

**From:** mary manseau <marymanseau@gmail.com>  
**Sent:** Wednesday, October 6, 2021 12:18 PM  
**To:** Paul Schaefer  
**Subject:** [EXTERNAL] RE: CPO 7 Comments on Casefile L2100244

RECEIVED

OCT 06 2021

PLANNING AND DEVELOPMENT SERVICES  
LAND USE AND TRANSPORTATION

Hi Paul,

Questions and comments on the proposed Chevron gas station on Mad Greek Deli site:

1. Section 411, Screening and Buffering--The screening and buffering matrix does not address the screening and buffering needs between NC and Institutional Zoning but rather leaves the decision about required screening and buffering to the Review Authority. The site is also bounded by SNR on the south side. Code is silent of required Screening and Buffering between a new development and a SNR. The applicant is proposing construction of a retaining wall and possibly a fence on top of the retaining wall stating that the SNR will serve as the buffer between the gas station and homes to the south. The applicant's proposal for screening and buffering is totally inadequate. It is not the human homes that need Screening and Buffering; it is the wildlife that need screening a buffering. Headlights from cars fueling and noise from a busy gas station will be disruptive to wildlife making their homes in the SNR. To minimize the impact on wildlife, the station could be conditioned to limit hours of operation to daylight hours? Probably not. Section 207-5 allows conditions to be imposed to protect the potential adverse impacts of the development. To protect the SNR from the impacts of this development, the applicant should be conditioned to construct an 8' solid masonry wall and plant #6 type Screening and Buffering.
2. Section 311, Neighborhood Commercial--"The purpose of Neighborhood Commercial is to allow small to medium sized shopping and service facilities...to provide for the shopping and service needs of the immediate urban neighborhood." Section 311-3.15 allows for Service Stations in NC without indication of size requirements. However, when code was written in the early 1980s 10 pump gas stations did not exist--code should be read through lens of the 1980s. How can a 10 pump gas station be considered a small to medium sized business serving the IMMEDIATE urban neighborhood? Section 311-4 requires compliance with the general standards of 311 and allows for approvals to be further conditioned by the Review Authority. The number of pumps should be reduced to at least 6- 8 pumps to comply the the requirement that businesses located in NC be small to medium sized meeting the needs of the IMMEDIATE urban neighborhood. NOTE: A clarification to the NC Code section was request for this Ordinance Season. Although Long Range Planning staff agree it was an issue that should be investigated, staff resources did not allow the issue to be addressed in a timely manner.
3. Section 435, Variances and Hardship Relief--The applicant is requesting a variance to side and front yard setbacks to allow him to install 10 gas pumps and an almost 5000 square foot market using the odd shape of the lot encumbered by natural resources as the reason for the variance. Why would the county consider a variance when it is obvious that the applicant is proposing a project that is too large for the site? Section 435-4.3 does not allow a variance to avoid a standard of Code when another design is available. The applicant could chose to reduce the number of pumps and/or reduce the number size of the market. The alternative site design might not meet the business model of the applicant but it is not the County's responsibility to ensure the applicant's profit expectations are reached. The applicant erroneously claims there are no other suitable sites in the area for a gas station when there are several sites in NB where a gas station could be located. Is perhaps the issue that there are no other sites located on a major intersection large enough to support a large gas station with a market to serve the broad traveling public?
4. The internal site circulation indicates fuel delivery will utilize the right-in entrance to access the site and the signalized entrance to exit the site. What provisions will be in place to ensure delivery trucks will enter only from the right-in entrance? If a delivery truck were to access the site from the signalized intersection, is there

adequate area for the fuel truck to safely turn around within the site to allow a delivery truck to use the only site exit?

5. A number of the drawings included in the application identify the project as a Hillsboro Chevron station. The site is located in an area generally known as Rock Creek, is in urban unincorporated Washington County area designated to be annexed by City of Beaverton, and has a Portland zip code. Although the applicant can chose to call his project anything he wants, it should be pointed out that if he decides to refer to this station as the Hillsboro Chevron, he is creating additional confusion to an area already having identity issues.

Please let me know if you have any questions.

Mary

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**Paul Schaefer**

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**EXHIBIT: PH2**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

**From:** Nisha George <negeorge@gmail.com>  
**Sent:** Wednesday, October 13, 2021 11:40 AM  
**To:** Paul Schaefer  
**Cc:** Brandon Philips  
**Subject:** [EXTERNAL] Help with understanding application process for L2100244

Hello,

I am a resident of Bethany and I found out through the CPO7 newsletter that a gas station is being proposed at West Union and 185th (case file L2100244).

I have a few questions about the application process, could you help me understand the following:

- Is there any standing that the county has to reject the application to build a station? I see from the application that they are requesting a variance for setbacks - is denying this variance the only way the County can reject the application?
- How is public input considered by the staff or commissioners as part of the application process?
- Is this how the application timeline works?
  1. application gets reviewed by staff
  2. hearing with public comment scheduled in November
  2. staff writes a report
  3. any variances are approved or not approved by commissioners based on staff findings

For context, I am opposed to this gas station being installed because it is

- 1) **a threat to the wetland and Bethany Lake** - the station is within 100' of the wetland and plans to filter and discharge surface runoff into Bethany Lake. Gas stations have a long history of having leaks with underground storage tanks and it's a matter of time before a sensor fails and contaminated surface runoff ends up in the lake.
- 2) **a potential hazardous waste site** - the owner has already had multiple tank cleanup issues filed with DEQ for his other gas station locations so it's a matter of when not if we have contaminated soil. The \$1MM bond he carries doesn't seem like enough to eventually remove all the tanks and clean up the site so it can be used for non gas businesses in the future.
  - <https://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=34-94-0007&SourceIdType=12>
  - <https://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=24-15-0724&SourceIdType=12>
- 3) **long term viability of the business model is not proven** - the Bethany neighborhood has a continuously increasing amount of EV cars and the reliance on gas will only decrease as every major auto manufacturer moves to EVs. Installing a new gas station will have a limited lifespan and not serve the community long term.
- 4) **not aligned with Washington County's climate change action plans** - the goal of Washington County to focus on a sustainable future and reduce emissions does not align with adding a gas station that plans to sell 125,000 gallons of gas / month.

Thank you for your time,

Nisha George  
16822 NW Vetter Dr

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**Paul Schaefer**

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EXHIBIT: PH3

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

**From:** gecabani@gmail.com  
**Sent:** Wednesday, October 13, 2021 1:13 PM  
**To:** Stephen Shane  
**Cc:** Paul Schaefer; BethanyLakeFriends@gmail.com; tenkaranorthwest@gmail.com; 'George Cabaniss'  
**Subject:** RE: [EXTERNAL] RE: Casefile L20000057-SU/D(C)/AMP/V/M

Dear Stephan Shane:

It has come to my attention that the developer is AGAIN trying to get a gas station approved for the old Mad Greek location.

I am still opposed to a gas station on such a small lot, too close to the 185<sup>th</sup>/West Union intersection and near an environmentally sensitive creek and lake.

Why has the county not sent out notices of the new application?

Isn't the county zoning offices REQUIRED to give notice of such a applications and notice of any public hearings on the matter?

Filtering the surface water that runs off of the property before it is dumped into the lake is not enough mitigation for potential leaking underground gasoline tanks. What type of filter is involved? It would have to filter organic hydrocarbons (e.g., gasoline spills) in addition to road grime.

A few solar panels on the cover for gas pumps also hardly make up for this proposed traffic and environmental problem.

An EV charging station might be more appropriate, but the small lot size that is too close to a congested intersection would still be a problem.

I have been able to fill my tank without this gasoline station.

I also bet the Albertson's across the street will be a cheaper source of snacks than this proposed business.

I for one would NEVER be a customer.

George Cabaniss  
5045b NW 18<sup>th</sup> Terrace  
Portland, OR 97229

**From:** Stephen Shane <Stephen\_Shane@co.washington.or.us>  
**Sent:** Tuesday, August 18, 2020 2:28 PM  
**To:** gecabani@gmail.com  
**Cc:** Paul Schaefer <Paul\_Schaefer@co.washington.or.us>  
**Subject:** RE: [EXTERNAL] RE: Casefile L20000057-SU/D(C)/AMP/V/M

Thank you George – letting you know I received it and be assured your communication will be entered into the record.

**Stephen Shane | Principal Planner**

Washington County Department of Land Use & Transportation  
Planning and Development Services | Current Planning  
155 N First Avenue, Suite 350 MS13 | Hillsboro, OR 97124  
(503) 846- 8127 | (503) 846-2908 fax

*County offices are open to the public with mask recommendations, distancing restrictions, & occupancy limits.*

*Customers and staff are urged to continue to conduct business remotely (online, via email, phone, appointment, or mail/courier delivery) whenever possible to help mitigate the spread of COVID-19.*

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*LUT Services available online*

**From:** [gecabani@gmail.com](mailto:gecabani@gmail.com) <[gecabani@gmail.com](mailto:gecabani@gmail.com)>  
**Sent:** Tuesday, August 18, 2020 2:24 PM  
**To:** Stephen Shane <[Stephen\\_Shane@co.washington.or.us](mailto:Stephen_Shane@co.washington.or.us)>  
**Cc:** 'Jeffrey Hull' <[jjhull11@yahoo.com](mailto:jjhull11@yahoo.com)>; 'Ryan & Kimberly DeJong' <[ryan.w.dejong@gmail.com](mailto:ryan.w.dejong@gmail.com)>  
**Subject:** [EXTERNAL] RE: Casefile L20000057-SU/D(C)/AMP/V/M  
**Importance:** Low

Resent due to typo in Mr. Shane's e-mail address.

**From:** [gecabani@gmail.com](mailto:gecabani@gmail.com) <[gecabani@gmail.com](mailto:gecabani@gmail.com)>  
**Sent:** Tuesday, August 18, 2020 2:20 PM

**To:** [shephen\\_shane@co.washington.or.us](mailto:shephen_shane@co.washington.or.us)

**Cc:** [gecabani@gmail.com](mailto:gecabani@gmail.com); 'Jeffrey Hull' <[jjhull11@yahoo.com](mailto:jjhull11@yahoo.com)>; 'Ryan & Kimberly DeJong' <[ryan.w.dejong@gmail.com](mailto:ryan.w.dejong@gmail.com)>

**Subject:** Casefile L20000057-SU/D(C)/AMP/V/M

Dear Mr. Shane:

I wish to strongly oppose the building of an unneeded/unwanted "Convenience Store"/Gas station at the corner of West Union and 185<sup>th</sup> Avenue in unincorporated Washington county.

A DMV appointment at 4 PM August 20<sup>th</sup> prevents my attendance at the hearing.

As page 5, item 9 states, of over 250 e-mails received, "the majority were overwhelming opposed" to this project. Why are the Washington county planners a party to forcing this project against the wishes of the local residents?

- This is a busy intersection. Increased traffic will make things worse especially after the COVID-19 health crisis is over.
- There is more than an ample number of service stations south of US 26 on 185<sup>th</sup> Avenue. There is also a gas station/Convenience store at the corner of Cornelius Pass and West Union. Nearly all of these gas stations sell "Top Tier" gasolines recommended by auto manufacturers and the EPA.
- Albertson's Grocery Supermarket is across the street from the proposed site. Prices in Supermarkets are almost always favorable to so call "convenience stores".
- There is NO PUBLIC NEED for this project.
- Most importantly, the proposed site is very close to Rock Creek. Gasoline storage tanks often leak and contaminate ground water and local streams.

Where is the DOCUMENTED groundwater testing plan that would help detect leaks early?

What are the plans to contain leaks and protect ground water/creek water in case of gasoline leaks?

Is there a fund established to do the testing and cleanup the area/rehabilitate affected wildlife if the business fails? If not, are tax payers expected as usual to foot the bill?

What is the plan to report these leaks to local residents living within 2 miles radius of the proposed gas station?

I see no such plans required by the planners in the documentation sent out prior to the meeting.

To my knowledge no local gas stations are this close to a public park/stream. Why allow this one?

Maybe the developer could put his gas station adjacent to his business in Lake Oswego?

Maybe his more affluent neighborhood, environmental protection, and the property values around that body of water are more important to him and to the county than Rock Creek and the neighborhood that surrounds it.

As for me, I never plan to do business with this unneeded business and prefer it never exist.

Thanks

George Cabaniss

5045 NW180th Terrace

Portland, OR 97229

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**Paul Schaefer**

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**EXHIBIT: PH4**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** Stephen Shane  
**Sent:** Monday, October 18, 2021 1:31 PM  
**To:** Anne Kelly  
**Cc:** Paul Schaefer  
**Subject:** RE: [EXTERNAL] Gas Station at Bethany Lake

Thanks – that’s ours.

**Stephen Shane | Principal Planner**

Washington County Department of Land Use & Transportation  
Planning and Development Services | Current Planning  
155 N First Avenue, Suite 350 MS13 | Hillsboro, OR 97124  
(503) 846- 8127 direct

*Due to staffing shortages in Current Planning, responses to emails and phone calls are expected to take longer than anticipated.*  
**PLEASE NOTE: MAJORITY OF STAFF CONTINUES TO WORK REMOTELY AND ARE BEST REACHED BY EMAIL.**  
*Please submit planning-related questions to LUTDEV@co.washington.or.us.*  
*Your patience is appreciated.*

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[LUT Services available online](#)

**From:** Anne Kelly <Anne\_Kelly@co.washington.or.us>  
**Sent:** Monday, October 18, 2021 1:05 PM  
**To:** Stephen Shane <Stephen\_Shane@co.washington.or.us>  
**Cc:** Dyami Valentine <Dyami\_Valentine@co.washington.or.us>; Emily Brown <Emily\_Brown@co.washington.or.us>; Erin Wardell <Erin\_Wardell@co.washington.or.us>; Jessica Pelz <Jessica\_Pelz@co.washington.or.us>; Joel Cvetko <Joel\_Cvetko@co.washington.or.us>; Julie Sosnovske <Julie\_Sosnovske@co.washington.or.us>; Ken Rencher <Ken\_Rencher@co.washington.or.us>; Kimberly Armstrong <Kimberly\_Armstrong@co.washington.or.us>; Michelle Miller <Michelle\_Miller@co.washington.or.us>; Reza Farhoodi <Reza\_Farhoodi@co.washington.or.us>; Steve L Kelley <SteveL\_Kelley@co.washington.or.us>; Suzanne Savin <Suzanne\_Savin@co.washington.or.us>; Theresa Cherniak <Theresa\_Cherniak@co.washington.or.us>; Todd Borkowitz <Todd\_Borkowitz@co.washington.or.us>  
**Subject:** RE: [EXTERNAL] Gas Station at Bethany Lake

Hi, Stephen.

This looks like a Current Planning review issue. Sending it your way as I don’t see anyone from your team included.

**Anne Kelly | Senior Planner**

(503) 846-3583 direct | (503) 846-4412 fax

In an effort to mitigate the spread of COVID-19, I am working from home in accordance with County policy.

Please continue to contact me via email.

**From:** Maria Fernandez-Diaz <maria.fernandez-diaz@hotmail.com>

**Sent:** Monday, October 18, 2021 12:26 PM

**To:** Anne Kelly <Anne\_Kelly@co.washington.or.us>; Dyami Valentine <Dyami\_Valentine@co.washington.or.us>; Emily

Brown <[Emily\\_Brown@co.washington.or.us](mailto:Emily_Brown@co.washington.or.us)>; Erin Wardell <[Erin\\_Wardell@co.washington.or.us](mailto:Erin_Wardell@co.washington.or.us)>; Jessica Pelz <[Jessica\\_Pelz@co.washington.or.us](mailto:Jessica_Pelz@co.washington.or.us)>; Joel Cvetko <[Joel\\_Cvetko@co.washington.or.us](mailto:Joel_Cvetko@co.washington.or.us)>; Julie Sosnovske <[Julie\\_Sosnovske@co.washington.or.us](mailto:Julie_Sosnovske@co.washington.or.us)>; Ken Rencher <[Ken\\_Rencher@co.washington.or.us](mailto:Ken_Rencher@co.washington.or.us)>; Kimberly Armstrong <[Kimberly\\_Armstrong@co.washington.or.us](mailto:Kimberly_Armstrong@co.washington.or.us)>; Michelle Miller <[Michelle\\_Miller@co.washington.or.us](mailto:Michelle_Miller@co.washington.or.us)>; Reza Farhoodi <[Reza\\_Farhoodi@co.washington.or.us](mailto:Reza_Farhoodi@co.washington.or.us)>; Steve L Kelley <[SteveL\\_Kelley@co.washington.or.us](mailto:SteveL_Kelley@co.washington.or.us)>; Suzanne Savin <[Suzanne\\_Savin@co.washington.or.us](mailto:Suzanne_Savin@co.washington.or.us)>; Theresa Cherniak <[Theresa\\_Cherniak@co.washington.or.us](mailto:Theresa_Cherniak@co.washington.or.us)>; Todd Borkowitz <[Todd\\_Borkowitz@co.washington.or.us](mailto:Todd_Borkowitz@co.washington.or.us)>

**Subject:** [EXTERNAL] Gas Station at Bethany Lake

Dear Planners,

My name is Maria Fernandez-Diaz, I'm a Licensed Engineer in the State of Oregon (OR 80896), and have commented on several occasions regarding the permitting of a Gas Station along Bethany Lake, however I have never heard back ( with exception of one of the planners that tried contacting me on my phone, but I was not able to take the call) . My neighbors at Rock Creek have for the last two years attended hearings, organized and paid lawyers in an effort to prevent Washington County from allowing this project.

I have given my professional assessment of this location. It is hydraulically connected to the Bethany Lake, and a spill on it, will contaminate the entire lake. There is no time and money that will restore the eco-habitat. I used to work for CH2M HILL, cleaning up spills and also helping companies permit their projects. I have worked on all sides of environmental permitting, and this project is outrageous. Please go and take a look, although this park is squeezed in between a residential area, it should not be consider residential, based on the services it provide and the wildlife habitat it provides. Please let me know why is this company, given so many exceptions? What does it take for the County to give a firm no, to such risky project. Thank you, Maria

Sent from [Mail](#) for Windows

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EXHIBIT: PH5  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

October 11, 2021

RECEIVED

OCT 15 2021

PLANNING AND DEVELOPMENT SERVICES  
LAND USE AND TRANSPORTATION

Dear Paul Schaefer and other relevant parties,

I am writing in opposition to the proposed gas station at the corner of West Union and 185<sup>th</sup> (Casefile/Project #L2000057-SU/D(C)/V/AMP/M). As someone who lives in the neighborhood close to the site, building any building on that site will cause traffic issues and increase traffic accidents. The fact that the plan has an allowance to turn left without a light out of the parking lot onto West Union should be grounds for immediate rejection.

In addition, the location is right on wetlands and a creek that flows into Bethany Lake. The site is far too close to the water so the runoff from spilled gas will wash off right into the creek and the buried gas tank will be feet from a steep bank where the creek runs.

My recommendation for what the land should be used for is to turn it over to Tualatin Hills Park and Recreation District (THPRD) and to incorporate it into the existing park on the other side of the creek.

