodology. The most valuable information I glean from the methodology is that there are "site design constraints." Google maps shows the distance between the north corner of the site at 82nd/SE Cornwell to Johnson Creek (the creek, not the boulevard) to be 0.2 miles. I would hope that the utmost consideration be given to stormwater runoff given the short distance to our natural waterways. It should be noted that the north side of the site on Cornwell at 82nd historically has a large body of standing water accumulate even with small amounts of rain. The body of water extends to the middle of Cornwell and as far as ten feet east across Cornwell. The "Proposed Stormwater Systems" suggest "overflow from Basin B results in curb directed street flow to SE Cornwell," which as stated is a historically problematic water collection area. 4.5 Downstream capacity/conveyance suggests that the site is currently 78% impervious and will be reduced to 66% impervious post-development. Though this sounds acceptable on paper, it must be noted the type of fluids which will be collected on this site. The contaminated fluids risk seeping into the ground and contaminating the yards of 8220 Cornwell and the sixplex, which are both adjacent to the proposed development. Should residents living there eat the food they grow knowing their food source may be contaminated?

Appendix E

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

Clackamas County 2040 Plan

With respect to the Clackamas County 2040 plan, development on 82nd between Lindy and Cornwell would be ideal. However, the applicant originally proposed this business would employ 15 people. That number has been drastically reduced in the most recent application, stating it will employ a mere four people. A lot of this size would better benefit our community if the developed business employed 20 or more people. This does not "support or enhance one of the count's largest employment areas." There is no room for growth of the business due to the lot size constraints and R5 residential homes abutting it. Given that there is potential to serve 180 cars per hour, this type of business in this particular location will neither promote or encourage pedestrian and bicycle use as is encouraged throughout the 2040 Plan. Also, given the nature of the business, a drive through car wash is specifically designed to draw an infinite number of idling cars. This will not "further the region's sustainability goals and reduce contributions to global warming." With a potential for 2700 idling cars daily, directly abutting residential homes and subdivisions, this business will not "reduce degradation of the environment and allow for future generations to enjoy clean air, water and healthy ecosystems."

**Comprehensive Plan
Chapter 1 Introduction
Goals**

Identify the most appropriate land uses for individual sites by evaluating site characteristics in light of market demand, human needs, technology, and state, regional, and County goals.

This information is included in 1001, General Provisions, C.

Chapter 2 Citizen Involvement

2.A.1 Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representations, not only of property owners and Countywide special interests, but also of those persons within the neighborhood or areas in question.

It is my understanding that only a few of our neighbors has been consistently receiving mailed notifications of the request for zone change and hearing information. It would have been beneficial for all of our neighbors to have received notification during this process, as community involvement is part of this process as described throughout. This criteria specifically states, "but also of those persons within the neighborhood or areas in question." It has proven challenging for us to take it upon ourselves to notify our neighbors in person. Unfortunately, we have not been able to make contact with all of our neighbors to let them know of the potential development of a car wash at the end of our street.

Our neighborhood CPO is still currently inactive. I had initiated reactivation in March, but have not had any meaningful follow-through. I am currently trying to reactivate our CPO through the State of Oregon. I am signed up to and do receive emails from the County, yet have not received any regarding this development in our neighborhood. I would appreciate direct communication for further notifications regarding this development.

**Chapter 3 Natural Resources and Energy
Air Quality**

3.0 Cooperate with local, regional, state, and federal agencies and industry to maintain and/or improve local air quality.

The comments above in 1001, General Provisions A and B apply to the Comprehensive Plan, Chapter 3, 3.0 as well.

**Chapter 4: Land Use
Urbanization**

4.A.2.5. Land which is best suited for urban uses based on consideration of the environmental, energy, economic and social consequences.

Chapter 4, 4.A.2.5 of the Comprehensive Plan is supported with the same comments listed above in both 1001 General Provisions and 1005 Site and Building Design.