Thank you for your time and consideration,



Alex Bailey

17878 NW Deerfield DR

Portland OR 97229

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, October 31, 2021 5:05 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 10/31/2021 - 16:55

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Audrey Farrell

**Email**

[audreywf7@gmail.com](mailto:audreywf7@gmail.com)

**Address**

5528 NW Burning Tree Ct  
Portland, Oregon. 97229

**Your Comments**

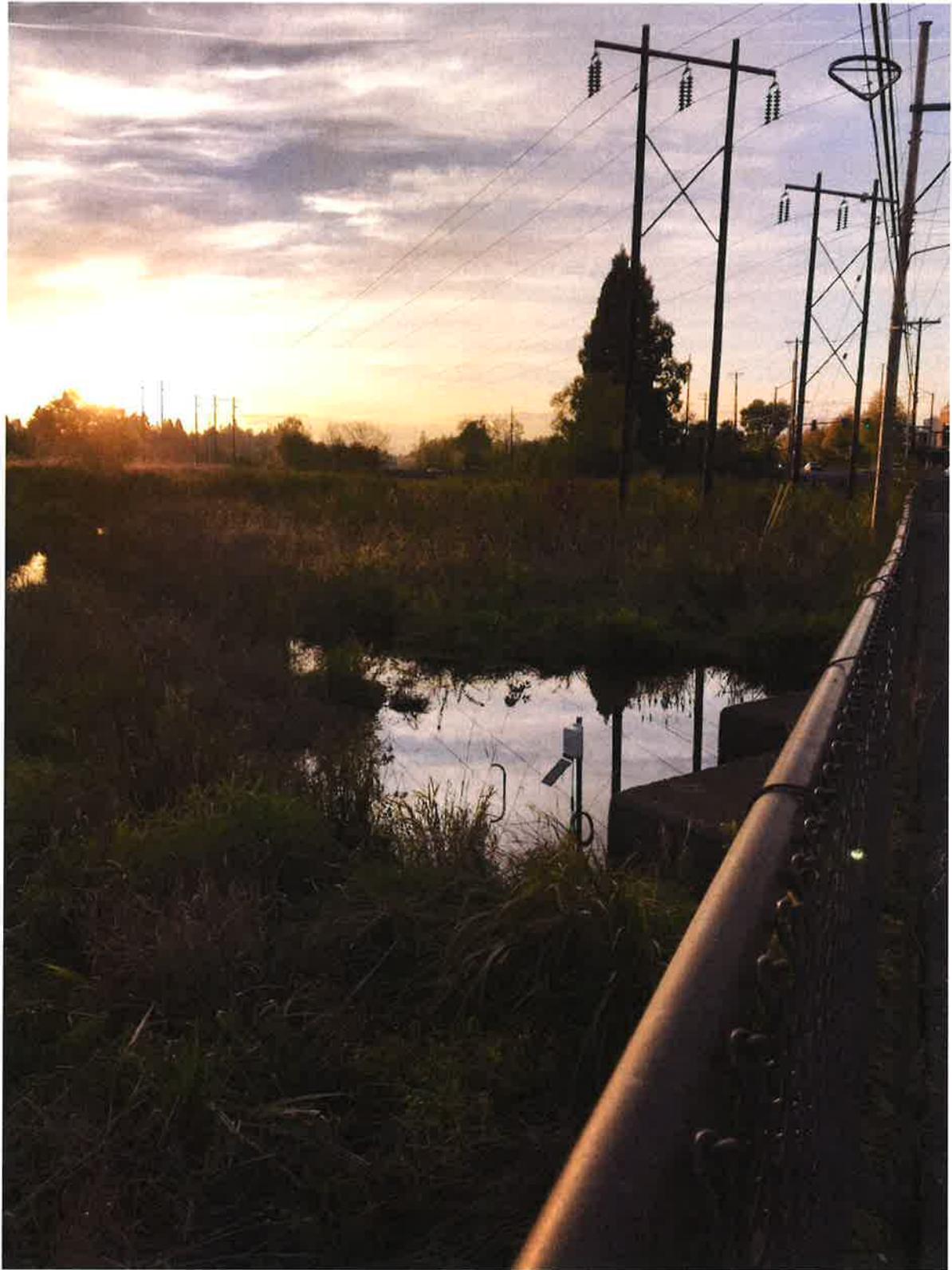
I am opposed to the plan to build a gas station on the old Mad Greek property on West Union Road. I believe the lot is not suitable for a gas station due to the very close proximity of the wetlands and Bethany Lake. Birds, wildlife, fish and amphibians will be potentially at risk from leakage of underground tanks, and runoff from the parking lot. The lights will be on all night which will negatively effect the circadian cycle of birds and animals. The 100 year old trees on the property will most likely be cut down, again disturbing wildlife. Increased traffic entering and exiting the gas station is dangerous for pedestrians and children walking to and from school. The two story building and bright lights will be out of scale and harshly contrasted with the natural environment on the trails that we and our neighbors enjoy everyday for exercise and recreation. Please do not allow the variances for this gas station. I personally believe that this parcel should be bought by the county and made part of the Rock Creek Trail or park system. Please do not allow a gas station to built here.

Thank you, Audrey Farrell

**Attach Documents**

- [trailview.jpg](#) (281.69 KB)
- [water to east.jpg](#) (257 KB)
- [wetlands.jpg](#) (271.41 KB)







**Doria Mateja-Stellmacher**

---

**From:** noreply@co.washington.or.us on behalf of Washi  
<noreply@co.washington.or.us>  
**Sent:** Sunday, October 31, 2021 1:45 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 10/31/2021 - 13:44

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Jeremy Rear

**Address**

16846 NW Oakridge Drive  
Portland, Oregon. 97229

**Your Comments**

I am surprised that Washington County is allowing this project to be considered at this location, even as a conditional use. Building this fuel station facility is a threat to the local ecosystem and wildlife that Washington County and regional governments (i.e.- Tualatin Hill Parks & Recreation) have made painstaking measures over the years to protect. Should there be an underground petrochemical leak from one of the buried fuel tanks (and these occur more often than the public suspects), it will endanger the surrounding environment and cause irreversible damage to the ecosystem and community. Even if an underground leak does not occur, petrochemical contaminates will still migrate to the surrounding riparian areas through surface runoff and vehicular contact / cross-contamination. All surface runoff (permeable, and non-permeable) feeds directly into the adjacent riparian areas. The water table in this area is extremely high relative to the adjacent surface, and the site under consideration is within approximately five (5) vertical feet of the riparian zone. Fuel tanks are buried much deeper than this, and thus would put them within the water table elevation. Washington County and the local Bethany / Rock Creek community cannot afford to support a development project that could potentially damage local community assets such as this nature area, and healthy native refuge for local wildlife.

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of Wa  
<noreply@co.washington.or.us>  
**Sent:** Sunday, October 31, 2021 12:32 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 10/31/2021 - 12:31

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Dave Burdick

**Email**  
[burdickdave@hotmail.com](mailto:burdickdave@hotmail.com)

**Address**  
6638 NW 163rd Ave  
Portland, Oregon. 97229

**Your Comments**

I am against a Chevron gas station being allowed in this location, as are a lot of others in this community. It brings strong potential of harm to our beautiful wetlands and wildlife.

**Doria Mateja-Stellmacher**

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**EXHIBIT: PH9**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of Washi  
<noreply@co.washington.or.us>  
**Sent:** Sunday, October 31, 2021 11:40 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 10/31/2021 - 11:40

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Molly Burdick

**Email**

[mollyburdick@outlook.com](mailto:mollyburdick@outlook.com)

**Address**

6638 NW 163rd Ave  
Portland, Oregon. 97229

**Your Comments**

As a community local, trail runner in the area, and lover of the outdoors, this Chevron station will endanger our local environment and creatures who depend on it. This is just another example of a greedy corporation wanting to make an extra dollar at the expense of the land around it. They need to find land elsewhere, which is not near protected waterways and land. The community does not support Chevron building here. The likelihood of spills into the land around it is high, and they are aware of this. We do not support this.

EXHIBIT: PH10

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of <noreply@co.washington.or.us>  
**Sent:** Sunday, October 31, 2021 10:37 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 10/31/2021 - 10:37

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Elise Lebeau

**Email**

[eliseleb@yahoo.com](mailto:eliseleb@yahoo.com)

**Address**

15221 NW Marie Way  
Portland, Oregon. 97229

**Your Comments**

I am opposed to the development of a gas station so close to our precious wetlands. A Gas station is likely to leak toxic fuel into the stream which feeds into several adjacent neighborhoods. I live in Bethany and the Park district have made tremendous effort to restore our streams to wildlife, which in turn has increased our property value and the desirability of Washington County real estate. I would urge the county to decide on a more suitable location for this gas station. Thank you for your consideration!

**Doria Mateja-Stellmacher**

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EXHIBIT: PH11

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of  
<noreply@co.washington.or.us>  
**Sent:** Saturday, October 30, 2021 3:40 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Sat, 10/30/2021 - 15:39

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Noah Gonzalez

**Email**

[corywhitleyn7@gmail.com](mailto:corywhitleyn7@gmail.com)

**Address**

16152 NW Spartan Way

Apt 55

Portland, Oregon. 97229

**Your Comments**

I don't think this gas station is a good idea. Environmentally, there is a risk of storage tank leakage into the Bethany River that is adjacent to this property. It would also be a major disruption to traffic turning from 185th to west union. I say no.

**Doria Mateja-Stellmacher**

---

EXHIBIT: PH12

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of W  
<noreply@co.washington.or.us>  
**Sent:** Friday, October 29, 2021 1:37 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Fri, 10/29/2021 - 13:35

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Brandon Philips

**Email**

[brandon@ifup.org](mailto:brandon@ifup.org)

**Address**

16822 NW Vetter Dr  
Portland, Oregon. 97229

**Your Comments**

In the previous Staff report for this Chevron station application (L2000057) Staff used ITE code 945 for their traffic analysis. However, this code is meant for gross floor area (GFA) of 2,000 to 3,000 square ft in the ITE 10th edition which doesn't fit with this 5000 sq ft development. The ITE 10th edition 960 code for Super Convenience Market and Gas Stations seems more appropriate as it is meant for 3,000 sq. ft or greater.

Is there a reason 945 was used?

Thank You,

Brandon

**Attach Documents**

- [ite-service-stations.pdf](#) (1.16 MB)

## Land Use: 944

### Gasoline/Service Station

#### Description

This land use includes gasoline/service stations where the primary business is the fueling of motor vehicles. The sites included generally have a small building (less than 2,000 gross square feet) that houses a cashier and limited space for motor vehicle maintenance supplies and general convenience products. A gasoline/service station may also have ancillary facilities for servicing and repairing motor vehicles and may have a car wash. Convenience market with gasoline pumps (Land Use 853), gasoline/service station with convenience market (Land Use 945), and truck stop (Land Use 950) are related uses.

#### Additional Data

The independent variable—vehicle fueling positions—is defined as the maximum number of vehicles that can be fueled simultaneously.

Gasoline/service stations in this land use include “pay-at-the-pump” and traditional fueling stations.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 16 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 5:45 and 6:45 p.m., respectively. For the one center city core site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 10:30 a.m. and 11:30 p.m. and 5:00 and 6:00 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Florida, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, Ontario (CAN), Oregon, South Dakota, Texas, and Washington.

#### Specialized Land Use Data

A 2006 study provided data on four private fuel facilities in Florida (source 721). These facilities provide self-fuel service, but are not open for use by the general public. To use the services offered at the facility, a pre-established membership account is required. The trip generation characteristics of this site differed from sites included in this land use; therefore, trip generation information for this site is presented here and was excluded from the data plots. The sites had an average of nine vehicle fueling positions. An average of 12 vehicle trips were counted during the weekday, AM peak hour of adjacent traffic and seven were counted during the weekday, PM peak hour of adjacent street traffic.

#### Source Numbers

221, 274, 278, 288, 340, 350, 351, 355, 359, 366, 440, 583, 617, 618, 631, 721, 867, 882, 883, 888, 954, 977

# Gasoline/Service Station (944)

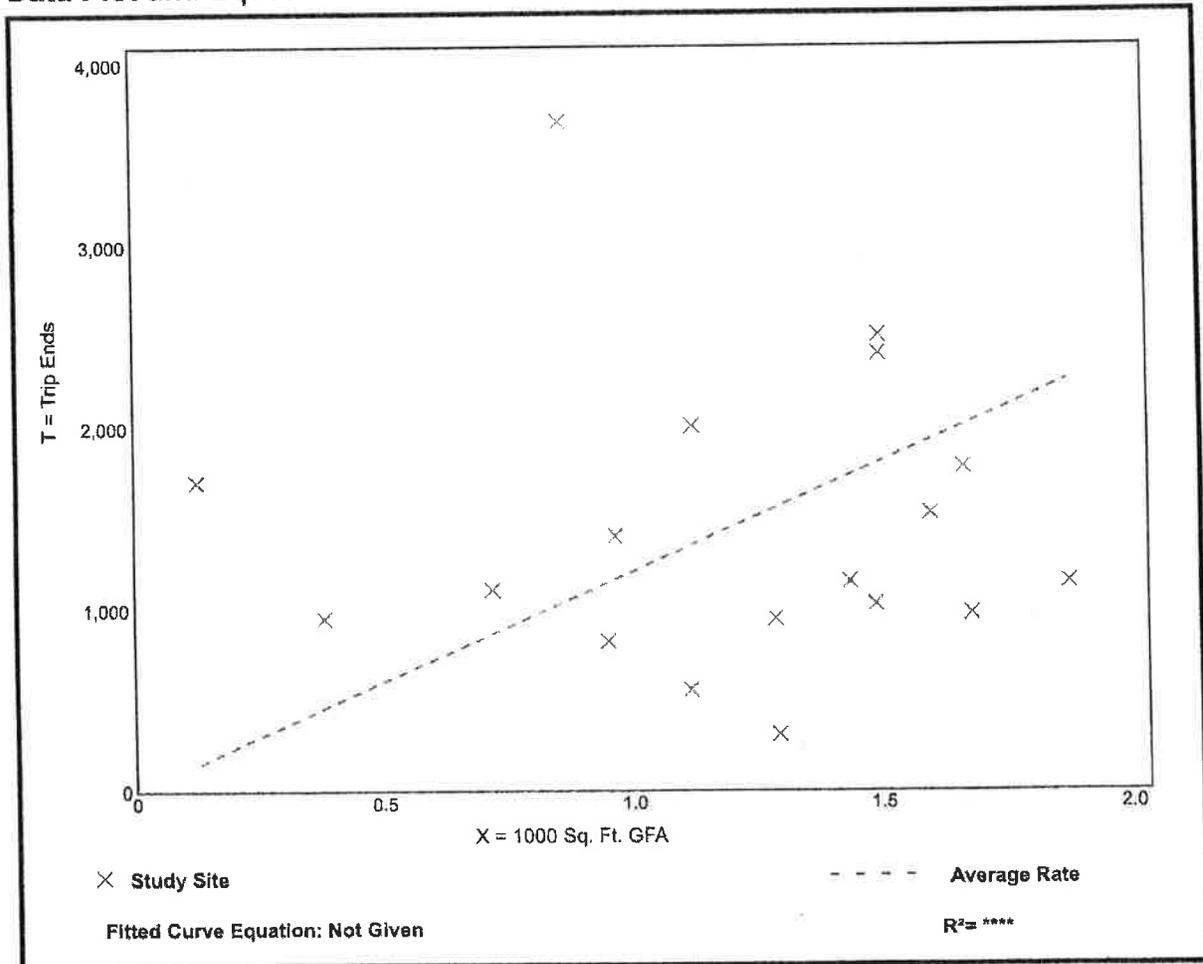
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
On a: **Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 18  
1000 Sq. Ft. GFA: 1  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1202.83	237.65 - 13281.25	1265.67

## Data Plot and Equation



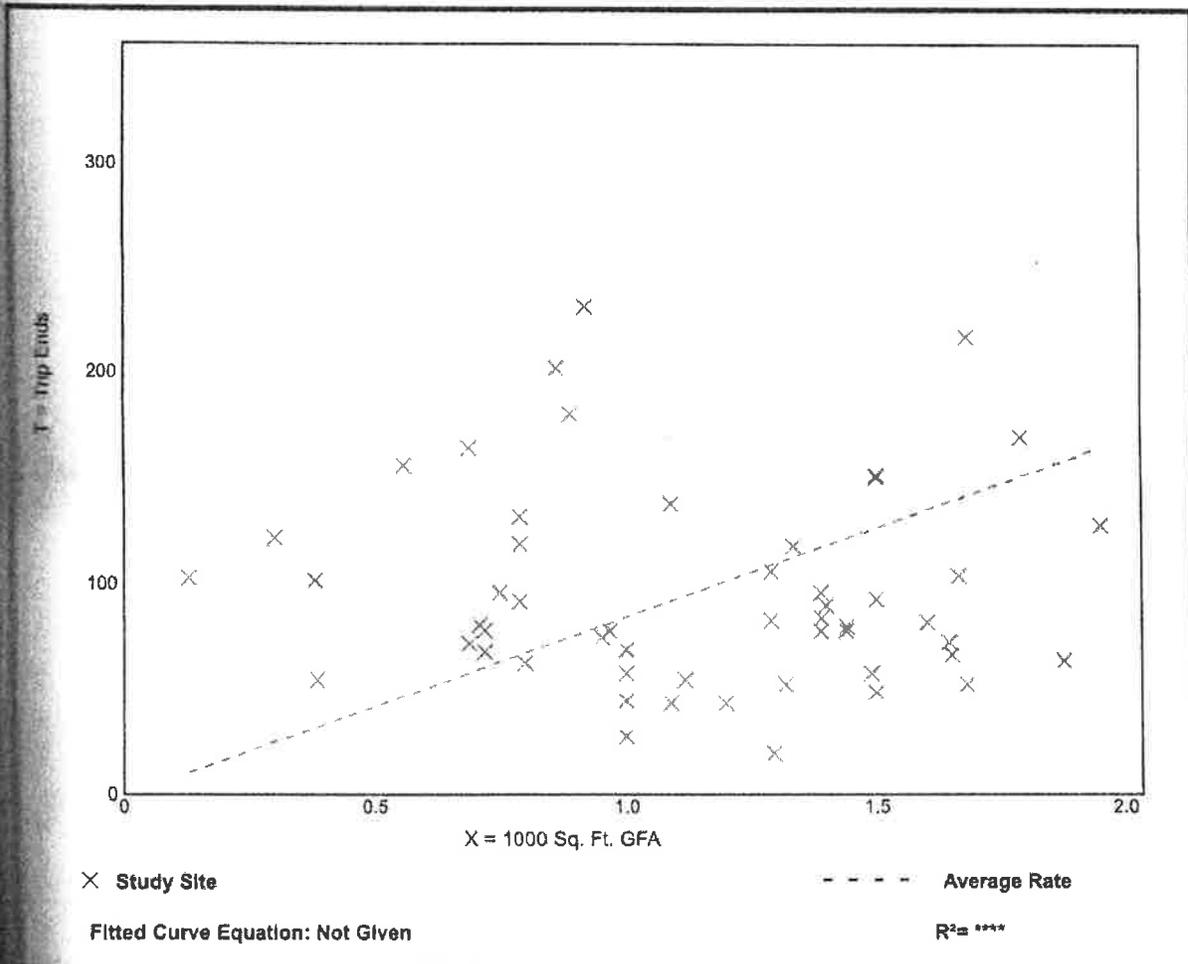
## Gasoline/Service Station (944)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GFA  
**On a:** Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 53  
 1000 Sq. Ft. GFA: 1  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
84.55	15.43 - 804.69	68.59

### Data Plot and Equation



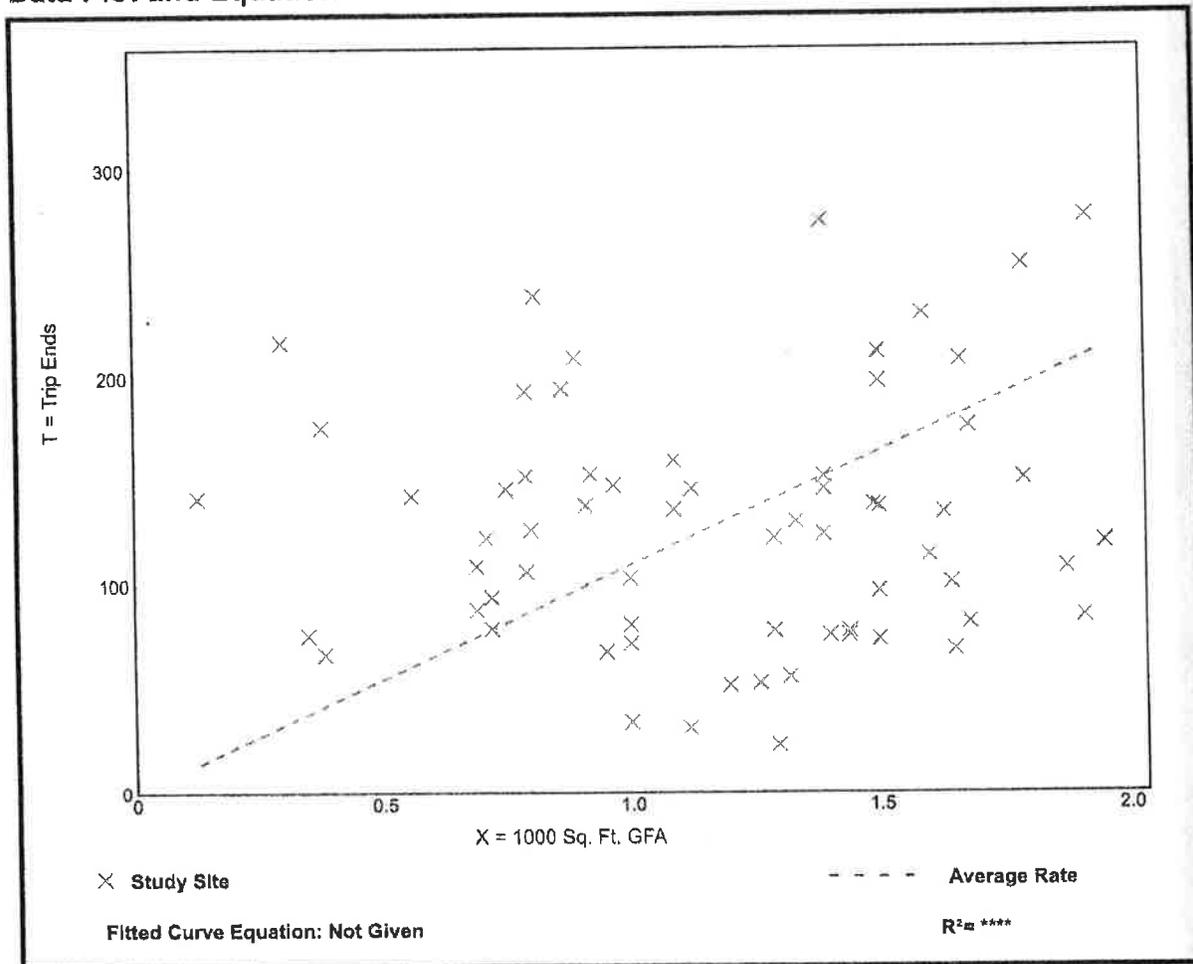
## Gasoline/Service Station (944)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 65  
 1000 Sq. Ft. GFA: 1  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
109.27	17.75 - 1109.38	84.01

### Data Plot and Equation



## Land Use: 945

### Gasoline/Service Station with Convenience Market

#### Description

This land use includes gasoline/service stations with convenience markets where the primary business is the fueling of motor vehicles. These service stations may also have ancillary facilities for servicing and repairing motor vehicles and may have a car wash. Some commonly sold convenience items are newspapers, coffee or other beverages, and snack items that are usually consumed in the car. The sites included in this land use category have the following two specific characteristics:

- The gross floor area of the convenience market is between 2,000 and 3,000 gross square feet
- The number of vehicle fueling positions is at least 10

Convenience market (Land Use 851), convenience market with gasoline pumps (Land Use 853), gasoline/service station (Land Use 944), truck stop (Land Use 950), and super convenience market/gas station (Land Use 960) are related uses.