Chapter 5: Transportation System Plan

5.C. Equity, Health and Sustainability Policies

5.C.2 Protect neighborhoods, recreation areas, pedestrian facilities, bikeways and sensitive land uses (such as schools, daycare centers, and senior centers whose users are more vulnerable to pollution) from transportation-related environmental degradation. Coordinate transportation and land use planning and use mitigation strategies, such as physical barriers and design features, to minimize transmission of air, noise and water pollution from roads to neighboring land uses.

This policy cannot be met. The design plan does not wall off the pollution created onsite to protect the vulnerable population. The Clackamas Service Center serves the homeless and underserved population is across 82nd from the proposed development. Many of these folks spend hours at a time waiting outside on Cornwell for the center to open. Upwards of 160 cars an hour will be drawn to this site and be idling within ten feet of the proposed sidewalk at 82nd on Lindy and Cornwell. There are no proposed walls or barriers to protect these and other pedestrians from the noise and air pollutants emitted by the car wash, the car wash dryer, the attendant's loud speaker, idling cars and the vacuums which will be heard from the north, west, and south sidewalks. Loud noises can trigger PTSD in this vulnerable population. Air pollutants can irritate the respiratory tracts in individuals with COPD, bronchitis, emphysema, asthma and allergies.

<https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>

<https://www.cdc.gov/healthyplaces/healthtopics/airpollution.htm>

5.S. System Performance Policies

5.S.1. For County roads, evaluate transportation system performance and the impact of new development. Use the evaluation methodology in the County Roadway Standards.

There have been no evaluations performed to determine the actual impact of this new development with respect to the County roads Lindy and Cornwell, except as they relate to 82nd. Given the potential of 160 cars per hour, residents on Lindy will not be able to access their homes due to lack of onsite queuing. Emergency services will be unable to access Lindy residences. Additionally, the local businesses on Lindy and those who are dependent on the easement road from Lindy will be effectively shut down.

Chapter 6: Housing

Housing goals

Protect the quality, lifestyle, and values of existing neighborhoods.

Dover Park, Lindy, and Garden Gate Village homes go back to the 1920s. Many of our neighbors have lived here their entire lives. Historically, the commercial development at 82nd between Lindy and Cornwell has been low-key. There have been two short-lived used car dealerships, and a manufactured home business in the 25 years my husband and I have lived here. According to our neighbors who have lived here for more than 65 years, prior to these

few businesses, this lot was a park for our families. The development of a drive through business does not protect the quality, lifestyle, or the values of our existing neighborhoods.

Chapter 7 Public Facilities and Services

Storm Drainage

21.0 Require that urban stormwater runoff be minimized by nonstructural controls, where feasible, to maintain the quality and quantity of runoff in natural drainage ways. These areas may be calculated as part of the required open space.

The property of the proposed car wash will not have adequate space for runoff dripping from cars to be collected. Cars will continue to drip contaminated fluid on our roads where the quality and quantity of runoff cannot be controlled.

22.0 Require runoff from impervious surfaces to be collected and treated, as required by the appropriate service provider, prior to discharge to a natural drainage way capable of accepting the discharge.



This Google Maps image, again, shows the trail of fluid that has dripped from cars. The arrows indicate the driveways where recently washed cars have driven away from the premises. It could be argued that the liquid will simply evaporate; however, this liquid will contain sediment including soap, wax, heavy metals, etc, which does *not* evaporate, and will be left behind on our streets. This runoff sediment cannot be collected in order to be treated, as it will be left behind on the site and on our streets.

Chapter 8: Economics

Economic Goals

Attract new industrial and commercial development that is consistent with environmental quality, community livability and the needs of County residents

There have been no environmental impact studies specifically for a commercial car wash. Without an environmental impact study to determine the extent of environmental damage that will occur as a result, we cannot meet this goal. It is safe to say, given the number of comments the County is receiving related to this development that it will effect the community's livability.

Employing four people on a 55,127 square foot lot in an area designed to be a place of high employment does not meet the needs of County residents.

8.A. Existing Industry and Business Policies

8.A.1 Protect established industrial and commercial areas from encroachment by incompatible land uses

With the potential for 160 cars per hour and inadequate queuing onsite, the proposed development will be incompatible for nearby land uses - chiefly Ray's Auto Wash, Black Rock Coffee, Columbia Bank, Augusta Gas station and Smoker's Friendly Mart. If even two or three cars are backed up onto Lindy, none of these businesses will not be accessible via Lindy.

8.B. New Industry and Business Policies

8.B.6 Provide for a broad range of types and sizes of industrial and commercial development to provide a broad cross section of employment opportunities for residents.

Again, there are five drive through car washes within three miles on 82nd. This does not provide for a broad cross section of employment opportunities for residents.

8.B.10 Require design review approval for all industrial and commercial development, addressing:

e. Access, including internal truck and auto circulation in commercial developments

The design review should not be approved for the circulation in this commercial development. The queuing area is not adequate and will disrupt nearby residences and businesses.

h. Noise abatement

Noise abatement cannot be met for the vulnerable and habitual pedestrians who use Cornwell and Lindy to access the Clackamas Service Center. Meaningful noise abatement has not been addressed for the residence at 8220 SE Cornwell or the neighbors north of the site. Inadequate Noise Studies have been submitted and should not be taken into consideration.

k. Site security

There is no mention of site security that I have seen. The east side of the car wash tunnel is proposed to be solid CMU/cinder block with some metal designed to look wood-like. This creates a 210 foot visual obstruction from 82nd and portions of Lindy and Cornwell. As it is now, the lot is occasionally littered with trash, condoms and needles. Now, imagine a 210 foot long obstruction for folks to hide behind. This hiding spot is sure to attract illicit and illegal activity. The applicant could employ security guards or video surveillance, yet, even this will not deter people from using such an ideal hiding spot to carry on their illicit activities. Site security cannot be met given the design constraints, and current population of this area.

Chapter 8 Economics

3. Balancing community livability and environmental quality with economic development

The residents in our neighborhood are not opposed to the development of a business at 8864 82nd. A large-scale car wash, inherently designed to draw an infinite amount of customers into a residential neighborhood is *not* an appropriate "balance of community livability and

environmental quality with economic development.” There are countless destination businesses that we would welcome, and would sincerely serve the needs of our community. A car wash is not one of them.

Chapter 10: Clackamas Regional Center Area Design Plan

Vision and Goals

Goals

Allow and promote compact development as a means to encourage efficient use of land, promote non-auto trips, and protect air quality

The development of a sixth car wash in three miles on 82nd does not promote non-auto trips and does not protect air quality with its construction, idling cars, and car wash pollutants. This development is not an efficient use of land, in that it has no room to grow. As with the applicant's other car wash locations, it will soon, if not immediately, outgrow the limited space. The applicant cannot expand west of the lot, as that is 82nd Avenue. The applicant cannot expand north or south, as those are both County roads for residential use. Lastly, the applicant cannot expand east of the lot, as those are residential homes.

Goals

Balance growth with the preservation of existing neighborhoods and affordable housing

The proposed development will bring traffic and air, water, and noise pollution to an existing neighborhood which IS affordable housing.

Goals

Create a safe and pleasant environment

The proposed development does not create a safe or pleasant environment for the existing neighborhood, or the population who is dependent on these streets to access services provided by the Clackamas Service Center. It is inconsistent with the businesses located at this site previously, which were not designed to draw an unlimited number of customers.

Chapter 10: Clackamas Regional Center Area Design Plan

2.0 commercial

2.4 Allow land uses that generate pedestrian activity and transit ridership

A car wash is designed only to service vehicles, therefore, it neither generates pedestrian activity nor generates transit ridership.

2.10 Provide for the efficient utilization of commercial areas while protecting adjacent properties and surrounding neighborhoods

The proposed car wash will outgrow the lot and have no room to expand as it has with their other locations. The proposals in the application cannot adequately protect adjacent properties and surrounding neighborhoods from noise, traffic, and pollution. Efficiency has been discussed previously.