#### Additional Data

The independent variable, vehicle fueling positions, is defined as the maximum number of vehicles that can be fueled simultaneously.

Gasoline/service stations in this land use include "pay-at-the-pump" and traditional fueling stations.

Time-of-day distribution data for this land use are presented in Appendix A. For the five general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:30 and 8:30 a.m. and 3:45 and 4:45 p.m., respectively.

A multi-variable regression analysis based on both the convenience market gross floor area (GFA) and the number of vehicle fueling positions (VFP) produced a series of fitted curve equations. The equations are in the form of:

$$\text{Vehicle Trips} = [(\text{VFP Factor}) \times (\text{Number of VFP})] + [(\text{GFA Factor}) \times (\text{GFA})] + (\text{Constant})$$

The values for the VFP factor, GFA factor, and constant are presented in the following table for each time period for which a fitted curve equation could produce an R<sup>2</sup> value of at least 0.50.

Time Period	VFP Factor	GFA Factor	Constant	R <sup>2</sup>
Weekday, AM Peak Hour of Generator	15.6	108	-295	0.62
Weekday, PM Peak Hour of Generator	Not Available			
Weekday, AM Peak Hour of Adjacent Street	15.7	97.3	-284	0.59
Weekday, PM Peak Hour of Adjacent Street	Not Available			

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CA), California, Connecticut, Florida, Indiana, Iowa, Kentucky, Minnesota, New Hampshire, New Jersey, Texas, and Wisconsin.

**Source Numbers**

245, 340, 350, 385, 440, 617, 813, 864, 865, 883, 888, 954, 960, 977

# Gasoline/Service Station With Convenience Market (945)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

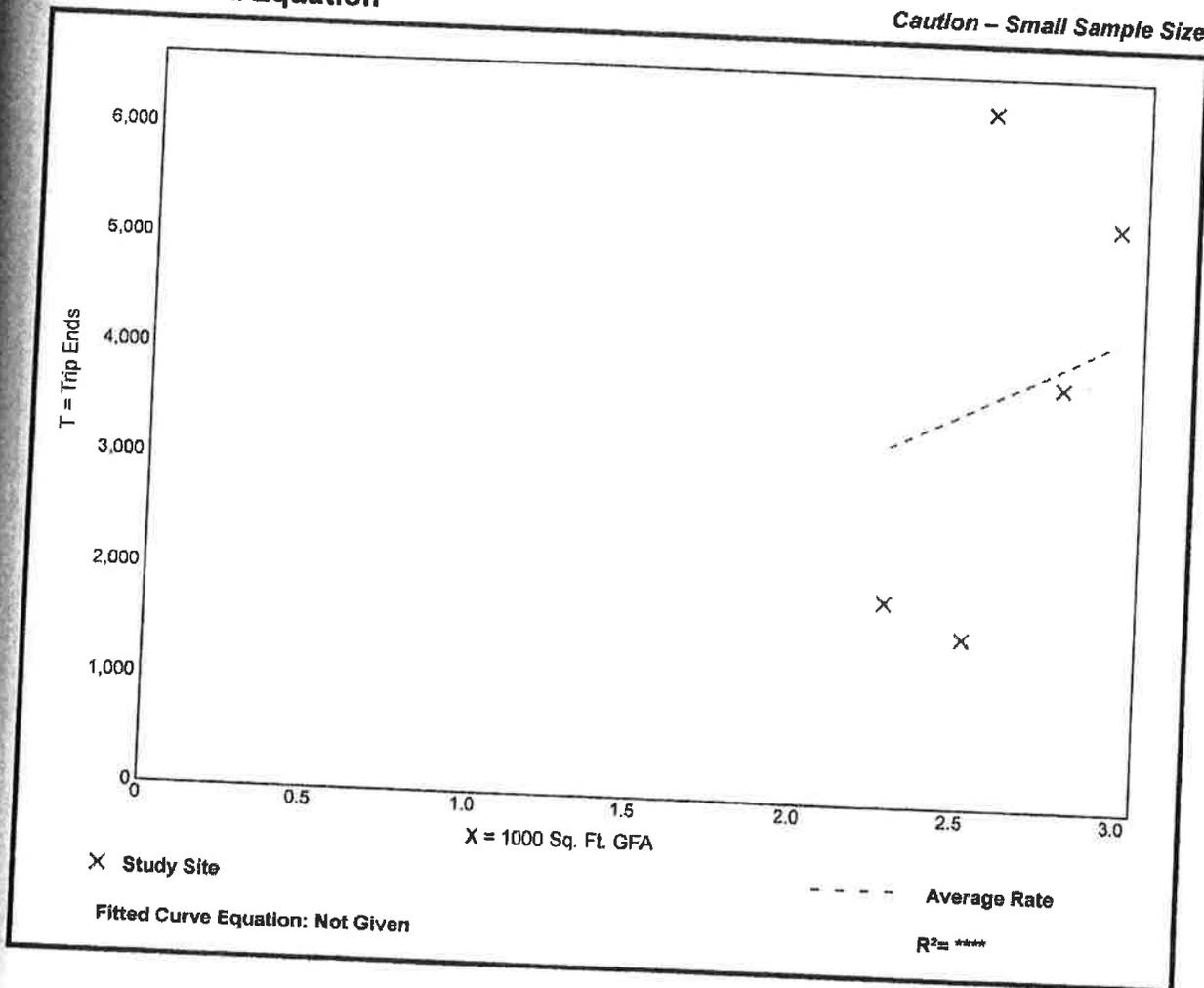
Setting/Location: General Urban/Suburban  
Number of Studies: 5  
1000 Sq. Ft. GFA: 3  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1440.02	617.89 - 2466.48	734.23

## Data Plot and Equation

*Caution - Small Sample Size*



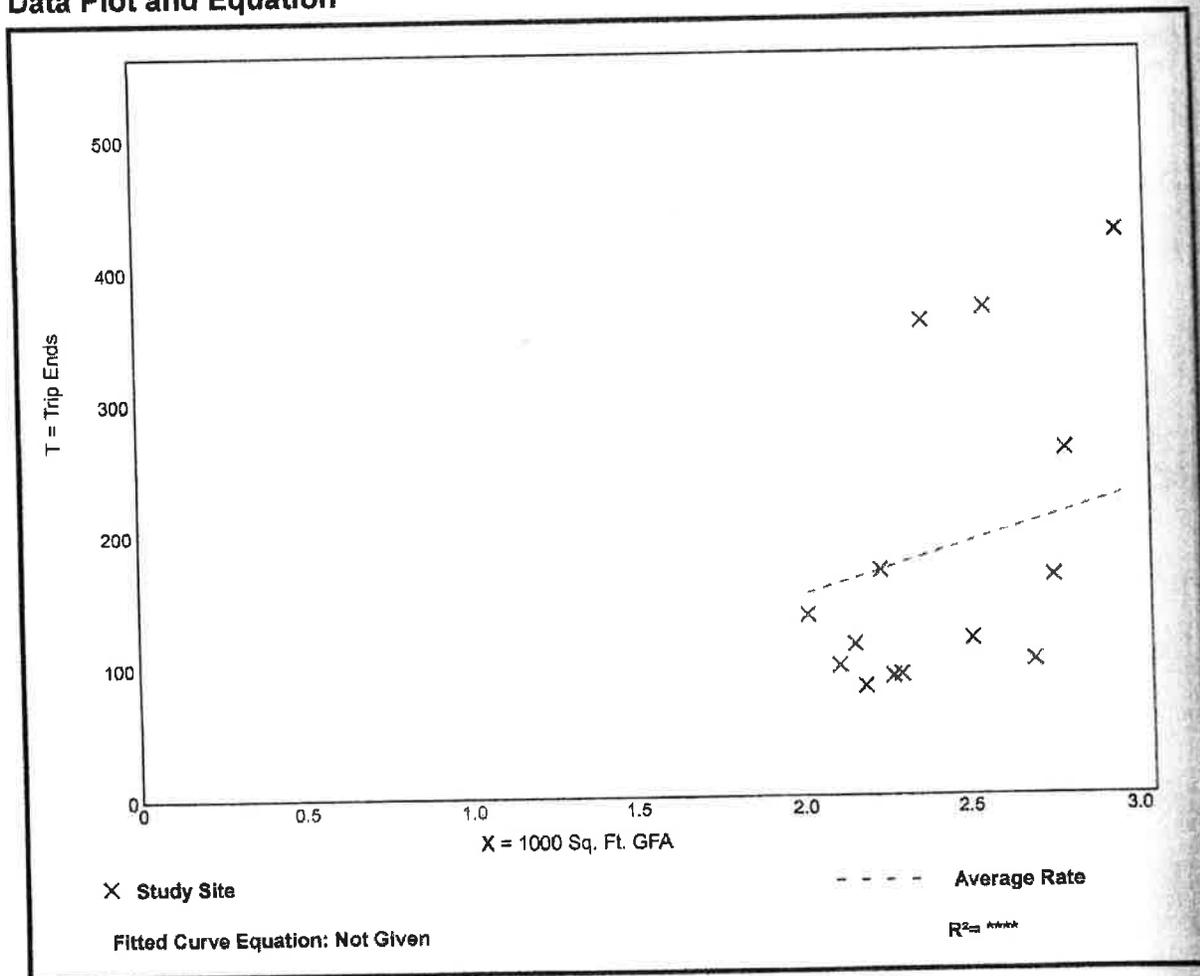
# Gasoline/Service Station With Convenience Market (945)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 14  
 1000 Sq. Ft. GFA: 2  
 Directional Distribution: 51% entering, 49% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
75.99	37.78 - 150.67	42.87

## Data Plot and Equation



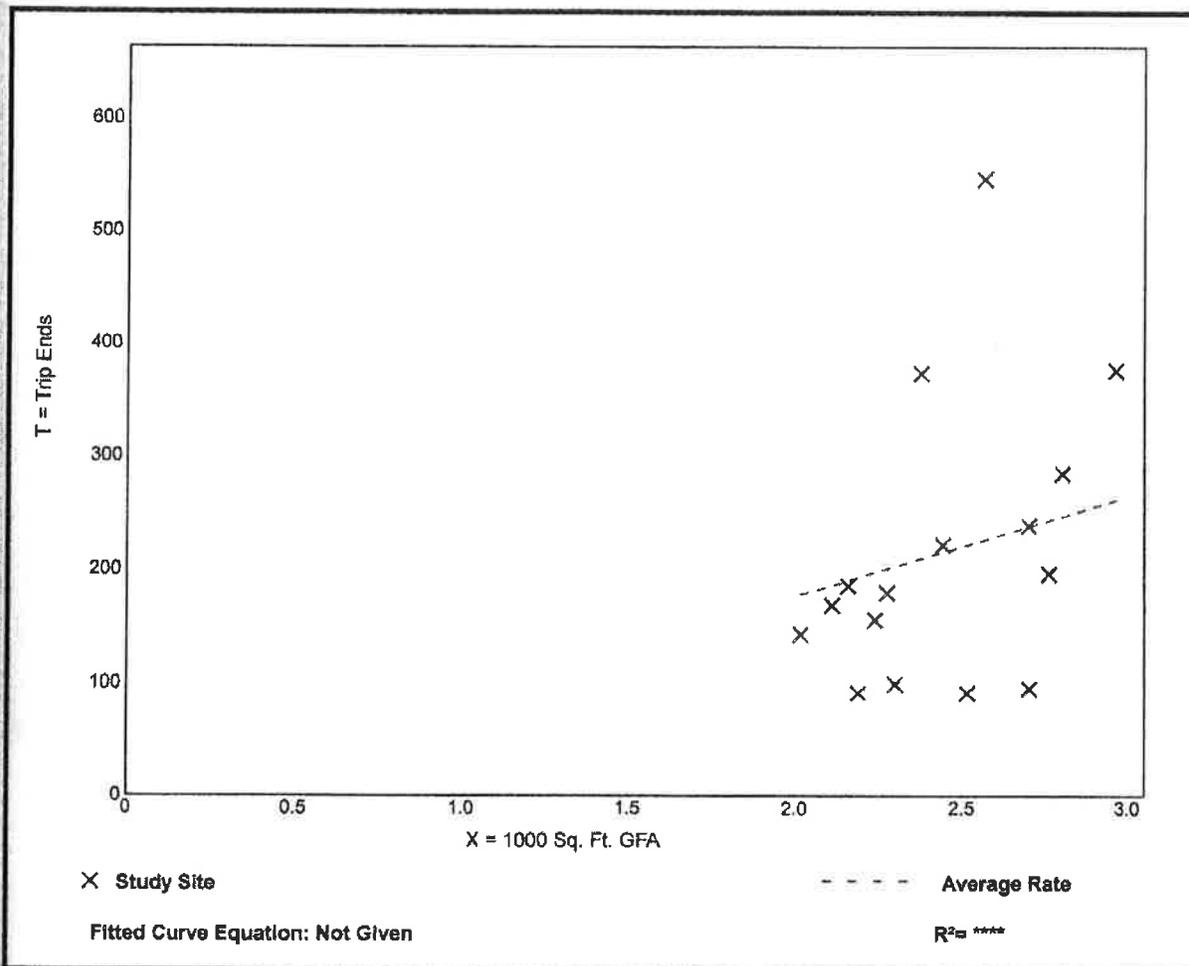
## Gasoline/Service Station With Convenience Market (945)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 16  
 1000 Sq. Ft. GFA: 2  
 Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
88.35	35.56 - 213.17	47.42

### Data Plot and Equation



# Land Use: 960

## Super Convenience Market/Gas Station

### Description

This land use includes gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also had automated teller machines (ATMs), and public restrooms. The sites included in this land use category have the following two specific characteristics:

- The gross floor area of the convenience market is at least 3,000 gross square feet
- The number of vehicle fueling positions is at least 10

Convenience market with gasoline pumps (Land Use 853) and gasoline/service station with convenience market (Land Use 945) are related uses.

### Additional Data

To reflect changing characteristics of the convenience market component of this land use, only data from the past two decades have been included in this land use.

The independent variable, vehicle fueling positions, is defined as the maximum number of vehicles that can be fueled simultaneously. Gasoline/service stations in this land use include "pay-at-the-pump" and traditional fueling stations.

A multi-variable regression analysis based on both the convenience market gross floor area (GFA) and the number of vehicle fueling positions (VFP) produced a series of fitted curve equations. The equations are in the form of:

$$\text{Vehicle Trips} = [(VFP \text{ Factor}) \times (\text{Number of VFP})] + [(GFA \text{ Factor}) \times (GFA)] + (\text{Constant})$$

The values for the VFP factor, GFA factor, and constant are presented in the following table for each time period for which a fitted curve equation could produce an R<sup>2</sup> value of at least 0.50.

Time Period	VFP Factor	GFA Factor	Constant	R <sup>2</sup>
Weekday, AM Peak Hour of Generator	10.3	105	-290	0.62
Weekday, PM Peak Hour of Generator	6.91	76.0	-133	0.68
Weekday, AM Peak Hour of Adjacent Street	16.1	135	-483	0.66
Weekday, PM Peak Hour of Adjacent Street	11.5	82.9	-226	0.51

The sites were surveyed in the late 1990's, 2000s and the 2010s in Florida, Iowa, Maryland, Minnesota, New Hampshire, New Jersey, Pennsylvania, Texas, Utah, and Wisconsin.

### Source Numbers

617, 813, 844, 850, 864, 865, 867, 869, 882, 888, 904, 938, 954, 960, 962

## Super Convenience Market/Gas Station (960)

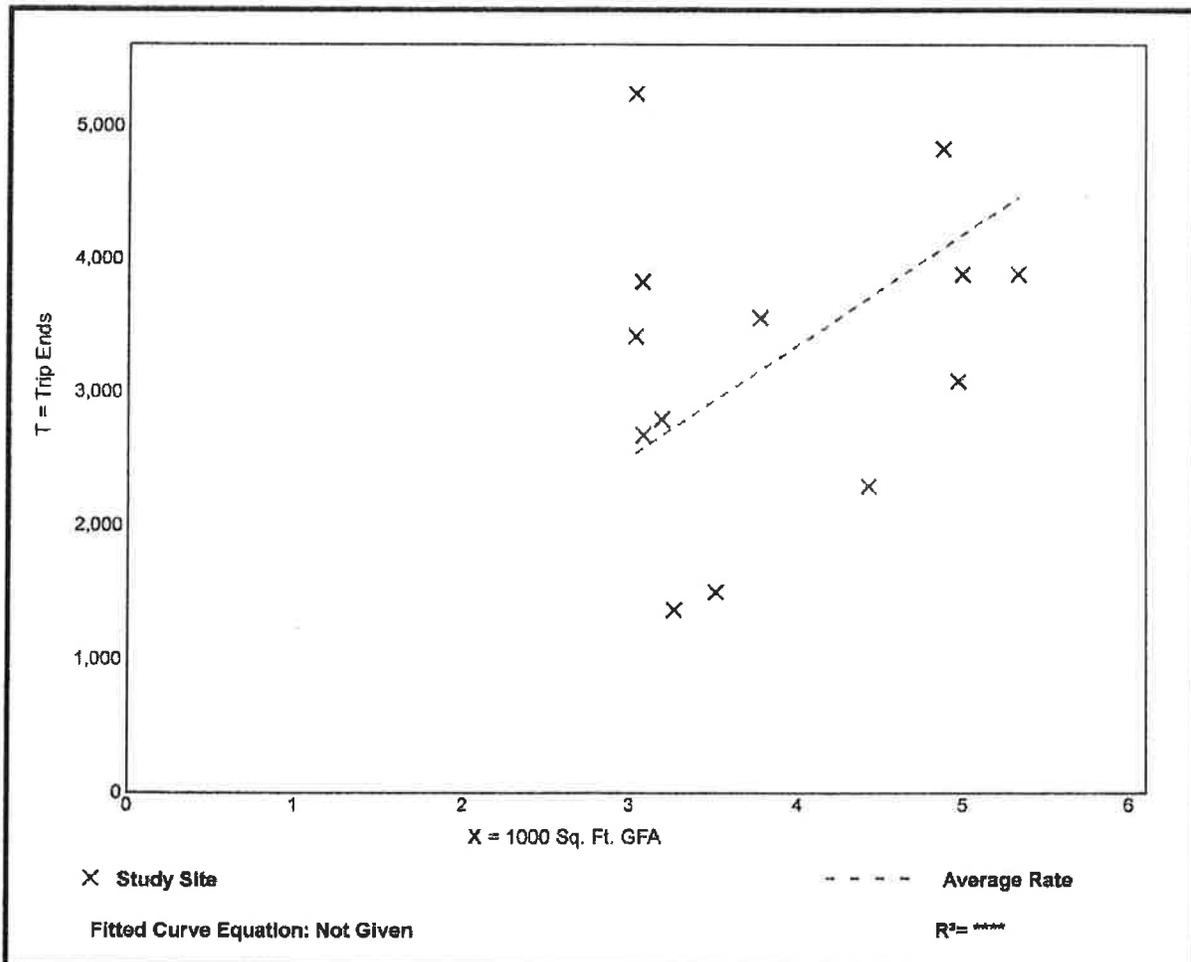
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 13  
1000 Sq. Ft. GFA: 4  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
837.58	419.93 - 1725.33	334.67

### Data Plot and Equation



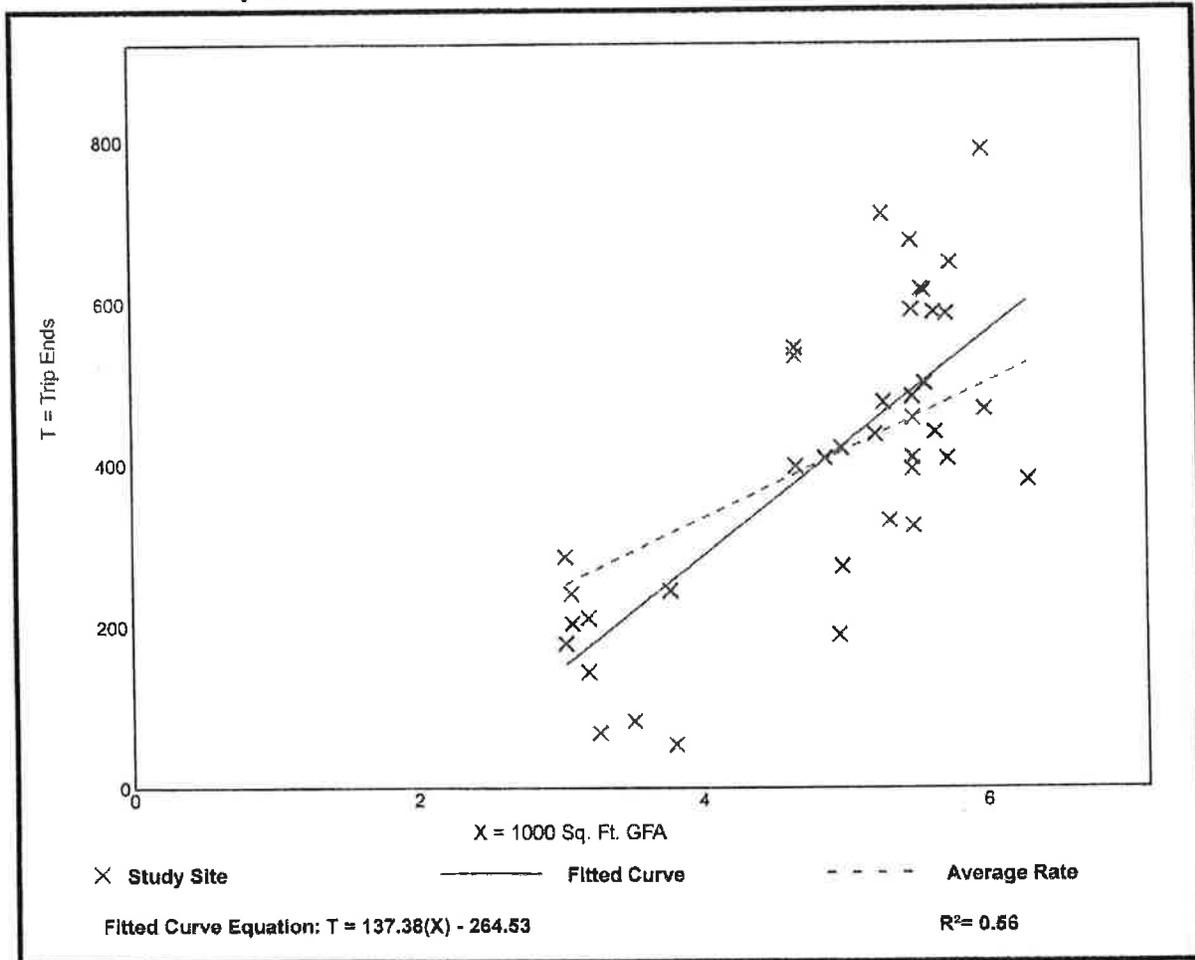
# Super Convenience Market/Gas Station (960)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 39  
 1000 Sq. Ft. GFA: 5  
 Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
83.14	14.17 - 133.96	28.07

## Data Plot and Equation



## Super Convenience Market/Gas Station (960)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 48  
 1000 Sq. Ft. GFA: 5  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
69.28	29.83 - 114.20	21.07

### Data Plot and Equation

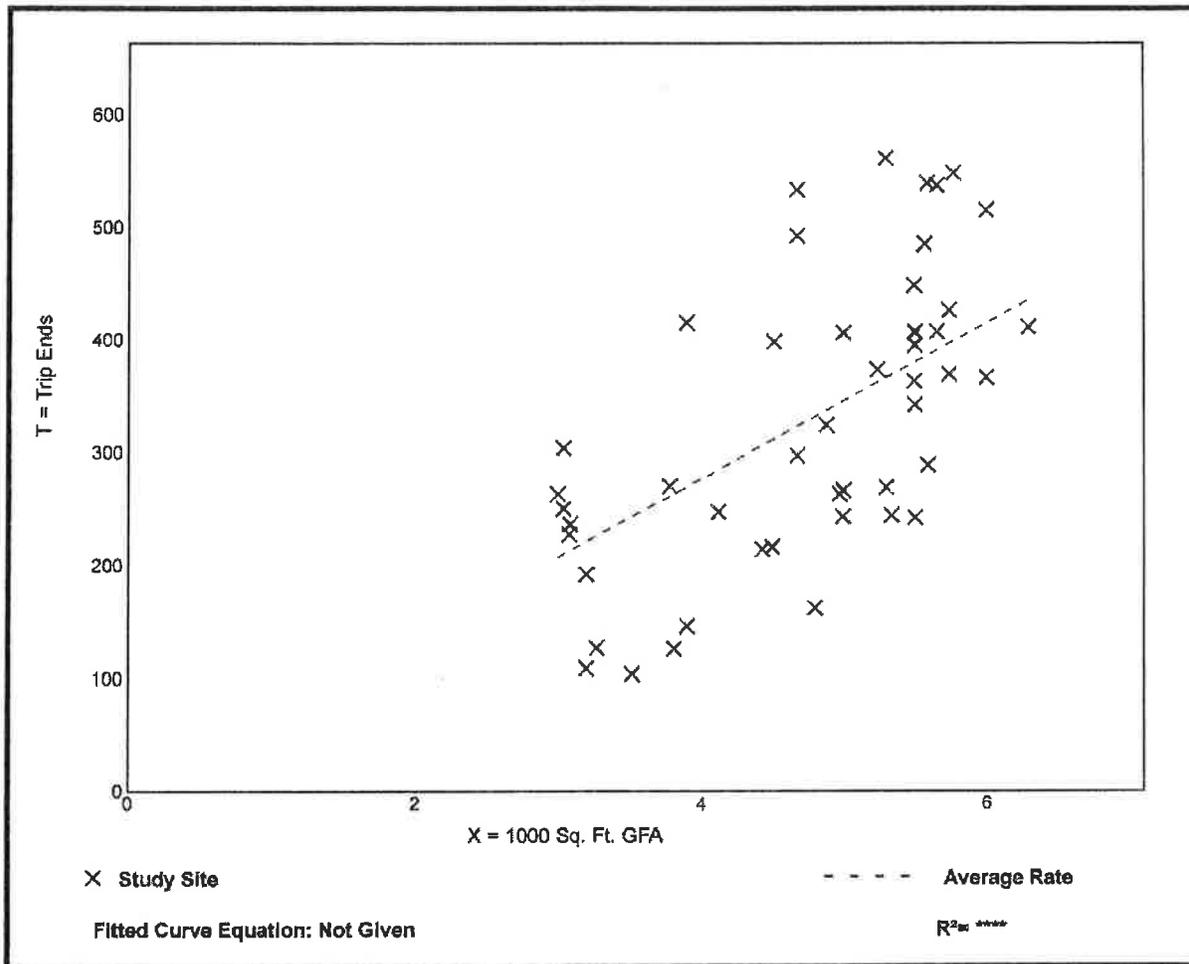


EXHIBIT: PH13  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**Doria Mateja-Stellmacher**

---

**From:** noreply@co.washington.or.us on behalf of Wa:  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 1, 2021 9:06 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Mon, 11/01/2021 - 21:05

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Monica Lin-Meyer

**Email**

[mclinmeyer@yahoo.com](mailto:mclinmeyer@yahoo.com)

**Address**

15942 NW Wismer Dr  
Portland, Oregon. 97229

**Your Comments**

I am one of many concerned citizens who oppose the build of a gas station near the Bethany wetlands. This area is a sensitive natural area that is home to wildlife while also near a recreational trail area for walkers, runners and bikers. Our family cherishes this wetland and feel it is inappropriate to open up this space to develop a gas station. The last thing we need there is a gas station that will create significantly increased traffic congestion that would tie up that busy intersection even more, while also putting wildlife and natural habitat at risk. It would also be extremely offputting for recreationalists. A gas station would most certainly increase noise and light pollution not to mention, chemical pollution from runoff and fuel tank leakage into a natural area. To top it all off, a gas station is completely unnecessary, as this area is already served by numerous gas stations less than 1 mile away.

A proposal to develop a gas station on this site was submitted last year and ultimately was withdrawn due to public opposition and community outcry. Now it is being submitted and considered yet again. I'm hoping our county officials will listen to the voices of those who live in the community and block this project once and for all.

**Doria Mateja-Stellmacher**

---

**EXHIBIT: PH14**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of Was  
<noreply@co.washington.or.us>  
**Sent:** Tuesday, November 2, 2021 10:46 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Tue, 11/02/2021 - 10:46

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Shelley Signett

**Email**

[shellsig@frontier.com](mailto:shellsig@frontier.com)

**Address**

18900 NW LAPINE ST  
PORTLAND, Oregon. 97229-2065

**Your Comments**

November 2, 2021

**Current Planning**

Land Use & Transportation Department  
Washington County  
155 N. First Ave., Suite 350-13  
Hillsboro, OR 97214

Casefile/Project #: L2100244

Regarding the proposed development of a Chevron gas station and mini-mart at 185th and West Union, I strongly oppose the approval of this development for the following reasons:

—SETBACK AND VARIANCES. I understand the long, narrow shaped property on the corner of 185th and West Union poses challenges for siting a gas station. That in itself tells me this is not the appropriate type of development for this land. I appreciate that developers need to see a profit for their efforts. And I also appreciate that the county has building codes for everyone to abide by. I think it's in everyone's interest that setbacks established by the county be honored by all developers. It's inappropriate for us — for the county — to approve setback variances so a developer can operate a profitable business. According to statements the applicant has made, without variances the proposed business would not be feasible. It's not our job to bend the rules so a business can be profitable.

— UNDERGROUND FUEL STORAGE TANKS. We shouldn't willfully ignore the fact that fossil fuel emissions contribute to

our climate crisis. Daily, we are reminded of the precarious health of our planet. A new gas station and its attendant underground fuel storage tanks should not be sited here. At some point the tanks will be decommissioned, whether because of leakage or old age or gas station closure due to lack of product demand. It is unfair to leave younger generations the unnecessary burden of decommissioning underground fuel storage tanks. We are supposed to be the adults in the room; we know better than to do this.

—WILDLIFE HABITAT. The proposed development borders a natural area, wetlands and flood zone. The waters feed Bethany Lake and Rock Creek. This natural area and wetlands are a wildlife habitat, home to old trees, including pine, sequoia and redwood. Beavers make their home here. Eagles, herons, cormorants, osprey and red-winged blackbirds rely on the natural habitat. The property should be preserved as the natural wildlife habitat it is. The property is better suited to be part of the Tualatin Hills Park and Recreation District's regional trail system.

—LEADERSHIP OPPORTUNITY. We are in the midst of an energy transition. In an area that includes a ZIP code (97229) with the most electric vehicles of any in Oregon, we don't need to build a new gas station, especially at this location. We should follow the visionaries in Petaluma, California; they were the first city in the country to ban construction of new gas stations.

This is the wrong time and the wrong place to build a new gas station. The proposal should be declined.

Sincerely,

Shelley Signett  
18900 NW Lapine St.  
Portland, OR 97229  
shellsig@frontier.com  
503-645-4064

Paul Schaefer

---

**From:** LUT Development  
**Sent:** Tuesday, November 2, 2021 2:22 PM  
**To:** Paul Schaefer  
**Subject:** FW: [EXTERNAL] Casefile/Project #: L2100244

**From:** Shelley Signett <shellsig@frontier.com>  
**Sent:** Tuesday, November 2, 2021 10:41 AM  
**To:** LUT Development <lutdev@co.washington.or.us>  
**Subject:** [EXTERNAL] Casefile/Project #: L2100244

November 2, 2021

Current Planning  
Land Use & Transportation Department  
Washington County  
155 N. First Ave., Suite 350-13  
Hillsboro, OR 97214

Casefile/Project #: L2100244

Regarding the proposed development of a Chevron gas station and mini-mart at 185<sup>th</sup> and West Union, I strongly oppose the approval of this development for the following reasons:

— **Setbacks and Variances.** I understand the long, narrow shaped property on the corner of 185<sup>th</sup> and West Union poses challenges for siting a gas station. That in itself tells me this is not the appropriate type of development for this land. I appreciate that developers need to see a profit for their efforts. And I also appreciate that the county has building codes for everyone to abide by. I think it's in everyone's interest that setbacks established by the county be honored by all developers. It's inappropriate for us — for the county — to approve setback variances so a developer can operate a profitable business. According to statements the applicant has made, without variances the proposed business would not be feasible. It's not our job to bend the rules so a business can be profitable.

— **Underground Fuel Storage Tanks.** We shouldn't willfully ignore the fact that fossil fuel emissions contribute to our climate crisis. Daily, we are reminded of the precarious health of our planet. A new gas station and its attendant underground fuel storage tanks should not be sited here. At some point the tanks will be decommissioned, whether because of leakage or old age or gas station closure due to lack of product demand. It is unfair to leave younger generations the unnecessary burden of decommissioning underground fuel storage tanks. We are supposed to be the adults in the room; we know better than to do this.

— **Wildlife Habitat.** The proposed development borders a natural area, wetlands and flood zone. The waters feed Bethany Lake and Rock Creek. This natural area and wetlands are a wildlife habitat, home to old trees,

including pine, sequoia and redwood. Beavers make their home here. Eagles, herons, cormorants, osprey and red-winged blackbirds rely on the natural habitat. The property should be preserved as the natural wildlife habitat it is. The property is better suited to be part of the Tualatin Hills Park and Recreation District's regional trail system.

— **Leadership Opportunity.** We are in the midst of an energy transition. In an area that includes a ZIP code (97229) with the most electric vehicles of any in Oregon, we don't need to build a new gas station, especially at this location. We should follow the visionaries in Petaluma, California; they were the first city in the country to ban construction of new gas stations.

This is the wrong time and the wrong place to build a new gas station. The proposal should be declined.

Sincerely,

Shelley Signett  
18900 NW Lapine St.  
Portland, OR 97229  
[shellsig@frontier.com](mailto:shellsig@frontier.com)  
503-645-4064

**CAUTION:** This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

**Paul Schaefer**

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**EXHIBIT: PH16**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

**From:** Doria Mateja-Stellmacher  
**Sent:** Tuesday, November 2, 2021 4:01 PM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>

**Sent:** Tuesday, November 2, 2021 3:55 PM

**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>

**Subject:** Casefile Public Comment - Response

Submitted on Tue, 11/02/2021 - 15:55

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

John Signett

**Address**

18900 NW Lapine Street

Portland, Oregon. 97229

**Your Comments**

I strongly object to allowing any setbacks or variances for the building a service station and the associated installation of underground fuel storage tanks on this property. The proximity to wildlife and native flora make this a very poor location for such a business.

**Paul Schaefer**

---

**From:** Doria Mateja-Stellmacher  
**Sent:** Friday, November 5, 2021 1:37 PM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>  
**Sent:** Friday, November 5, 2021 1:37 PM  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response

Submitted on Fri, 11/05/2021 - 13:36

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Pat Sandquist

**Email**  
[patsandquist@frontier.com](mailto:patsandquist@frontier.com)

**Address**  
18925 NW Lapine St.  
Portland, Oregon. 97229

**Your Comments**

I have been a resident of Rock Creek for over 41 years and have enjoyed the urban setting of Bethany Lake, viewing the wildlife that inhabit it and the people who enjoy the park beside it. I am deeply distraught that this area is being threatened by the prospect of having UTSs so near to the wetland. Spillage is inevitable given the statistics of the EPA. I believed this area would always be protected from development due to its purpose for human recreation and for wildlife habitat. I question why the setback variances established by Washington County zoning requirements are being compromised for a business that does not satisfy the definition for "Neighborhood Commercial Code." We do not need or want yet another gas station that does not enhance our neighborhood but rather threatens the livability to all who call it home.

**Paul Schaefer**

---

**From:** Doria Mateja-Stellmacher  
**Sent:** Thursday, November 4, 2021 5:21 PM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>  
**Sent:** Thursday, November 4, 2021 5:05 PM  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response

Submitted on Thu, 11/04/2021 - 17:04

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Wendy Woo

**Email**

[wendywoo1@comcast.net](mailto:wendywoo1@comcast.net)

**Address**

17720 nw elk run drive  
Portland, Oregon. 97229

**Your Comments**

We are opposed to the large super convenience 10 pump gas station in our neighborhood because it is not conducive to the land use intent. This is quiet residential with wetland and trails. A smaller, quieter facility is preferable on this marshy lot. If the developer can't profit from a more appropriate build, he ought to place elsewhere.

**Paul Schaefer**

---

**EXHIBIT: PH19**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** Doria Mateja-Stellmacher  
**Sent:** Thursday, November 4, 2021 5:21 PM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>  
**Sent:** Thursday, November 4, 2021 5:04 PM  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response

Submitted on Thu, 11/04/2021 - 17:03

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Frieda Rusert

**Address**

4865 nw 187th ave  
Portland, Oregon. 97229

**Your Comments**

I am against this gas station. Not only would it increase congestion, the rain runoff from the station would directly pollute the surrounding wetlands. Not to mention the potential of an oil spill. The wetlands, lake and multiple creeks here are all connected and support a vast variety of wildlife, from bald eagles to crawfish. We don't need a gas station here polluting our beautiful nature!

**Doria Mateja-Stellmacher**

---

EXHIBIT: PH20  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of Wa  
<noreply@co.washington.or.us>  
**Sent:** Wednesday, November 3, 2021 10:23 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Wed, 11/03/2021 - 10:22

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Kerstin Oberwagner

**Email**

[Kerstin.oberwagner@gmail.com](mailto:Kerstin.oberwagner@gmail.com)

**Address**

17317 NW Blacktail dr  
Portland, Oregon. 97229

**Your Comments**

I now a lots of kids walking to school, this is a nice place to spot animals. Leaking gas would destroy a lot.

**Doria Mateja-Stellmacher**

---

EXHIBIT: PH21  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of Wash  
<noreply@co.washington.or.us>  
**Sent:** Wednesday, November 3, 2021 10:27 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Wed, 11/03/2021 - 10:26

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Nicole Bender

**Email**  
[notanaveragemom@gmail.com](mailto:notanaveragemom@gmail.com)

**Address**  
20800 NW Rock Creek Blvd  
Portland, Oregon. 97229

**Your Comments**

Dear Madams/Sirs, I am strongly opposed to the building of a large gas station at the corner of West Union Rd and 185th Ave. Not only will this increase congestion in this area for those of us who live close by and shop in this area, but the potential for an environmental disaster is HIGH. This area has high electric car ownership/leasing with numbers increasing and there are choices for gas in more commercial, less residential areas nearby. As for the need for a 'store', there is shopping directly across the street with additional shopping choices (and fast-food) available a short drive away AND more convenient to Hwy 26 and Cornelius Pass Rd. This will do nothing for the future of the neighborhood except increase traffic/congestion and harm local wildlife and I strongly encourage you pass on the approval of this project. Thank you for your time, Nicole Bender

**Paul Schaefer**

---

**EXHIBIT: PH22**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

**From:** Doria Mateja-Stellmacher  
**Sent:** Thursday, November 4, 2021 6:55 AM  
**To:** Paul Schaefer  
**Subject:** Fwd: Casefile Public Comment - Response

Begin forwarded message:

**From:** Washington County Forms <noreply@co.washington.or.us>  
**Date:** November 3, 2021 at 9:12:51 PM PDT  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>, LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response  
**Reply-To:** Washington County Forms <noreply@co.washington.or.us>

Submitted on Wed, 11/03/2021 - 21:12

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Robert Satchell

**Email**

[tenkaranorthwest@gmail.com](mailto:tenkaranorthwest@gmail.com)

**Address**

4645 N.W. 176th Ave  
Portland, Oregon. 97229

**Your Comments**

In my opinion the gas station isn't suited for it's proposed location. It doesn't serve the community well or as it's required to by current zoning. It doesn't fit the definition of the county zoning for neighborhood commercial or fit the setback requirements. It actually potentially poses several hazards and is a major disservice to the community. The proposed gas station appears to be located in or next to a wetland and flood zone. The wetland is an integral part of the Tualatin Valley watershed. If there's a flood, tank rupture, connecting pipe leak or any contaminated runoff reaching the wetlands there will be no effective way to clean up or capture the water before entering the Tualatin Valley watershed. Even if the 52 thousand gallon storage tank and it's connecting pipes don't ever leak the station could still pose a potential pollution hazard to the natural wetland habitat and lake next to it with off gassing

voc's, noise, garbage and light pollution. Wildlife and humans walking, jogging, biking and fishing in the area could also be subjected to and affected by the potential pollution. The business that was originally approved for that site was a deli and it never impacted the environment or created the risks of increased traffic and environmental hazards that a gas station could bring if it is allowed to be built in such an unsuitable site. The community is best served by going to one of the many nearby gas stations less than 1.5 to 2 miles away.

**EXHIBIT: PH23**

**Case:**

L2100244-SU/SU/D/V/V/AMP/M

**Date:** 11/11/21

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Friday, November 5, 2021 1:37 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Fri, 11/05/2021 - 13:36

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Pat Sandquist

**Email**

[patsandquist@frontier.com](mailto:patsandquist@frontier.com)

**Address**

18925 NW Lapine St.  
Portland, Oregon. 97229

**Your Comments**

I have been a resident of Rock Creek for over 41 years and have enjoyed the urban setting of Bethany Lake, viewing the wildlife that inhabit it and the people who enjoy the park beside it. I am deeply distraught that this area is being threatened by the prospect of having UTSs so near to the wetland. Spillage is inevitable given the statistics of the EPA. I believed this area would always be protected from development due to its purpose for human recreation and for wildlife habitat. I question why the setback variances established by Washington County zoning requirements are being compromised for a business that does not satisfy the definition for "Neighborhood Commercial Code." We do not need or want yet another gas station that does not enhance our neighborhood but rather threatens the livability to all who call it home.