Property Title

It appears that title to the property the applicant wants to develop is in dispute, and as such, no further action should be taken until this matter is resolved. Any approval should be postponed or put aside until this lawsuit's outcome is determined.

Summary

In summary, It appears we are being duped by the applicant's reports and studies. Countless variables and lack there of were not taken into consideration. It is hard to imagine how many other discrepancies could be found had our backgrounds been in any of the areas of expertise discussed in this application. The number of cars per hour has been drastically downplayed skewing results. Comparing the noise from the accessory-use car wash on Lombard to an unknown model car wash provides a poorly executed noise study performed on major holiday, again to downplay the current levels of noise our neighborhood is already exposed to. I believe, by design that the car wash will have the capacity to process 160 cars per hour. If the proposed studies are used for approval of this design plan, a portion of Clackamas County residents (including the most vulnerable populations) will be placed in harms way as a result. I also believe that sunny Oregon days will draw more than enough traffic to the site to disrupt the flow of traffic on the corridor, 82nd.

This site is NOT an appropriate location for this particular development. The proposed development CANNOT meet the ordinances as set forth in Planning and Development and the Comprehensive Plan. Most of the Garden Gate Village, Dover Park, and Lindy residents would honor a nice development on 82nd between Lindy and Cornwell. This proposed car wash, however, is one of very few businesses we would find objectionable given the likelihood for significantly increased traffic to an already at/exceeding capacity location, the risks to pedestrians and drivers, the diminished ability to access our residential homes, the exposure to chronic noise pollution, the exposure to air pollution, the risk of harming Johnson Creek watershed, and the finite number of people employed given the size of the lot in a highly-employable area of the commercial corridor.

RECEIVED

October 4, 2019

OCT 4 2019

Clackamas County Planning and Zoning Division

Clackamas County
Planning & Zoning Division

Permit Number: Z0353-19

As a resident of the neighborhood that will be directly affected by the placement of a 7,367 square foot car wash facility. I would like to raise concerns about such a business at 8864 SE 82nd Ave.

My concerns range from traffic impact to noise to air quality to water quality and these effects on both my neighborhood as a whole as well as the effects to the Johnson Creek Boulevard and 82nd avenue area.

In the applicant's proposal, they list a tunnel/building of 210 feet. However, they list as 58 cars maximum per hour. That does not align with other car wash's length vs. hourly maximum capacity. It does not make sense that they would build a tunnel that long and not fully utilize that capacity. I would like the application to list the make and model number of the unit for an accurate analysis.

A little research shows a Sonny's 160-EDT tunnel car wash with a rating of 180 cars per hour. The "160" is the length in feet of the car wash and would fit inside a 210-foot tunnel. Conversely, a Sonny's FOM 300D-car wash, with a rating of 55 cars per hour is only 35 feet long.

The applicant's "tunnel" is designed for a larger car wash. A 35-foot car wash inside a 210-foot building does not make financial sense.

Noise

My first concerns are to the addition of 27 vacuums running from 7:00AM until 10:00PM each day of the week as well as the noise created from the dryers and the volume of cars. (Up to 160 cars an hour depending on the model of tunnel car wash, that Washman's is proposing.) The application that Washman's submitted, August 1, 2019, lists a noise study by Moore Noise, LLC,

The noise study was conducted on the 4th of July and stated “*traffic volumes appear lower than normal*”. I do not believe that a noise study conducted on a major holiday reflects a realistic traffic/noise pattern. The report also notes, “*Existing buildings on the proposed site provide partial sound shielding to the residential units directly to the east of the site*”.

Those buildings will be removed as the proposal indicates so this should not be included in the noise evaluation.

The comparable noise levels used for comparison at the Washman’s Lombard location is not reflective of the proposed site as the Lombard location is much smaller both in the size of the car wash and the volume of customers.

The report also states (page 5/results) L50 sound levels as well as L1 and L10 sound levels will be “*affected by higher level, short duration on-site sound sources*”

The noise report continues, “*Properties to the north, south and west of the site are in commercial use and not considered noise sensitive.*” This is incorrect and incomplete. It does not list the apartments east of the property or the houses on Lindy that are not zoned commercial. Only one frontage property to the north is commercial, but the rest of the properties on Cornwell are residential and within 50 feet of the proposed site.