**EXHIBIT: PH24**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Saturday, November 6, 2021 9:55 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sat, 11/06/2021 - 09:54

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Peggy Erick

**Email**  
[merick99@gmail.com](mailto:merick99@gmail.com)

**Address**  
18895 NW LaPine St  
Portland, Oregon. 97229

**Your Comments**

I am writing again in response to the application for a gas station at the corner of 185th and West Union and the greenspace attached. As many of us in the area stated previously this is an extremely small area that they are attempting to squeeze a gas station and market into a corner of land. There must be larger areas for a gas station elsewhere but why do we need a gas station on every corner like all those big cities and we are using less gas. There are 3 gas stations in Tanasbourne just down the street and another at West Union and Cornelius Pass. And giving him these variances to the zoning so it will all fit in this small space next to a large greenspace area where we all live and play. And what about future under ground leaks. Please do not allow this development in this little corner of our world. Neighbor for 25 years and love it here, but probably won't anymore. Peggy Erick

**EXHIBIT: PH25**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 7:31 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Categories:** Useful, iPads, GIS, Follow-up

Submitted on Sun, 11/07/2021 - 07:31

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Sarah Orem

**Email**  
[sarah.stenzel@gmail.com](mailto:sarah.stenzel@gmail.com)

**Address**  
16933 Nw Swiss Lane  
Portland, Oregon. 97229

**Your Comments**

Every level of government including County, State, and Federal is developing plans to cut gasoline consumption for passenger vehicles. Further, citizens are taking action too: Oregon DMV records show the Bethany area of Washington County (97229/97006) registered 3,134 electric vehicles up to 2019. That is a significant 3% of all vehicle registrations in that area are now electric! For comparison, Oregon as a whole has an electric vehicle registration rate of about 1%.

But, despite these public policy and market forces we are letting gas/service station operators install new stations with very few zoning restrictions. What happens when these gas stations go out of business and the land needs to be cleaned up?

Well, chances are tax payers will cover part of the bill! The federal government has the EPA has Brownfield grants to cleanup old stations and the Oregon DEQ has as Prospective Purchaser Agreement program to foot some the bill too. But, you know what I want to see? County and City zoning proactively choosing low risk areas to put their businesses and tanks so we don't pay for it later.

A particularly egregious example of this lack of policy is a proposed Chevron station at the corner of 185th and West Union in the growing Bethany area of unincorporated Washington County. The small triangular property is adjacent to the wetlands of the Rock Creek Greenway that also feed into recreation areas of Bethany Lake where people fish and

water fowl regularly swim. As they say, water and oil shouldn't mix.

Thank you for your time,  
Sarah Orem

To learn more about this Chevron see <https://nabgas.com>.

Tell the County your thoughts about this Chevron!

# Neighbors Against Bethany Lake Gas Station

## Table of Contents

- [Stay Informed via Email](#)
- [About Us](#)
- [Summary of the Proposal](#)
- [Property Zoning](#)
- [Objections](#)
  - [Zoning Purpose](#)
  - [Traffic](#)
  - [Environmental](#)
  - [Economic](#)
- [Get Involved](#)
- [Community Letters](#)
- [Timeline](#)
- [Application Documents](#)
- [Links](#)
- [Frequently Asked Questions](#)

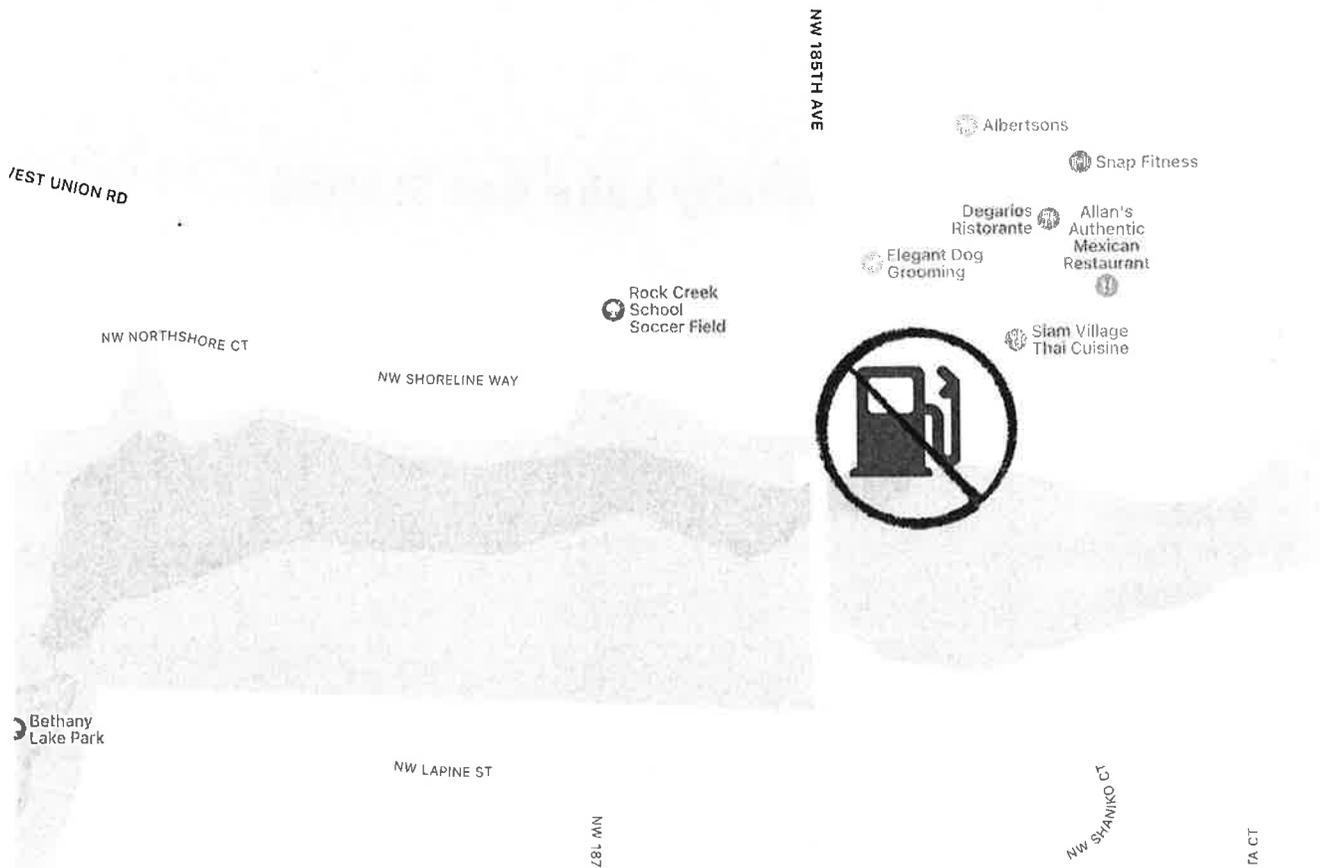
## Stay Informed via Email

Subscribe to our mailing list to stay informed on opportunities to voice your opinion and stop the Bethany Lake Gas Station.

Your email:

(We won't spam or sell this list.)

## About Us



There is a proposed gas station adjacent to Bethany Lake and wetlands. We are organizing to stop this development for environmental, traffic, and economic reasons.

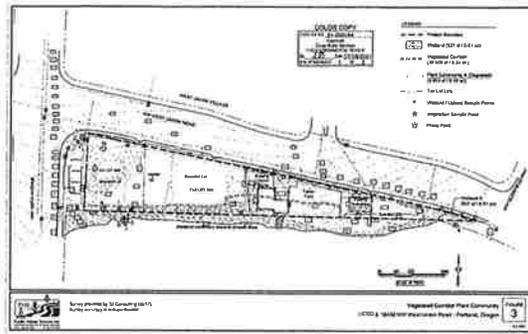
## Summary of the Proposal

- Bob Barman, the developer and applicant, has submitted a Washington County Special Use and Development Review to build a Chevron gas station and convenience store at 185th and West Union.
- It will have a two story 4,983 square foot building, 10 pumps, and 52,000 gallons of diesel/gas underground storage tanks
- The application also requests variances to the Neighborhood Commercial zoning requirements for setbacks from the street:
  - 2 ft front yard setback (from NW 185th Avenue) instead of the required 20 ft
  - 10 ft for the main structure and 15 ft for the canopy side yard setback (from NW West Union Road) instead of the required 20 ft

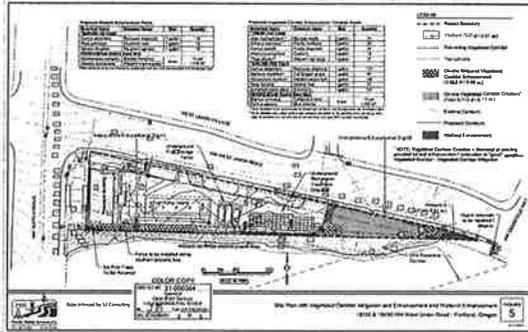
For more details see the [Application Documents](#) below.

## Site Photos

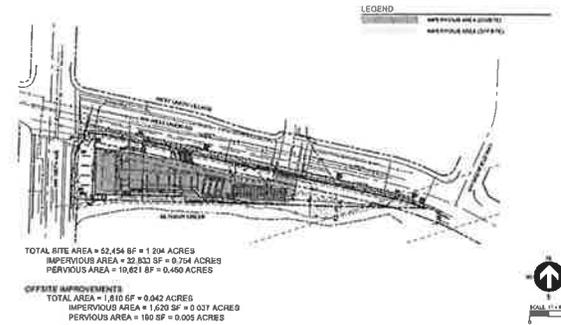
Vegetated corridor current



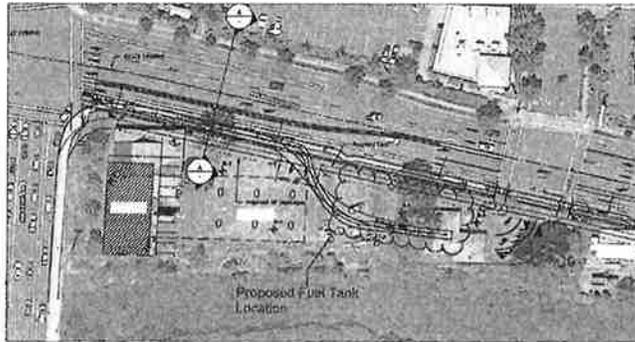
Vegetated corridor proposed



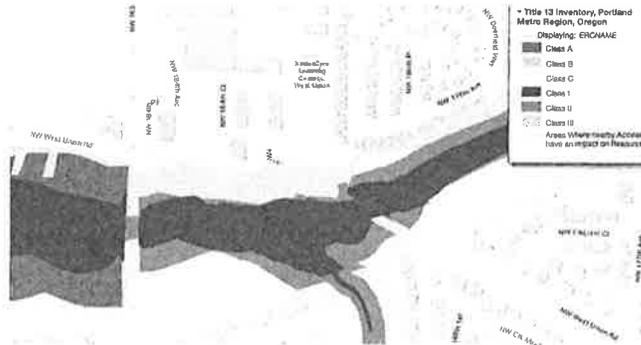
Impervious surfaces



Fuel tank location



Title 13 Inventory Map



These site photos are taken from the Application Documents.

# Property Zoning

The property to be developed is zoned Neighborhood Commercial which the Washington County Community Development Code defines:

## **311 NEIGHBORHOOD COMMERCIAL DISTRICT**

### **311-1 Intent and Purpose**

*The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.*

## Objections

There are a variety of objections that community members have raised to this particular development.

### Zoning Purpose

*Government Regulators: Washington County*

The applicant's property is zoned Neighborhood Commercial with the Intent and Purpose from the code being:

*The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.*

A requirement of this zoning is a setback of 20 feet on the front and side (S311-6). However, the applicant is asking for a variance or exception to the county rules. The applicant's reasoning for requesting a hardship variance from the County is included in the "Narrative" application document:

*a smaller building footprint would significantly impact the financial feasibility of the project and render the proposed use of the site as a retail market and fueling station unviable"*

In other words, they are asking for this variance because they claim the business would not be profitable enough without more space. However, does a larger service station serve the purpose of the Neighborhood Commercial district zoning?

Unfortunately, the Neighborhood Commercial zoning provides no limits to the number of fuel station pumps (S430-123) while at the same time it limits the size of other businesses in these zones:

*311-3.8 Eating and Drinking Establishments with a maximum gross floor area of **3,500 square feet**. Those with a drive-in or drive up windows shall address Section 430-41.*

311-3.9 *Financial Institutions such as branch banks, insurance agents, real estate offices - with a maximum gross floor area of **5,000 square feet** per use.*

311-3.10 *Food Market with a maximum gross floor area of **35,000 square feet**, limited to one per Neighborhood Commercial Center.*

311-3.11 *Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a maximum gross floor area of **5,000 square feet** per use.*

311-3.12 *Professional Offices, including veterinary clinics or offices which do not include boarding facilities other than indoor boarding for immediate, critical care. There shall be a maximum floor area of **5,000 square feet** per use.*

As an alternative, the applicant could reduce the size of the development to both stay within the purpose of the Neighborhood Commercial district zoning and reduce or eliminate the need for a variance (S435-4.3).

## **Traffic**

*Government Regulators: Washington County*

West Union and 185th is a busy intersection: 185th serves significant access to Highway 26 for Bethany and West Union is a major thoroughfare for employees at Intel and related businesses. As this proposal sits right on the corner of this intersection it will cause significant changes in traffic flow. In the [Washington County Staff Report \(pg. 42\) for the withdrawn proposal for 12 pumps](#) Washington County staff noted: "the proposed development will generate a net increase in (sic) 6,465 additional trips".

Staff chose ITE code 945 for Gas Stations and Convenience Markets in making their Transportation Report for the report on the old application. This code is meant for gross floor area (GFA) of 2,000 to 3,000 square ft. The ITE 10th edition 960 code for Super Convenience Market and Gas Stations is more appropriate as it is meant for 3,000 sq. ft or greater. See the [ITE Codes document](#). Using this code results in a trip generation result that is 35% lower than Staff's original result. Staff replied to public comment and said the new report will use this new ITE category.

Note: that a trip in Traffic Engineering jargon is an entrance or an exit. So, the meaning of this is that the station would get  $(6,465 / 2)$  or 3,232 cars stopping at the site a day.

## **Environmental**

*Government Regulators: Oregon State and US Federal*

According to the site plans the gas pumps are about 60ft from the Bethany Creek wetland and the Underground Storage Tanks (UST) are about 80ft away. It is not uncommon for USTs to leak. The regulations for USTs are not set by Washington county but instead are regulated by Oregon Department of Environmental Quality (DEQ). [Learn more at the DEQ UST program page](#) or [lookup UST cleanup sites by zipcode](#).

Oregon DEQ reported 50 Underground Storage Tank releases between October 1st 2020 and September 30th 2021 in their [annual report](#). For a sense of scale, 50 leaks means 2.8% of the 1,796 regulated Oregon Underground Storage Tank facilities leaked in one year. And many of the leaks in the

DEQ database are not detected until the tank is decommissioned. Also, it is worth understanding from the Oregon DEQ annual report that even if the tank itself is working perfectly USTs can leak from their dispensers, piping, or have spills caused from delivery hardware.

Source	Causes															
	Spill		Overfill		Phys/Mech Damage		Corrosion		Install Problem		Other		Unknown			
	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
Tank	20	40%	0	0%	1	2%	1	2%	8	16%	0	0%	0	0%	10	20%
Piping	6	12%	0	0%	0	0%	1	2%	2	4%	0	0%	0	0%	4	8%
Dispenser	4	8%	1	2%	1	2%	1	2%	0	0%	0	0%	0	0%	1	2%
STP	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delivery Problem	1	2%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	2%
Other	16	32%	0	0%	0	0%	0	0%	0	0%	0	0%	4	8%	12	24%
Unknown	3	6%	0	0%	0	0%	0	0%	0	0%	0	0%	1	2%	2	4%
<b>Totals</b>	<b>50</b>	<b>100%</b>	<b>1</b>	<b>2%</b>	<b>2</b>	<b>4%</b>	<b>3</b>	<b>6%</b>	<b>10</b>	<b>20%</b>	<b>0</b>	<b>0%</b>	<b>5</b>	<b>10%</b>	<b>30</b>	<b>50%</b>

# = number, % = percent of total number

## Economic

*Government Regulators: Oregon State, and US Federal*

Washington County, Oregon State, and the US Federal government all have strategic plans to cut consumption of gasoline for passenger vehicles. Further, if you drive around this area you will see many residents are making the transition to electric vehicles for themselves. According to Oregon DMV records the 97229 and 97006 zip codes have seen 3,134 registered electric vehicles since 2019 ([source](#)). In those two zip codes in 2019 there were 89,694 vehicles ([source](#)) so electric vehicles make up roughly 3% of total vehicles registered in the area. A 3% EV uptake is more than 3 times higher than the rest of Oregon at 0.9%! In fact the 97229 zip code has the most EVs of any zip code in Oregon.

This is all to say that in the coming years and decades there will be less demand for gasoline in Bethany in particular. As a result there will come a time when the station needs to be closed and the gas tanks are removed. The EPA requires \$1MM in financial responsibility for operations of less than 100 underground storage tanks (USTs). However, it is unclear if that would actually cover cleanup costs and in many cases if a company is insolvent it will likely lead to a lengthy State DEQ ran cost recovery process.

We put in a public records request with the Oregon DEQ on November, 3rd 2021 to get cost of cleanup for their orphaned underground storage tank program. If you know of any public data on UST cleanup costs please email [brandon@nabgas.com](mailto:brandon@nabgas.com).

## Get Involved

### Subscribe to Our Mailing List

Subscribe to our mailing list to stay informed on opportunities to voice your opinion and stop the Bethany Lake Gas Station.

Your email:

(We won't spam or sell this list.)

### Donate to a Legal Defense

Tanya Rosencrance, on behalf of neighbors organizing as Friends of Bethany Lake, have put together a [GoFundMe campaign](#) to hire a land use attorney. You can learn more and donate by clicking the button below.

Donate Now

### Submit public comment!

The comment period for the application for the Chevron near Bethany Lake is open now. Learn more about the land use application on this site and [submit your public comment to Washington County](#).

## Community Letters

If you prepare a well researched letter please email [brandon@nabgas.com](mailto:brandon@nabgas.com) and I may post it on this site.

- [William Gardner-O’Kearny’s letter](#) about wetland setback research
- [Brandon Philips’s letter](#) outlining an argument that a 10 pump fuel station does not serve the “immediate urban neighborhood” by using public data sets.
- [Nisha George’s letter](#) outlining an argument about the purpose of the Neighborhood Commercial zoning
- [Sarah Orem’s letter](#) talks about the programs that pay for gas station cleanup from the EPA and DEQ

## Timeline

This is a timeline of past and future events on this application. Subscribe to the mailing list above to get information about future events.

### *Future Events*

**November 18th, 2021:** Opportunity for public testimony during Washington County Hearings Officer [meeting on Zoom](#). For full meeting details see the [Washington County announcement](#).

**November 11th, 2021:** Staff report must be available.

### *Past Events*

**October 29th, 2021:** The public comment period for the application for the Chevron near Bethany Lake is [opened](#). The land use case is L2100244.

**October 2021:** Washington County’s Community Participation Organization (CPO) had a [Q&A Zoom meeting about the new proposal](#). Watch the video below.

## Washington County Community Participation Organization...



**September 2021:** Washington County accepted the application for the site once again. It is case file L2100244 on the [Washington County project page](#).

**March 2021:** Washington County Planning Commission [reply to community members letters](#) about impact of the service station application (pg. 84).

**September 2020:** [Land Use Case L2000057](#) is withdrawn. (via [Cedar Mill News](#))

**May 2020:** The Washington County Department of Land Use and Transportation [issue their report on the original L2000057 land use case](#).

**April 2020:** The community learned that Robert Barman, on behalf of his Chevron franchise company, was proposing a Chevron gas station at the site of the old Mad Greek Deli. (via [Cedar Mill News](#)). The land use case is L2000057 with Washington County.

## Application Documents

We requested application documents for Land Use Case L2100244. The documents were provided by Washington County on 2021-10-13 and [are published here](#).

These are links to the Land Use Cases and related materials published by CPO 7.

- [Land Use Case L2100244, Washington County](#).
  - [Clean Water Services Letter](#)
  - [Description of Drainage Plan](#)
  - [NW 185th Ave and NW West Union Road Chevron Site Plan](#)
- [Withdrawn Land Use Case L2000057, Washington County](#)
  - [Staff Report on Withdrawn L2000057 Land Use Case](#)

## Links

### News Stories

- [Oct. 2021, West Union gas station, Cedar Mill News](#)

- [May, 2021, Chevron station planned for site of former Mad Greek Deli in Bethany, Beaverton Valley Times](#)

## Editorials

- [Aug. 2020, When Billy Heron helped unite a community, John Williams](#)
- [Jul. 2020, Save The Redwoods, John Williams](#)

## Social Media Discussions

- [Protect Bethany Lake Environment on nextdoor](#)

## Printables

- [Printable informational flyer](#)

# Frequently Asked Questions

## Q: Who owns the West Union and 185th gas station site?

Based on the [filings with Washington County for L2000057](#) the Payer for the application was “WEST UNION AND 185TH FOOD MKT INC”. This company, [West Union and 185th Food Mkt](#), lists Robert Barman and Mary Barman as President and Secretary. Robert and Mary Barman own other gas and convenience store businesses such as [Cornelius Fast Serv](#), and [Woodburn Fast Serv](#). Previously they operated [Canby Fast Serv](#) until 2009.

## Q: How much gasoline will the station pump?

A: In an [application document that outlines the data from Robert Barman’s Woodburn Chevron](#) it states: 3,590,287 gallons of fuel was sold in 2019 (~299,190 gallons a month) and that “The number of fueling stations provided at this gas station (12) is identical to the number in the proposed development”. The new 2021 application, L2100244, does reduce the number of pumps from 12 to 10 so it might be reasonable to assume a 17% reduction in gas pumped from 299,190 gallons a month to **248,327 gallons a month**.

## Q: The applicant proposes to add solar panels to the roof. How much does that offset the gas emissions?

Even with a generous solar production estimate that assumes coverage of the [entire roof](#) solar generation will offset 0.01% of the carbon emissions from the fuel that is estimated to sell every year based on application documents.

## Q: Why is the applicant requesting a variance on Neighborhood Commercial setbacks?

A: The applicant is requesting changing required setbacks on the property to install a larger building for better business revenues: “If the site’s setbacks were imposed as required, the buildable area would be reduced from approximately 4,983 SF to 2,400 SF, and the resulting building footprint would be smaller in order to maintain a rectangular shape. According to the National Association of Convenience Stores (NASC), a typical convenience store contains approximately 2,800 SF of sales space and 1,900 SF of non-sales area for a total of 4,700 SF. These areas are vital to the feasibility of fueling

stations, because the greater margins associated with in-stores sales, particularly food and beverage, are necessary to offset the slim and typically volatile margins associated with fuel sales. Therefore, a smaller building footprint would significantly impact the financial feasibility of the project and render the proposed use of the site as a retail market and fueling station unviable." - From pg. 59 of the application document "West Union Chevron Narrative

**Q: Who wrote and maintains this website?**

A: My name is Brandon Philips, hello! I am a Bethany resident, an Oregon native, and an Oregon State University graduate. I created this website to collate all of the disparate information about the proposed gas station to help neighbors form their opinion and have facts available when engaging with the various political and land use processes. If you have questions feel free to contact: [brandon@nabgas.com](mailto:brandon@nabgas.com)

**EXHIBIT: PH26**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 9:38 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 11/07/2021 - 09:38

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Colleen Adler

**Email**  
[colleenadler79@gmail.com](mailto:colleenadler79@gmail.com)

**Address**  
17486 NW Reindeer Dr  
Portland, Oregon. 97229

**Your Comments**

I am pleading to not allow this gas station be placed in this location. Not only for the reason of an environmental aspect but also for the safety of all the students that walk this route to Westview HS and Rock Creek Elem. As a parent of a student at Westview this is highly concerning to me. I am not opposing gas stations, just this location. It is not needed when there are other stations only 2 miles away.

**EXHIBIT: PH27**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 12:25 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 11/07/2021 - 12:24

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Steve and Deann DuFrene

**Email**

[d\\_dufrene@hotmail.com](mailto:d_dufrene@hotmail.com)

**Address**

4960 NW Kahneeta Court  
Portland, Oregon. 97229

**Your Comments**

November 7, 2021

RE: Opposition to the proposed development at 185th and West Union

We have 3 primary concerns with the proposed minimart and gas station at 185th and West Union. Our first concern is the potential environmental impact of a gas station located so close to a wetland, The proposed underground tanks and 10 gas pumps, present an ongoing potential threat to vital wetlands in our community. Unintentional petroleum spills and surface runoff pose a clear, but completely avoidable danger to this fragile ecosystem. In addition, underground fuel tanks pose a long term threat to both the ecosystem and ground water. The state of Oregon has clear evidence that underground tanks, even when well maintained, leak. This poses an unacceptable risk within 60ft of the Bethany Lake wetlands.

Secondly, the state of Oregon as well as the federal government are pushing to end our dependency on fossil fuels in the next decade, which suggests that adding capacity to our fossil fuel delivery system is not in the economic best interest of Washington County nor the local community.

Finally, the county has established a zoning setback of 20 feet on the front and side of the property (S311-6). Without these setbacks, builders will crowd the road, the sidewalks and create blocks sight-lines. The proposed development has asked the county to waive the setback rules, which is unacceptable. Reducing a 20 ft setback to 2 ft, is a 90% reduction

on a standard that was put in place to maintain the livability of our community and provide appropriate access. Placing a 2 story building next to the wetlands, with a significantly reduced setback, is not there to enhance the livability of the residents, but only to maximize profits for the business. If this business can only be profitable by waiving and ignoring the county zoning rules and setbacks, we question the long term viability of the business.

We urge you to deny this proposed development.

Regards,  
Steve and Deann DuFrene  
d\_dufrene@hotmail.com

**EXHIBIT: PH28**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 1:53 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Submitted on Sun, 11/07/2021 - 13:52

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Joe Lopez

**Email**  
[jfddlopez@gmail.com](mailto:jfddlopez@gmail.com)

**Address**  
4356 NW PALMBROOK DR  
Beaverton, Oregon. 97006

**Your Comments**

This project should not be approved for many reasons. The area proposed for this project is very environmentally sensitive. Very nearby is Bethany Pond which is stocked with hundreds of trout each spring by the Oregon Department of Fish and Wildlife. Many people, including children and families, fish there and take home trout to eat. I am lucky enough to catch over a dozen each spring and have these nutritious, tasty fish each year. However, drainage and spillage and leaks from this project would surely contaminate these trout and make them poisonous. There is also other wonderful wildlife including eagles and deer and birds that would have a damaged habitat. The setbacks requested are unreasonable. There are always runners and walkers and bikers (many are children) in the area and to take so much frontage space away would make the area unsafe. It would also make the project visually a local eyesore with a building surface stacked up against the road. We do not need an ugly development in our community. We need services but not at the expense of making our community look ugly. There is also no reason to install so many gasoline pumps (10) here since there has been a massive growth in the number of electric car ownership in this area. The food and other products sold at this store can be found easily across the street and elsewhere. Also, shouldn't we not promote the use of petroleum products since climate change is damaging our community (116 degrees this past summer, wildfires), our nation, and the whole world?

**EXHIBIT: PH29**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 6:24 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Categories:** iPads, GIS, Follow-up

Submitted on Sun, 11/07/2021 - 18:23

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Dan Grilli

**Address**

5579 NW Deerfield Way  
Portland, Oregon. 97229

**Your Comments**

VETO the 18450 NW West Union Road (#L2100244) Development Proposal

11/7/2021

Washington County  
Land Use and Transportation Department  
ATTN: Washington County Urban Planner(s):

Allowing the 18450 NW West Union Road development (#L2100244) to proceed would be an extremely detrimental and shortsighted choice by the Department of Land Use and Transportation.

The project will provide virtually no visible benefits to the neighborhood, its residents or its natural resources/wildlife habitats.

It will eventually and inevitably cost more money to mitigate pollution, repair pipes/tanks, build pollution catchments, fix adjoining infrastructure and restore lost/blighted aquatic/riparian habitat – than to simply VETO THE PROJECT NOW.

Moreover, the addition of a fossil fuel station is the last structure that this particular site is suited for. An electric charging depot if anything, would exhibit more foresight. The use of fossil fuels, their extraction/production, and even fossil fuel vehicle sales are declining nationally and will eventually be phased out completely with wider adoption of EVs.

Building more gas stations is simply not forward thinking. A better choice for development would be a park, small mobile market or food cart pod for local farmers in the area to sell their crops to the neighborhood.

Please consider other development alternatives in your decision-making process, and actively consider the following issues. Make the right choice - VETO THIS DEVELOPEMENT.

#### Pollution Concerns

- The proposed site if constructed will seal its future fate as a brownfield and/or superfund site due to the heavy amount of toxic materials it will house and emit in this lifetime. Emissions will include all modes of point-source pollution: water, soil and air. Cleaning/restoring brownfields is always expensive and time consuming. From a cost benefit perspective this project will yield NO viable long-term benefit for the local citizens. Moreover, developers and polluters seldom accrue clean-up costs, they are almost always billed to the city/state and then on to the citizens. Veto this project NOW.
- Again, this project will invariably pollute the adjacent water resources, of which the city recently spent time and money restoring. Allowing this project to commence will be squandering prior efforts and funds. These water resources are prized by the neighborhood, local fishermen and wildlife alike. Veto this project NOW.
- The site plan also suggests removing the existing bioswale that filters the 185th/West Union Road polluted water runoff, replacing it with a convenience store. This in itself would reduce water quality immediately. Also, removing easements to practically nothing (three feet in some proposed areas) would increase congestion, and likely pollution levels. Veto this project NOW.

#### Site Vulnerability

- The site itself has the potential to be unstable in the event of numerous natural disasters. There have been large floods in the area in the recent past. The soils could continue to be at risk of liquefaction, erosion and settling due to earthquakes, flooding, and sink hole development. Increased passive point-source surface pollution will corrupt the water table for extended periods of time (and if recurring – then indefinitely). Veto this project NOW.

#### Traffic Congestion/Neighborhood Blight

- The area traffic (which prior to COVID-19) is already extremely congested given the present number of lanes. There are limited lights and few outlets and joins. Adding a high traffic structure (especially at a central node location) like a gas station would make the area horribly congested for the foreseeable future. Veto this project now.

#### Closing Remarks

I hope the committee tasked with this project evaluation will consider the costs associated with this proposal and realize that long term and from the view of the affected neighborhood residents, allowing this project to occur would be a poor choice any way you slice it.

If the current COVID-19 crisis can teach us anything about planning, it is that short-sightedness and short-term financial gains will invariably yield no positive results for most parties involved.

Trying to ream through this same development a year later doesn't make it a better decision. Its just another bad choice on a different day.

Please choose to make the right choice for your citizens and VETO this Project TODAY!

Best Regards,

Dan Grilli

**Attach Documents**

- [veto casefile l2100244.pdf](#) (157.68 KB)

## VETO the 18450 NW West Union Road (#L2100244) Development Proposal

11/7/2021

Washington County

Land Use and Transportation Department

ATTN: Washington County Urban Planner(s):

Allowing the **18450 NW West Union Road** development (#L2100244) to proceed would be an extremely detrimental and shortsighted choice by the Department of Land Use and Transportation.

The project will provide virtually no visible benefits to the neighborhood, its residents or its natural resources/wildlife habitats.

It will eventually and inevitably cost more money to mitigate pollution, repair pipes/tanks, build pollution catchments, fix adjoining infrastructure and restore lost/blighted aquatic/riparian habitat – than to simply **VETO THE PROJECT NOW**.

Moreover, the addition of a fossil fuel station is the last structure that this particular site is suited for. An electric charging depot if anything, would exhibit more foresight. The use of fossil fuels, their extraction/production, and even fossil fuel vehicle sales are declining nationally and will eventually be phased out completely with wider adoption of EVs. Building more gas stations is simply not forward thinking. A better choice for development would be a park, small mobile market or food cart pod for local farmers in the area to sell their crops to the neighborhood.

Please consider other development alternatives in your decision-making process, and actively consider the following issues. **Make the right choice - VETO THIS DEVELOPEMENT.**

### **Pollution Concerns**

- The proposed site if constructed will seal its future fate as a brownfield and/or superfund site due to the heavy amount of toxic materials it will house and emit in this lifetime. Emissions will include all modes of point-source pollution: water, soil and air. Cleaning/restoring brownfields is always expensive and time consuming. From a cost benefit perspective this project will yield NO viable long-term benefit for the local citizens. Moreover, developers and polluters seldom accrue clean-up costs, they are almost always billed to the city/state and then on to the citizens. **Veto this project NOW.**
- Again, this project will invariably pollute the adjacent water resources, of which the city recently spent time and money restoring. Allowing this project to commence will be squandering prior efforts and funds. These water resources are prized by the neighborhood, local fishermen and wildlife alike. **Veto this project NOW.**
- The site plan also suggests removing the existing bioswale that filters the 185<sup>th</sup>/West Union Road polluted water run-off, replacing it with a convenience store. This in itself would reduce water

quality immediately. Also, removing easements to practically nothing (three feet in some proposed areas) would increase congestion, and likely pollution levels. **Veto this project NOW.**

#### **Site Vulnerability**

- The site itself has the potential to be unstable in the event of numerous natural disasters. There have been large floods in the area in the recent past. The soils could continue to be at risk of liquefaction, erosion and settling due to earthquakes, flooding, and sink hole development. Increased passive point-source surface pollution will corrupt the water table for extended periods of time (and if recurring – then indefinitely). **Veto this project NOW.**

#### **Traffic Congestion/Neighborhood Blight**

- The area traffic (which prior to COVID-19) is already extremely congested given the present number of lanes. There are limited lights and few outlets and joins. Adding a high traffic structure (especially at a central node location) like a gas station would make the area horribly congested for the foreseeable future. **Veto this project now.**

#### **Closing Remarks**

I hope the committee tasked with this project evaluation will consider the costs associated with this proposal and realize that long term and from the view of the affected neighborhood residents, allowing this project to occur would be a poor choice *any way you slice it.*

If the current COVID-19 crisis can teach us anything about planning, it is that short-sightedness and short-term financial gains will invariably yield no positive results for most parties involved.

Trying to ream through **this same development a year later** doesn't make it a better decision. Its just another bad choice on a different day.

Please choose to make the right choice for your citizens and **VETO this Project TODAY!**

Best Regards,

Dan Grilli

**EXHIBIT:** PH3U  
**Case:**  
L2100244-SU/SU/D/V/V/AMP/M  
**Date:** 11/11/21

---

**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 7, 2021 8:22 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Categories:** iPads, GIS, Follow-up

Submitted on Sun, 11/07/2021 - 20:18

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Tomas Jankovsky

**Email**  
[TMJankovsky@gmail.com](mailto:TMJankovsky@gmail.com)

**Address**  
5188 NW 177th Ave  
Portland, Oregon. 97229

**Your Comments**  
Please consider attached documents in review of Gas Stand at 185th and West Union application.

**Attach Documents**

- [west-union-gas-station.pdf](#) (382.85 KB)

During the process of evaluating application to build Gas Station on the corner of 185<sup>th</sup> and West Union Avenues. Washington County should consider following facts:

1. There are number of compounds released into air from gas stations during fueling and from underground storage tank vents. Such as benzene, toluene, ethyl benzene and xylene (BTEX), which are harmful to human health.  
U.S. Environmental Protection Agency School Siting Guidelines recommends screening any school site from potential health risks when school is located within 1000 feet. Currently West Union Kinder Care is within 1000 feet of proposed gas station.  
[https://www.epa.gov/sites/production/files/2015-06/documents/school\\_siting\\_guidelines-2.pdf](https://www.epa.gov/sites/production/files/2015-06/documents/school_siting_guidelines-2.pdf)
2. Fuel tanks and pipelines have improved over the past couple decades, reducing possibility of underground leaks. Still spillage at the pump is likely to release fuel into nearby Wetlands. Johns Hopkins University Research found that average 40 gallons of gasoline spills per year when pumping gasoline at typical gas station. Study also found that significant portion of spilled gasoline migrates through the gas station concrete pads, forming underground plumes. Application claims to install impermeable pads. Application does not specify what these pads are.  
<https://www.sciencedaily.com/releases/2014/10/141007103102.htm>

California State Water Resource Control Board Study found gasoline/groundwater plumes travel underground. Study found average plume length to be 317 feet. Study recommendation was; Gas Station should be no closer than 500 feet to a well, wetland, spring, stream, river or pond.  
<https://www.waterboards.ca.gov/ust/policy/techjust071211.pdf>

Planned Gas Station is within 500 feet from Bethany Creek Wetland that flows into Bethany Lake. Lake stocked annually with Trout by Oregon Department of Fish and Wildlife, and with presence of Largemouth Bass and other warm water fish. Popular spot for young and old to fish. Contaminated fish may end up on families table. Birds of prey including Bald Eagles are hunting lake for fish. Fish that may poison these birds, and eventually disappear from the lake.

Bethany Creek flows into Rock Creek that flows into Tualatin River. Salmon is making a comeback to Tualatin River. Many creeks adjacent to Rock Creek such as McKay and Dairy Creeks have returning Salmon. Polluting Bethany Creek will pollute Tualatin River. Setting back return of Salmon to our rivers and creeks.

3. Gasoline delivery trailers must be able to maneuver without encroaching upon parking spaces, fueling positions or other feature. I have not been able to find any gasoline delivery study for proposed Gas Station. It is not clear how 42 foot Gasoline Tanker Truck will maneuver in and out of Gasoline Station that has an average lot depth of 57 feet.

It is important to enhance our community's quality of life. Make commercial areas available for people to reach by bicycle or walking, not increasing heavy traffic. (NCD's original purpose). At the same time, enjoy Natural resources in the area, such as walking nature path, fishing in the lake, watching wildlife interaction such as Bald Eagle hunting in the lake, Beaver dams being build etc.

Placing a Gas Station in neighborhood at the location will reduce our quality of life within the Rock Creek and Bethany community.

County should deny Gas Station at this site.

Tomas Jankovsky

EXHIBIT: PH31

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

---

From:

noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

Sent:

Sunday, November 7, 2021 9:39 PM

To:

Doria Mateja-Stellmacher; LUT Development

Subject:

Casefile Public Comment - Response

Follow Up Flag:

Flag for follow up

Flag Status:

Flagged

Submitted on Sun, 11/07/2021 - 21:39

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Felicia Kilger

**Email**

[feliciakilger@gmail.com](mailto:feliciakilger@gmail.com)

**Address**

5390 NW 169th Pl

Portland, Oregon. 97229

**Your Comments**

Please prevent fuel leakage and spills from entering our wetlands and spreading into our water by declining this request to build a gas station next to a waterway. Prevention is much easier and less harmful than cleanup.

EXHIBIT: PH32

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

---

**Sent:** <noreply@co.washington.or.us> on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
Sunday, November 7, 2021 10:34 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Categories:** iPads, GIS, Follow-up

Submitted on Sun, 11/07/2021 - 22:32

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Brandon Philips

**Email**

[brandon@nabgas.com](mailto:brandon@nabgas.com)

**Address**

16822 NW Vetter Dr.  
Portland, Oregon. 97229

**Your Comments**

Hello Washington County Land Use Staff-

In my attached public comment I make three arguments on why I believe the Chevron near Bethany Lake (L2100244) land use application should be denied. In particular, I believe the variance request to reduce Neighborhood Commercial required setbacks enables a development that is:

An environmental hazard

Economically fraught

Counter to the purpose of the Neighborhood Commercial zone

As any variance request is based on subjective criteria I believe another subjective question should be carefully considered as well: Does this development meet the subjective Purpose of the Neighborhood Commercial code?

I would also like to thank a number of organizations for helping me to gather the information for this comment

including: Washington County LUT Staff, Washington County Public Records Staff, Oregon DMV Data Staff, Oregon DEQ Underground Storage Tank Program Staff, and EPA Staff.

Thank You,

Brandon Philips

**Attach Documents**

- [l2100244---brandon-philips---bethany-lake-chevron-public-comment.pdf](#) (2.95 MB)

Hello Washington County Land Use Staff-

In my attached public comment I make three arguments on why I believe the Chevron near Bethany Lake (L2100244) land use application should be denied. In particular, I believe the variance request to reduce Neighborhood Commercial required setbacks enables a development that is:

- An environmental hazard
- Economically fraught
- Counter to the purpose of the Neighborhood Commercial zone

As any variance request is based on subjective criteria I believe another subjective question should be carefully considered as well: Does this development meet the subjective Purpose of the Neighborhood Commercial code?

I would also like to thank a number of organizations for helping me to gather the information for this comment including: Washington County LUT Staff, Washington County Public Records Staff, Oregon DMV Data Staff, Oregon DEQ Underground Storage Tank Program Staff, and EPA Staff.

Thank You,

Brandon Philips

## Environmental

The site diagrams, provided in the application, show fuel/gas pumps about 60ft from the border of the Rock Creek wetland and the 52,000 gallon Underground Storage Tanks (UST) are about 80ft away. The Oregon Department of Environmental Quality (DEQ) UST Program regulates and enforces technical UST requirements, release/leak tracking, financial responsibility (insurance), and operator training ([40 CFR Part 281](#)). Planning the acceptable location of tanks, including their inevitable failure/decommissioning, and protecting public resources is the responsibility of municipalities.

Between October 1st 2020 and September 30th 2021 Oregon DEQ reported 50 Underground Storage Tank releases in their [annual report](#). For a sense of scale, 50 leaks means 2.8% of the 1,796 regulated Oregon Underground Storage Tank facilities leaked in one year.

And many of the leaks in the DEQ database are not detected until the tank is decommissioned. Also, it is worth understanding from the Oregon DEQ annual report that even if the tank itself is working perfectly USTs also leak from their dispensers, piping, or have spills caused from delivery hardware.

Source		Causes														
		Spill		Overfill		Phys/Mech Damage		Corrosion		Install Problem		Other		Unknown		
#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Tank	20	40%	0	0%	1	2%	1	2%	8	16%	0	0%	0	0%	10	20%
Piping	6	12%	0	0%	0	0%	1	2%	2	4%	0	0%	0	0%	4	8%
Dispenser	4	8%	1	2%	1	2%	1	2%	0	0%	0	0%	0	0%	1	2%
STP	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delivery Problem	1	2%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	2%
Other	16	32%	0	0%	0	0%	0	0%	0	0%	0	0%	4	8%	12	24%
Unknown	3	6%	0	0%	0	0%	0	0%	0	0%	0	0%	1	2%	2	4%
<b>Totals</b>	<b>50</b>	<b>100%</b>	<b>1</b>	<b>2%</b>	<b>2</b>	<b>4%</b>	<b>3</b>	<b>6%</b>	<b>10</b>	<b>20%</b>	<b>0</b>	<b>0%</b>	<b>5</b>	<b>10%</b>	<b>30</b>	<b>50%</b>

# = number, % = percent of total number

Source: Oregon DEQ [annual report](#)

The public resources sharing the adjacent Rock Creek wetland are documented on [thprd.org](http://thprd.org):

- Bethany Lake: "The Oregon Department of Fish and Wildlife stocks the [Bethany] lake with trout, and fishing is welcome with a valid Oregon fishing license." ([source](#)) ([odfw schedule](#))

- Popular parks: "Further east along the trail is Bethany Meadows Park, one of THPRD's most popular parks." ([source](#))

## Economic

[Washington County](#), [Oregon State](#), and the US Federal government all have strategic plans to cut consumption of gasoline for passenger vehicles. Further, if you drive around this area you will see many residents are making the transition to electric vehicles for themselves. According to Oregon DMV records, the 97229 and 97006 zip codes have seen 3,134 registered electric vehicles since 2019 ([source](#)). In those two zip codes in 2019 there were 89,694 vehicles ([source](#)) so electric vehicles make up roughly 3% of total vehicles registered in the area. A 3% EV uptake is more than 3 times higher than the rest of Oregon at 0.9%! In fact the 97229 zip code has the most EVs of any zip code in Oregon.