The effects of the noise levels will affect the livability of my neighborhood as well as the area around Lindy Street and 82nd avenue.

Air Quality

The tunnel car wash proposal anticipates up to 160 cars an hour. Seven days a week from 7:00AM until 10:00PM.

The idea of 160 cars idling for 15 hours a day is most unsettling. Today, as our community is struggling with CO2 effects to our environment as well as the lack of studies for the contribution that a car wash has on the air quality to neighborhoods is worrisome.

I cannot find any studies from the Environmental Protection Agency or the Department of Environmental Quality that address the potential of harm to neighborhoods adjacent to the type of car wash that is being proposed.

Water Quality

Runoff of water from the cars as they leave the car wash will be taken into the street and eventually into the storm drains. It does not address the impact of the soap and chemicals that the car wash uses on the environment to the immediate area. I do not see an environmental impact study for these conditions that the car wash will bring to our area.

Traffic

The proposed tunnel car wash can generate up to 160 cars per hour. The proposed entrance and exit is on Lindy Street and 82nd. Lindy Street is a dead end street.

The car wash patrons have only the options of, upon exiting the car wash, of turning right, northbound on 82nd, from Lindy, or turning left, southbound onto 82nd. The southbound exit will use the traffic light on 82nd and Lindy. These cars will contend with pedestrian traffic crossing 82nd either to the bus stop or to cross over to the Johnson Creek Fred Meyer. This scenario does not address cars *entering* the car wash.

Currently, the intersection of Lindy and 82nd cannot possibly handle an additional rate of 160 cars per hour. The car wash patrons will contribute to bottlenecks at the intersection, as there is only one entrance and exit. There is not the option of installing a left turn signal, as Lindy is too narrow to accommodate another lane of traffic and Cornwall is not an option as this leads directly into a neighborhood.

Washman's own traffic study (page 1/section 2 of Clemow Associates) attributes the intersection of 82nd and Johnson Creek as having a higher rate of accidents. The report also notes that 82nd/Johnson Creek Boulevard intersection is operating "*at or near capacity*". The traffic report recommends "*large scale agency-initiated corridor safety improvements be considered, noting that smaller improvements will likely not improve safety.*" Clackamas County or ODOT will need to improve the traffic flow at the intersection of 82nd and Johnson Creek Boulevard. That will prove to be very costly and unobtainable as there is not any room for physical growth at this intersection.

The TIS also notes that crash rate for the intersection of Lindy/82nd, is less than 1.0 crashes/mev threshold, but this does not take into account the addition of 58/150 cars PER Hour that will be added to the intersection.

If you have not visited the proposed site, please do so as you will see the traffic issues first hand.

The addition of more traffic from the 350-unit apartment complex on Luther Road/82nd, as well as the addition apartments on Otty Road/82nd will also contribute to an already heavy traffic situation on 82nd avenue.

The proposed addition of Washman's traffic will affect the small business in the immediate area of 82nd/Lindy. Ray's Car Wash, Columbia Bank, Black Rock Coffee as well as the 76 gas station will all be negatively affected by the addition of the traffic increase from Washman's proposal as customers try to navigate in/out of the carwash only entrance/exit on Lindy and 82nd.

Summary

The proposed Washman's is not needed in this area. There are many carwashes within two miles of the proposed site. The immediate neighborhood will be negatively affected on many fronts, with noise, air, water and especially traffic being the top considerations.

For Clackamas County, the proposal will only add four jobs to the county and the county will need to spend untold revenue to upgrade roads, traffic and safety for the Johnson Creek/ 82nd area.

Please go look at the area that is being proposed by the applicant. Look at 82nd /Lindy, and imagine 160 cars an hour going in and out of that intersection. Even at a rate of 58 cars per hour, one every minute, is too much for Lindy/82nd without creating bottlenecks from the queue.