This is all to say that in the coming years and decades there will be less demand for gasoline in Bethany in particular. As a result there will come a time when the station needs to be closed and the underground storage tanks are removed. The EPA [requires \\$1MM in financial responsibility](#) for operations of less than 100 underground storage tanks (USTs). However, it is unclear if that would actually cover potential cleanup costs and in many cases if a company is insolvent it will likely lead to a lengthy Oregon DEQ-run cost recovery process that may or may not succeed.

As a concrete example, Washington County foreclosed on a fuel station in 2014 ([R399385](#)) and has been unable to find a buyer at auction. The site's environmental report, submitted to Oregon DEQ Leaking UST Program Staff in 2017, shows fuel contamination in the soil. Furthermore, Oregon DEQ denied Washington County regulatory closure of the leaking underground storage tank (LUST) case because the tanks have not been removed ([source](#)).

*However, based on information obtained from Eric Clough of DEQ's UST Division and Jeff Schatz, DEQ's LUST Program project manager, DEQ is unlikely to close LUST File No. 34-93- 0195 prior to removal of the existing USTs. While DEQ personnel were unable to reference a particular rule requiring removal of the USTs prior to issuing regulatory closure, in practice DEQ project managers do have some discretion outside of existing regulations.*

*If Washington County would like to pursue selling the property with the existing USTs in place, it may be prudent to request regulatory closure for LUST File No. 34-93-0195 from DEQ. If DEQ denies the request based on the presence of the steel USTs, it may be possible to require DEQ to provide legal justification for denying the regulatory closure based on the presence of the existing USTs. Alternatively, Washington County can subcontract a licensed UST decommissioning subcontractor to decommission the five USTs on the project site and obtain regulatory closure from DE.*

Abandoned service station properties like this do not generate tax revenue, are an ongoing hazard, create unending County management overhead, and are a last choice for redevelopment even with partnerships like EPA Brownfield grants or DEQ Potential Purchaser Agreements.

PARCEL NUMBER	MAP/TAX LOT	GENERAL LOCATION	REAL MARKET VALUE	MINIMUM BID	DEPOSIT 20% OF MINIMUM BID	Sold for
31	1S301AB00500 R3999385 Site 855	<ul style="list-style-type: none"> <li>• Banks School District</li> <li>• 874 SW Baseline St, Hillsboro</li> <li>• Approximately 1.06 Acre</li> <li>• Previously a gas station w/5 underground storage tanks and car wash bays; DEQ File Number 34-93-0195</li> <li>• Zoned Commercial-General</li> <li>• Foreclosure 2014</li> <li>• Within Metro Urban Growth Boundary</li> <li>• Clean Water Services</li> <li>• Not in Fire District or Park District</li> <li>• Hillsboro School District</li> </ul>	\$736,210	\$520,000	\$104,000	No bids received. Not for sale

Source: [Washington County auction document](#)

I put in a public records request with the Oregon DEQ on November, 3rd 2021 to get the cost of cleanup for sites selected for their orphaned underground storage tank program. However, I didn't receive a response in time for this public comment.

## Zoning Purpose

The applicant's property is zoned Neighborhood Commercial with the Intent and Purpose from the code being:

*The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers.*

*This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.*

A requirement of this zoning is a setback of 20 feet on the front and side (S311-6). However, the applicant is asking for a variance or exception to the county rules. The applicant's reasoning for requesting a hardship variance from the County is included in the "Narrative" application document:

*a smaller building footprint would significantly impact the financial feasibility of the project and render the proposed use of the site as a retail market and fueling station unviable"*

In other words, the applicant is asking for this variance because they claim the business would not be profitable enough without more space. However, does a larger service station serve the purpose of the Neighborhood Commercial district zoning?

Unfortunately, the Neighborhood Commercial zoning provides no limits to the number of fuel station pumps (S430-123) while at the same time it limits the size of other businesses in these zones:

*311-3.8 Eating and Drinking Establishments with a **maximum gross floor area of 3,500 square feet**. Those with a drive-in or drive up windows shall address Section 430-41.*

*311-3.9 Financial Institutions such as branch banks, insurance agents, real estate offices - with a **maximum gross floor area of 5,000 square feet per use**.*

*311-3.10 Food Market with a **maximum gross floor area of 35,000 square feet**, limited to one per Neighborhood Commercial Center.*

*311-3.11 Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a **maximum gross floor area of 5,000 square feet per use**.*

*311-3.12 Professional Offices, including veterinary clinics or offices which do not include boarding facilities other than indoor boarding for immediate, critical care. There shall be a **maximum floor area of 5,000 square feet per use.***

As an alternative, the applicant could reduce the size of the development to both stay within the purpose of the Neighborhood Commercial district zoning and reduce or eliminate the need for a variance (S435-4.3).

## How much fuel does the immediate “urban neighborhood need”?

These calculations use data from the Oregon DMV, US Department of Transportation, and other authoritative sources (see assumptions section at the end of the document) to try and estimate how much fuel is actually needed by the immediate urban area around 185th and West Union. It is also important to keep in mind that these numbers likely represent a near maximum need as the community continues its shift to using electric vehicles in the coming decades.

How many cars are there?

Using the MapRight GIS tool I drew a 0.78 mile radius map around the proposed site and generated a report of parcels within that radius. The parcel report had 2,147 single family residences, 193 condos, and 13 apartment complexes. I assumed each apartment could house 30 households which I think is generous given the size of apartment facilities in this area.

Adding it up, the total households given this report is 2,730.

$$2147 + 193 + (13 * 30)$$

And if every household has an average of 2 cars that is 5,460 cars. However, about 3% of registered cars in these zip codes are electric.

**This gives 5,296 cars.**

How much gas do they need?

5,296 cars with an average fuel economy of 24MPG driving an average mileage of 12,218 miles a year gives **224,675 gallons of fuel per month.**

$$((12218.0 / 24.0) * 5296) / 12$$

Conclusion

The applicant's application documents imply they are expecting to sell 248,327 gallons a month at this site by comparing this site to another station they own in their [trip estimate application document](#):

*The applicant operates numerous Chevron gas stations with convenience stores throughout the region. Annual (2019) sales volume information was provided by the applicant for the applicant's highest- performing Chevron "gas station with convenience store" facility in the area, along with the following additional information:*

*The data provided is for the Chevron "gas station with convenience store" facility located at the Woodburn Interchange on I-5 (hereafter referred to as the "Woodburn Chevron").*

*The number of fueling stations provided at this gas station (12) is identical to the number in the proposed development*

*In 2019 this facility ranked #2 in gasoline sales volume for all of the Chevron facilities located in the Pacific Northwest.*

*In 2019 this facility sold 3,590,287 gallons of fuel.*

The applicant seems to be aiming to sell more gasoline than the 224,675 gallons needed to serve 100% of the fuel needs of all cars in the immediate urban area. And even then it seems very unlikely the station should be designed to fulfill 100% of fuel demand of every single car in the immediate area as many will choose to fill near industrial centers close to their place of business at least part of the time.

(248327 - 224675) / 248327

The applicant is claiming a hardship and asking the county for a variance for a larger gas station to sell 10% more fuel than is needed to service 100% of the fuel needs of every vehicle in the "immediate urban area". I think it is fair to say three things about this:

1. Approving a variance for a larger service station does not serve the purpose of the Neighborhood Commercial zoning.
2. It is very unlikely that the gas station would ever service 100% of the fuel demand of all vehicles in the immediate urban area and even if the station did service 100% of the immediate urban area this application is oversized by 10%.
3. Electric car sales will continue to accelerate this decade so fuel sales will continue to shrink going forward.

Does the Neighborhood Code need an update?

In a April 16, 2021 report the Washington County Land Use Staff wrote:

*As a practical matter, if staff was directed to amend the CDC to restrict the number of fuel pumps allowed for service stations in the NC District, staff does not know the basis upon which a maximum pump quantity would be set. There are likely market forces at play and specialized knowledge would be required to determine how many pumps may be appropriate to serve a smaller market, and whether that number would allow a service station to be profitable.*

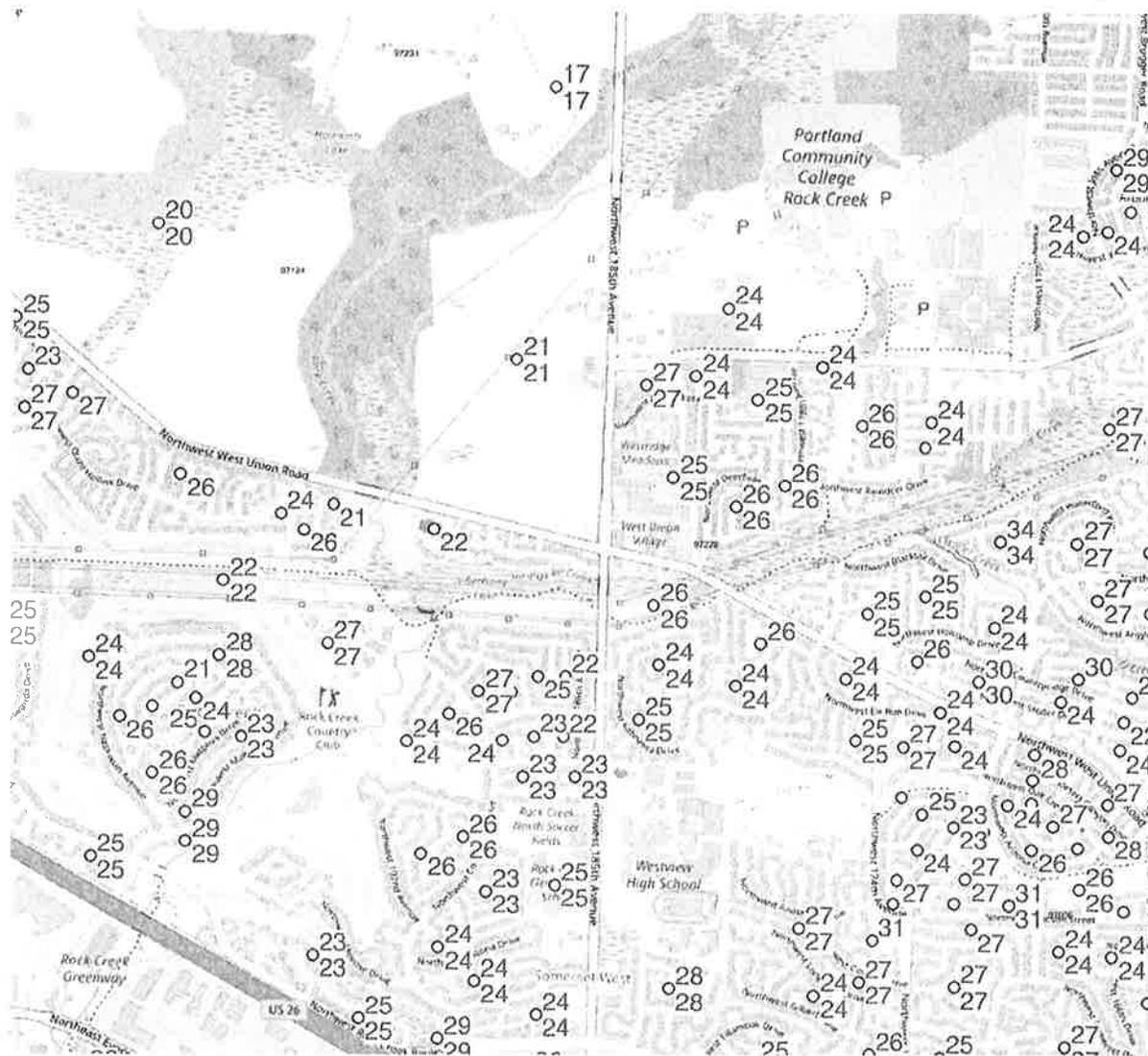
I disagree with this assessment that setting a maximum pump quantity is not practical for two reasons:

1. As the above calculations show there are datasets, available publicly and freely, that make it possible to estimate the service area of a fuel station.
2. The Neighborhood Code limits square footage of grocery markets, veterinary clinics, banks, marijuana facilities, and a long list of other types of businesses. Why are fuel stations exempt from codes on maximum size?

### Assumptions

To make these calculations I have made a few assumptions:

- Average cars per household: 2 ([source Data USA](#))
- Average mileage per year for Oregonians 12,218 (divide total miles traveled by state by registered drivers: [Department of Transportation Registered Drivers](#) and [Department of Transportation Annual Vehicle Miles](#))
- Average fuel economy 24MPG ([source energy.gov](#)). This may be low based on [Oregon DMV GIS data](#) but we will stick with 24MPG for now.



- The applicant estimated gasoline to be sold on site is 248,327 gallons a month
- The immediate urban neighborhood that this property should service as a requirement of this Neighborhood Commercial services is a 0.78 mile radius around 185th and West Union. This assumption is based on proximity to the other Neighborhood Centers like "Bethany Village" and the Arco station 1.6 miles down West Union.



EXHIBIT: PH33

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

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>ly@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 8, 2021 8:54 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** iPads, GIS, Follow-up

Submitted on Mon, 11/08/2021 - 08:51

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Robin Pope

**Email**

[robin@robinpope.com](mailto:robin@robinpope.com)

**Address**

18021 NW Anastasia Drive  
Portland, Oregon. 97229

**Your Comments**

Dear WashCo Land Use Staff,

I object to having a gas station built at the corner of NW 185th and West Union. That lot is right next to wetlands and a flood plain. This is environmentally unsound and dangerous. We own a house on NW Kahneeta Drive and also live in the area. Our Kahneeta Drive house backs up to the wetlands and THPRD trail at the corner of NW 185th and West Union. After we bought the Kahneeta Drive house (2013), WashCo advised us it was in a flood plain. We ended up hiring an attorney and having the property professionally surveyed. The end result was a ruling from FEMA that the bottom part of our property is in a flood plain. If that portion of our property is in a flood plain, it is obvious that the subject lot of Case File L2100244 is a flood risk and environmental danger to the community.

Other concerns include: increased traffic in an already crowded area; why a gas station when as a state and country we are moving to reduce the use of fossil fuels; this area has a large number of registered EV and hybrid vehicles --- we need EV charging stations more than we need a gas station; high risk of spillage contaminating the wetlands and Bethany Lake.

Please put our health and safety at the forefront of your deliberations and decision. You represent the community, not an individual.

Thank you for considering my input. My cell is 503-515-7660 if you'd like to speak with me.

Robin Pope

**Attach Documents**

- [robin-pope final-determination 0.pdf](#) (167.81 KB)
- [robin-pope final-determination-cover-letter.pdf](#) (70.36 KB)



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WASHINGTON COUNTY, OREGON (Unincorporated Areas)	Lot 13, Block 16, Rock Creek No. 8, as described in the Statutory Warranty Deed, recorded as Document No. 2013-017258, in the Office of the County Clerk, Washington County, Oregon
	COMMUNITY NO.: 410238	
AFFECTED MAP PANEL	NUMBER: 4102380361C	
	DATE: 2/18/2005	
FLOODING SOURCE: UNNAMED FLOODING SOURCE		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 45.556, -122.865 SOURCE OF LAT & LONG: ARCGIS 10.1 DATUM: NAD 83

### DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
13	16	Rock Creek No. 8	4945 Northwest Kahneeta Drive	Structure (Residence)	X (unshaded)	--	178.2 feet	--

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA  
ZONE A  
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### **PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

#### **ZONE A (This Additional Consideration applies to the preceding 1 Property.)**

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

#### **STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))**

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

## **Your home has been reclassified as moderate-to-low flood risk.**

You may now qualify for a Preferred Risk Flood Insurance Policy with rates starting as low as \$129 per year. So, you may keep your home—as well as its contents—covered all year for less money. Have your insurance agent switch your policy today.

**Remember, there's no such thing as no flood risk.**

**Stay covered. Talk to an agent today.**

Call **1-888-724-6390** or go to  
[www.floodsmart.gov/preferred](http://www.floodsmart.gov/preferred)

People outside of high-risk areas file over 20% of NFIP claims and receive one-third of disaster assistance for flooding.



**FEMA**





# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
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Call **1-888-724-6390** or go to  
[www.floodsmart.gov/preferred](http://www.floodsmart.gov/preferred)

People outside of high-risk areas file over 20% of NFIP claims and receive one-third of disaster assistance for flooding.



**FEMA**



**EXHIBIT: PH34**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

---

ly@co.washington.or.us on behalf of Washington County Forms

<noreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 10:31 AM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 10:30

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Kevin Farrell

**Email**

[kpfarrell@frontier.com](mailto:kpfarrell@frontier.com)

**Address**

5528 NW Burning Tree Ct

Portland, Oregon. 97229

**Your Comments**

I am opposed to the development of the corner of 185 Ave and West Union Road for a gas station and convenience mart. The property adjacent to the wetlands and Allenbach Acres Park poses an environmental hazard to the neighboring nature preserve and will increase traffic congestion while making the intersection more unfriendly to pedestrians and cyclists. The variances needed to shoehorn this development into this corner lot underscores the inappropriateness of this type of development.

**EXHIBIT: PH35**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**Sent:** <noreply@co.washington.or.us> on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**To:** Monday, November 8, 2021 10:57 AM  
**Subject:** Doria Mateja-Stellmacher; LUT Development  
Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 10:56

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Vijay Bhat

**Email**  
[vijaysbhat@gmail.com](mailto:vijaysbhat@gmail.com)

**Address**  
5370 NW 169th Pl  
Portland, Oregon. 97229

**Your Comments**  
Hi,

I'm a resident of Bethany and I'm writing to voice my strong opposition to this gas station project at the corner of West Union Road and 185th Ave.

My reasons are -

**Economic:** this gas station is unnecessary. There are several gas stations a mile up 185th Ave for current gasoline engine motorists, and many families in the neighborhood are switching to electric vehicles. With Oregon's goal of switching to 90% EV in 2035, demand for this gas station's services will only go down beyond the point of economic viability. Why allow a business that we know will not be needed?

**Traffic:** the gas station will increase merging traffic on an already busy intersection.

**Ecological:** The proposed gas station is located right next to a protected wetland area (Bethany Lake), and many residents (including my family) enjoy activities such as fishing, running, communal gardening etc that will be severely impacted in case of oil tank leaks, which are quite common for gas stations. Any cost of cleanup will need be borne by tax payers because the gas station can declare bankruptcy in such an event.

Zoning purpose: the zoning exceptions being asked for are because of lack of current economic viability. However, the zoning also says "Centers should have minimal negative impact on surrounding residential properties". A larger gas station would create larger externalities (traffic, oil leakage) that others than the gas station owners would be responsible for fixing. Why allow this when ready alternatives (gas stations close by) are available?

To summarize, from a risk reward perspective, the potential downsides of the gas station vastly outweigh any benefits to the community. I strongly urge you to deny the gas station application.

Best,  
Vijay Bhat

**EXHIBIT: PH36**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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oly@co.washington.or.us on behalf of Washington County Forms  
.eply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 11:00 AM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 10:59

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Alan B. John

**Email**

[alan.john@frontier.com](mailto:alan.john@frontier.com)

**Address**

4475 NW KAHNEETA DRIVE  
PORTLAND, Oregon. 97229

**Your Comments**

In Reference to the above Casefile # L2100244 and the description: Special Use and Development Review approval for a two story 4,983 square foot commercial development, "Chevron Market," (convenience market/gas station) served by 5 fueling islands (10 pumps), an Access Management Plan for access to NW West Union Road, Variances) on NW West Union Road.

By your own environmental impact requirements this case should be rejected with a "NO" vote immediately. As a taxpayer and area resident of many years I and my "unwoke" family and neighbors have been fine gassing up our vehicles near Highway 26. As a critical thinking U.S. Navy veteran I cannot believe my tax dollars are being wasted on a project that when completed presents a constant threat to the organic wetlands that are in this area. There are many other building proprieties away from this fragile wetland area that would pose little or no threat as stated above. Spend our tax dollars on more needy abd deserving projects in Washington county.

I am saying and expect you to agree with a "NO" on a Casefile # L2100244, for a gas station next to this vulnerable wetland area or anywhere other wetland area in Washington County.