Look at the benefit to Clackamas County. Look at the benefit to the local businesses. Look at the benefit to the neighborhood. It is not a "win" for any of these stakeholders. The only ones that stand to benefit is Washmans.

Thank you for your time,

Ben Reed

8425 SE Garden Lane

Happy Valley, OR

breed0512@gmail.com



**Clackamas County Planning and Zoning Division
Department of Transportation and Development**

Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

NOTICE OF LAND USE APPLICATION IN YOUR AREA

Date: 09/18/2019
Permit Number: Z0353-19
Application: Design Review
From: Clackamas County Planning and Zoning
Notice Mailed To: Property owners within 300 feet
Community Planning Organizations (CPO)
Interested Citizens and Agencies

Application Proposal:

Construction of a 7,367 sq. ft. car wash facility with a self-serve design equipped with 27 vacuum stations and a drive through car wash station. Proposed project to also include site improvements such as landscaping and signage. The car wash is proposed to operate during daytime hours of 7 a.m. to 10 p.m.

Property Owner: ROGERS LAND CO LLC
4933 AZALEA DR
GRANTS PASS, OR 97526

Applicant: SYMONS, DAN
12805 SE FOSTER RD
PORTLAND, OR 97236

Address: 8864 SE 82ND AVE
HAPPY VALLEY, OR 97086

Location: 8864 SE 82ND AVE, HAPPY VALLEY, OR 97086

Legal Description: 12E28BB12600 **Acres:** 1.47
12E28BB12700
12E28BB13300
12E28BB13400

Zone: CC CORRIDOR COMMERCIAL

Staff: Melissa Ahrens 503-742-4519 **E-mail:** MAhrens@clackamas.us

How to Comment on this Application:

1. To be sure your comments will be considered prior to the decision, we need to have them within 20 days of the date of this notice.

RECEIVED
SEP 30 2019
Clackamas County
Planning & Zoning Division

Permit Number: Z0353-19

2. You may use the space provided below, mail a separate letter or e-mail the information. Please include the permit number, address the information to the staff member handling this matter, and focus your comments on the approval criteria for the application.

3. Return your mailed comments to: Clackamas County Planning and Zoning, 150 Beaver Creek Rd, Oregon City, OR 97045; FAX to (503) 742-4550.

Community Planning Organization: The following recognized Community Planning Organization (CPO) has been notified of this application. This organization may develop a recommendation on this application. You are welcome to contact this organization and attend their meeting. If this Community Planning Organization is currently inactive, and you are interested in becoming involved in Land Use Planning in your area, please contact the Citizen Involvement Office at (503) 655-8552.

SOUTHGATE:(INACTIVE)

OR

Decision Process: In order to be approved, this proposal must meet the approval criteria in the Zoning and Development Ordinance, Section(s)

510
1102
1000 series
1307

The Ordinance criteria for evaluating this application can be obtained from this office or viewed at www.clackamas.us/planning/zdo.html. You may view the submitted application at the following link, <https://acela.clackamas.us/citizenaccess/> within five days of the date of this notice, or at our office during weekday lobby hours, 8:00 am to 4:00 pm, Monday through Thursday and 8:00 am to 3:00 pm Friday.

A decision on this proposal will be made and a copy will be mailed to you. If you disagree with the decision you may appeal to the Land Use Hearings Officer who will conduct a public hearing. There is a \$250 appeal fee.

Comments:

I/we welcome the Washman Car Wash.
It will be convenient for the 60
households in our Community / mobile home Park.

Holly Park LLC

Your Name/Organization

503-208-3268

Telephone Number

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRehhard@clackamas.us.

503-742-4696: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Permit Number: Z0353-19

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A decision on this proposal will be made and a copy will be mailed to you. If you disagree with the decision you may appeal to the Land Use Hearings Officer who will conduct a public hearing. There is a \$250 appeal fee.

Comments:

NO car wash, there's one at the end of that
Property already, we don't want or need
another one NO CAR WASH.

Ronald Nelson 8326 CORNWELL AV.
Your Name/Organization

408-515-9316
Telephone Number

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

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