EXHIBIT: PH37

Case:

L2100244-SU/SU/D/V/V//AMP/M

Date: 11/11/21

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ply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 11:11 AM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 11:11

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Carmen G Steen

**Email**

[cgsteen@gmail.com](mailto:cgsteen@gmail.com)

**Address**

4600 NW COLUMBIA AVE  
Portland, Oregon. 97229

**Your Comments**

Dear Washington County Development Permit Approving Committee,

My name is Carmen Steen and I moved out here from North Portland in August 2017. We loved the connecting greenways, protected wetlands and waterways, wildlife, and general safety, which reminded me a lot of where I grew up in Southern Sweden. It is a safe place to raise a family. In the short 4 years I have moved here, I have already witnessed a change in school districts to accomodate the increasing population of growing families, as well as developments off of Springville/Kaizer, all without a requirement of developers to account for the influx of populations' effect on the schools. Now we're being told that we have to contend with the palcement of a gas station which no one in the area has asked for, which will create an increase in traffic in an already busy intersection. This will not only be a hazard for the wetlands located immediately behind the property of the proposed gas station, but also a hazard to our wildlife, our children, and our community. The revenue this may yield for the county (if any) from granting this permit and allowing this to be built should be carefully weighed against the cost it will have in the quality of living for those of us who live here and pay taxes. Thank you for your consideration.

Restpectfully,

Carmen Steen

**EXHIBIT: PH38**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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ply@co.washington.or.us on behalf of Washington County Forms  
<reply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 11:26 AM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 11:25

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Shareef Hakim

**Email**

[shareef.hakim@gmail.com](mailto:shareef.hakim@gmail.com)

**Address**

5453 NW 169th Place  
Portland, Oregon. 97229

**Your Comments**

Having a gas station next to wet land is a concern my family and I share. A leak from the gas station can be devastating to nature, health and quality of life. I would appreciate re consideration in this topic.

**EXHIBIT: PH39**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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ply@co.washington.or.us on behalf of Washington County Forms  
<moreply@co.washington.or.us>

**Sent:** Monday, November 8, 2021 12:39 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 12:38

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

NICOLA D ROBERTSON

**Email**

[NADROBERTSON@YAHOO.COM](mailto:NADROBERTSON@YAHOO.COM)

**Address**

9325 PANORAMA PL  
PORTLAND, Oregon. 97225

**Your Comments**

Re L2100244

I wholeheartedly disapprove of this development on this wetland site. Not only is a gas station unneeded at this location, the proposal involved is much too extensive and disruptive. Multiple overhead lights on at all hours of the day is not conducive to the local neighborhood or local wildlife. The liquid and chemical runoff involved in this proposal is much too risky for the adjacent wetland and protected area.

**EXHIBIT: PH40**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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ply@co.washington.or.us on behalf of Washington County Forms  
eply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 1:53 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 13:52

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Virginia Bruce

**Email**

[vrb@teamweb.com](mailto:vrb@teamweb.com)

**Address**

3270 NW Kinsley Ter  
Portland, Oregon. 97229

**Your Comments**

At a minimum, the developer needs to install a light-proof barrier at the southern end of the site. Impact to wildlife by the car lights all night is not trivial.

In addition, will they be posting a bond to cover the inevitable damage to the environment when those tanks leak? Everything fails, and an earthquake will certainly damage them.

**EXHIBIT: PH41**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

---

ily@co.washington.or.us on behalf of Washington County Forms  
reply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 2:06 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 14:06

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Manan Goel

**Email**

[goelmanan@gmail.com](mailto:goelmanan@gmail.com)

**Address**

6995 NW 170th Ave  
Portland, Oregon. 97229

**Your Comments**

The Chevron station on this site would potentially contribute to the pollution of the adjacent water body and trail which a lot of neighboring families use for recreational activities. It will also add to the traffic congestion at the intersection, be a hinderance to the houses in the neighborhood.

**EXHIBIT: PH42**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

---

reply@co.washington.or.us on behalf of Washington County Forms  
<moreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 3:47 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 15:47

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Rafael Sierra

**Email**

[sierrarafael03@gmail.com](mailto:sierrarafael03@gmail.com)

**Address**

5437 NW 169Th Pl

Portland, Armed Forces (Canada, Europe, Africa, or Middle East). 97229

**Your Comments**

I'm asking that you please do not approve this project, or grant a variance to the zoning requirements to allow this gas station. I have lived in this area since July 1991 and have enjoyed the wetlands, wildlife and trails in this area for many years and want it preserved. Accidents happen and I think we have too much to lose here for the convenience of a gas station. I have never had issues with getting gas for my car in my 30 years as a resident here and I strongly believe this Chevron is not needed. Especially if they are asking for a variance because it wouldn't be profitable if they had to stay within the current code. There are 3 gas stations between my home and Intel Ronlar Acres, at least 3 convenient gas stations around the 185th and 26 interchange, 3 gas stations around the Cornell/Bethany and 26 interchange. I believe there is adequate choices of many varieties already in place for this region. I beg you to please not allow this Chevron business to go forward.

Best regards,

Rafael and Toni Sierra

EXHIBIT: PH43

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

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noreply@co.washington.or.us on behalf of Washington County Forms

<noreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 4:11 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Flag for follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 16:10

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Fan Chen

**Email**

[chenfan1983ster@gmail.com](mailto:chenfan1983ster@gmail.com)

**Address**

6048 NW 165th Ter

Portland , Oregon. 97229

**Your Comments**

Please keep the gas station away from our beloved community. We love the Bethany Lake and its surrounded trails and wetlands. We can't afford any potential damages to those wetlands. I am jogging every week on the trail and enjoy the Bethany lake so much. Please keep the gas station away from these beautiful natural creatures.

**EXHIBIT: PH44**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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**Sent:**

ply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

**To:**

Monday, November 8, 2021 4:50 PM  
Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Flag for follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 16:50

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Bruce Goya

**Email**

[pctsky@outlook.com](mailto:pctsky@outlook.com)

**Address**

5433 NW 169th Pl.

Portland, Oregon. 97229-1886

**Your Comments**

I am against the proposed development of a gas station at 18300 NW Union Rd. (case file L2100244) At a previous residence I witnessed the unfortunate impact of unexpected leaking gas station underground storage tanks in our neighborhood. The leaks continued over many years unnoticed, impacting the neighborhood and a local creek with a toxic plume half a mile away. Since we cannot tell in advance if a UST will leak, only that a small subset of tanks will leak, I believe we are taking an unnecessary chance with the health and welfare of Bethany lake. Since there is no need to build a gas station at this location, it would be prudent not to.

**EXHIBIT: PH45**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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**Sent:**

**To:**

**Subject:**

ply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

Monday, November 8, 2021 5:17 PM

Doria Mateja-Stellmacher; LUT Development

Casefile Public Comment - Response

**Follow Up Flag:**

**Flag Status:**

Flag for follow up

Flagged

Submitted on Mon, 11/08/2021 - 17:16

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Masako K Jankovsky

**Email**

[tmjankovsky@msn.com](mailto:tmjankovsky@msn.com)

**Address**

5188 NW 177th Ave

Portland, Oregon. 97229

**Your Comments**

I could not load my letter regarding to L2100244 at the previous attempt so I sent the same letter to Mr. Schaefer, but I will try to submit here once again. Thank you.

**Attach Documents**

- [g.stand-letter.pdf](#) (63.67 KB)

Masako K Jankovsky  
5188 NW 177th Ave  
Portland, OR 97229

Dear Paul Schaefer, and the Washington County Land Use Staff

I am writing this regarding to the application of Gas Station on the intersection of 185th and NW West Union Road. (L2100244) I would like to emphasis on the importance of existing community's safety, well being. I would like to bring up here some of my concerns.

First , Regulations Point of view, I found many conflicts with this application regarding to Washington County's Community Develop Code (CDC), Community Comprehensive Framework Plan ( CCFP), or Sunset West Community Plan (SWCP). For example, CDC 311-6.4 Lot dimensions. Applicant designated the Front yard on 185th side, and Side yard on West Union and South side on the 3J 's report. However, I believe this is based on the lot which does not have the address by CDC. This site has already address assigned, so the Front should be the West Union, and the Side will be the 185th and East end of the side. If so, this Lot dimension does not meet the Code 311-6.4. regarding to the average depth and width, I believe.

Actually, I have found conflict regarding to the 3J's report with "frontage" and "side" mixing up all over the report. And this made me confused.

On CDC 418-3 **Corner vision** also, applicant explains that 18 foot right-of-way dedication for NW West Union Road along the property frontage to accommodate future improvements per the County's Capital Improvements Program.

However, as I pointed out on the conflicts on 311-6.4. , applicant regards 185th as front. However, on 418-3 part here, applicant recognize West Union as frontage.

More importantly here, regarding ,"the vision", the 18 foot dedication will be the road/walking pavement anyway so that the vision from the South corner distance from the building is still 2 feet since their set back variance is 2 feet. Then, this set back will not met the Code 418-3.

Also, when applicant mentions about this 18 foot dedication, I have a question.

On the 3J's report regarding to 435-4.3, applicant wrote, " The site requires and this 18 foot right-of-way dedication, ". I read this as, "18 foot-right-of-way distance is needed to operate this size of the Gas Stand to meet their needs for the Tank transportation." Thus, this so called, "18-foot right-of-way dedication", is completely beneficial to the applicant, but not to this community. So it should not count this situation as "dedication" to the road improvement through this development review process.

Also, applicant mentions about this Capital Improvement Program so many time on this report. However, we are not informed any information about this project. I am wondering if this Capital project will increase more traffic to this intersection or not. If so, it will affect all the aspects for this community's environment, safety, etc.

And all the submitted paper to County from agencies for this development plan will not have much meanings since the survey and all other facts are already years old at this point. I hope the review process of Gas Stand account on this matter carefully. It is worth to mention that even applicant's own environment survey report by Pacific Habitat Services, Inc. mentioned that " heavy traffic along adjacent road" on their own report in May 2021.

Second, Provision on CDC, WCCFP, SWCP, mentions about Community's safety, environment impact, even mention about climate. Some of example is CFP Policy 17 P79 : Quality of Development 2) : *Plan will greatly contribute to improving community identity and pride and enhancing the quality of life for county residents and visitors.* SWCP, General Design Elements includes : *b. preserved and protected consistent with the provisions of the Community Development Code to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community; .*

WCCFP Policy 17, Tuality of Development : - *Protect existing neighborhoods*

- *Protect existing open space and recreational facilities.*

WCCFP P77 : *Account for the climate*

I hope these provision to be recognized once more in these era of climate change.

Another concern I have is how applicant will deal with cleaning up the Tank when it's needed. In Europe, now people started to use the phrase, " Flight Shame". This is the movement people claiming the customer who choose to fly with the Air Company which does not use "Sustainable Aviation Fuel". I am sure people soon talk about this for car transportation. All the car industry is putting effort to produce cars and trucks which does not create emission

problem, including the energy source like hydrogen. Then, needs of the Gas Station will go down tremendously. Then, how this applicant will deal with this situation. This matter should be considered carefully during the reviewing process.

This will not only happen only this scenario, but also Natural Disaster, too. Potential Hazards are not visible, but be able to prepare for it if we choose to.

Thinking of the depth of the Bethany Lake, it can cause flooding if you see the past storm tendency in all of the world. It happens any waterway if the Mother Nature hit the area. Nobody can deny that it might happen. It is crucial the applicant has to prepare for the situation no oil goes into the waterway. This waterway is connected to the major Nature Water Resource. I strongly believe this should be studied and provide evidence for the safety for neighbors and beyond. Even if the current code does not updated this matter, it is a big chance to overview for our future. Otherwise, all the provision of the code regarding to preserve nature will not have meaning after it happens.

At the last, but not less important is "the set backs". I have not read the response from the County engineer's report at this time, but I had read from the last application for this Gas Stand proposal. I think it was not clear why it is OK and safe to change these set backs. The land shape is not suitable to build 5000 SF Convenience store from the beginning, and financial burden should not be the reason to be allowed to change the set backs.

I still have more questions, but ending with this paper to ask about this site's Parking lot. The applicant is planning to have 7 parking lot, but one of them will be the slot for the handicapped reserve. Then, only 6 parking lot is available for the whole lot. How many workers applicant is thinking to put at one shift, and how many parking slots will be reserved for the customers? This is also goes back to the question, " the financial reason to change the set backs". If the Gas Station can not have enough parking slots to serve enough customers, the revenue will no expect high enough either. I think it is not worth to change the set back for building the big convenience store on the lot, because this planning has conflict.

When I read all the paper works, and codes, I started to accumulated so much questions about this Gas Station planning, so I wanted to express my part of questions here.

I hope this whole evaluation process to be followed all these provisions of Community Development Code, Comprehensive Framework Plan, and Sunset West Community Plan, and fair for our community's future.

Thank you so much for reading.

Masako K Jankovsky

**EXHIBIT: PH46**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 8, 2021 6:25 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 18:24

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Julie Sutton

**Email**

[juliegsutton@gmail.com](mailto:juliegsutton@gmail.com)

**Address**

18972 nw Northshore ct.  
Portland, Oregon. 97229

**Your Comments**

We are strongly opposed to a gas station being placed on the corner of west Union and 185th. On behalf of my family - I am extremely concerned with the environmental risks associated with this project. The pond and surrounding wetlands are full of plants and wildlife that are extremely important to the community. We spend a lot of time enjoying the wildlife while we run on trails, kayak in the pond, and our dog loves swimming in the pond more than anything. I am also concerned about the traffic on that corner - it is a very residential area and I don't think the corner has the capacity to handle that much traffic especially in the morning and afternoon. Please do not let this gas station be built.

**EXHIBIT: PH47**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

**Sent:** Monday, November 8, 2021 6:35 PM

**To:** Doria Mateja-Stellmacher; LUT Development

**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 18:34

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

John E Blyler

**Email**

[john.blyler@gmail.com](mailto:john.blyler@gmail.com)

**Address**

4115 NW Columbia Ave  
PORTLAND, Oregon. 97229

**Your Comments**

Hi. I'll keep my comments brief:

- The proposed lot is one of the busiest in the area, heavily traveled by high-school students, PCC students/faculty, and the business and residential community. Adding a gas station/convenience store will only make it worse for all of us.
- Washington County is leading Oregon in switching to electronic vehicles. Another gas station is not needed. It is a poor use of the land area.
- There is another gas station on Cornelius Pass Road, less than a mile away. Another potential hazardous chemical facility is not needed.
- My experience as an engineer at the Hanford Superfund site has taught me that all tanks leak, no matter how many walls they have. The tanks used by this gas station will eventually leak to the neighboring lake and animal habitats.
- About three years ago, an almost identical request was put before the Washington County board and it's residence. Why are we being ask to reject this same application again?

Please don't approve this unnecessary, costly and dangerous land use applications.

-- John

**EXHIBIT: PH48**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 8, 2021 6:41 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 18:40

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Anirudh Venkataramanan

**Email**

[anirudh.ayer@gmail.com](mailto:anirudh.ayer@gmail.com)

**Address**

18985 NW Northshore Ct  
Portland, Oregon. 97229

**Your Comments**

I have environmental, traffic and safety concerns in regards to this project. The proposed location is right next to the Rockcreek trail system. There's quite a bit of wildlife and greenspace here and I simply don't trust a gas company to care for its well-being. I am suspicious that promises will be made and not kept (as has been the case with the oil and gas sector in general).

Pedestrian access to the Rockcreek trail system is already strained due to the high amount of traffic on NW 185th Ave. The walk sign to cross 185th Ave takes several minutes to activate. A gas station in this location will further increase traffic and associated hazards (like distracted driving).

This neighborhood in general seems to be switching over to electric cars and I don't see why there should be a 10 pump gas station in this location. There are three other gas stations within a 2 mile radius (Arco on Cornelius Pass and West Union 1.4 miles, Shell in the Tanasbourne area 1.6 miles, and 76 also in the Tanasbourne area 1.8 miles). There's absolutely no need for another gas station.

If you'd like to build something, maybe consider building an off leash dog park.

**EXHIBIT: PH49**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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ply@co.washington.or.us on behalf of Washington County Forms

<noreply@co.washington.or.us>

Monday, November 8, 2021 6:56 PM

Doria Mateja-Stellmacher; LUT Development

Casefile Public Comment - Response

**Sent:**

**To:**

**Subject:**

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 18:55

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L21002~~23~~ **244**

**Your Name**

Joshua McLindsay

**Email**

[joshua.mclindsay@gmail.com](mailto:joshua.mclindsay@gmail.com)

**Address**

10495 NW Flotoma Drive

Portland, Oregon. 97229

**Your Comments**

Please install public electric chargers so folks can charge while using the grocery, restaurants, etc in the area. It can be gas as well, but build for the future!

**EXHIBIT: PH50**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**Sent:** ply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**To:** Monday, November 8, 2021 7:02 PM  
Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 19:01

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Anna F Mohnen

**Email**  
[afmemohnen@comcast.net](mailto:afmemohnen@comcast.net)

**Address**  
18943 NW Northshore Ct  
Portland, Oregon. 97229

**Your Comments**

Having a gas station next to a wetland and residential community is a big environmental and health concern for the immediate residents (both human and other living things) with the threat of pollution, ecological damage and health hazard for people and other residents alike. Even under normal operations - "When gasoline evaporates, it gives off toxic fumes; a 2011 study found that the air surrounding gas stations can contain much higher concentrations of these cancer-causing vapors than average. Also, Gasoline in the soil can be dangerous, as it contains the toxic chemical benzene, which can leach into the water supply. In August 2012, soil near a former Exxon gas station in Wilmington, North Carolina, was found to be contaminated. In October 2011, gasoline was detected in the soil near a Citgo gas station in Shorewood, Wisconsin." See article here: <https://sciencing.com/pollution-gas-stations-18064.html> Also, A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities. Findings appear in the journal Science of the Total Environment.  
(<https://www.sciencedaily.com/releases/2018/10/181004110021.htm>)

This area is a busy thoroughfare and cross path for migratory birds, resident birds (heron, bald eagles, ducks and geese) and animals (deers, coyotes, rabbits and raccoons, to name a few) and numerous children and adults alike who regularly walk, jog, walk their dogs, birdwatch and fish - all within a 1 mile radius. Even with mitigation plans in place, in case of a disastrous spill or accident - all of these are irreplaceable, and the cost of clean-up and environmental repair can be substantial - and should not and cannot be passed on to the residents! There is no immediate need for a gas station in

this area, as there are other stations within an easy 2 miles away. Most residents are buying and leaning towards buying electric cars in the future. Washington county - please protect your residents, people and animals and environment alike!!!

**EXHIBIT: PH51**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

reply@co.washington.or.us on behalf of Washington County Forms  
reply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 7:42 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

**Categories:**

Follow-up

Submitted on Mon, 11/08/2021 - 19:39

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Kaye L Gardner-O'Kearny

**Email**

[klokearny@gmail.com](mailto:klokearny@gmail.com)

**Address**

16883 NW Waterford Way Portland OR 97229

Portland, Oregon. 97229

**Your Comments**

See my attached letter detailing why I object in the strongest terms to the proposed gas station and convenience store at 185th and West Union. Please help us protect the wetlands and our neighborhood.

**Attach Documents**

- [kaye-gardner.landuse.docx](#) (17.01 KB)

Kaye Gardner-O'Kearny  
16883 NW Waterford Way  
Portland, OR 97229

November 8, 2021

Land Use & Transportation Department  
Washington County  
155 N. First Ave, MS13  
Hillsboro, OR 97124

Re: Case File L2100244, Proposed Gas Station & Convenience Mart on West Union

I am writing today to comment on a proposed project to build a gas station/convenience store on the southeast corner of 185<sup>th</sup> Ave. and West Union Rd. (Case File #L2100244).

I am beyond surprised that this proposal is being considered again after a proposal for the same thing was denied in 2020. I can find nothing that has changed substantively that would begin to address the concerns that were raised then. A gas station in the proposed location will impact nature areas that are home to multiple animal species, a wonderful educational experience for children (and adults) and a place that brings pleasure to hundreds of people every week. I intentionally say will, not could or if. There will be light pollution, increased air pollution from significantly more traffic and idling cars waiting for gas, a significant chance of leakage from the storage tanks, and run-off that will inevitably get into the Bethany wetlands area.

I have tried to think what could possibly make degrading this natural area and putting clean water at risk. I simply cannot come up with anything.

- We have easy access to gas
  - There are multiple gas stations within 1.7 miles of the proposed location
  - In fact, we have easier access than most people in Forest Heights, for example.
  - Given local, state, and national plans to cut gasoline consumption in passenger vehicles, building a new gas station at all seems questionable.
- We do not need a convenience store – Albertson's is open 24/7. QFC (less than two miles away) is open 24/7.

For no benefit to the community, we are willing to consider taking on multiple risks:

- The Oregon DEQ reported 2.8% Underground Storage Tank leaked between October 1<sup>st</sup>, 2020, and September 30<sup>th</sup>, 2021. And this does not account for leaks from dispensers, piping, or spills caused from delivery hardware. With tanks a mere 80ft from the wetlands per the plan, a leak would inevitably seep into the water in the wetlands.
- A study published in the journal Nature in 2020 found that light pollution causes birds to begin nesting up to a month earlier than and hungry chicks may hatch before their food is available. Studies have also shown that artificial lights can interfere with small insect-eaters birds (such as swallows that live in the Bethany wetlands).

- Significantly increased traffic at an intersection that is already busy inevitably leading to more accidents and creating more risks for all the pedestrians, including high school students walking to Westview.

My understanding is that the applicant has asked for a variance from the county zoning requirements for a setback of twenty feet from the front and sides (S311-6) because

*“a smaller building footprint would significantly impact the financial feasibility of the project and render the proposed use of the site as a retail market and fueling station unviable”*

So, the applicant is saying that as zoned, the location is not viable for the business he wants to build because of financial reasons – not community reasons, not environmental reasons but financial reasons.

This project serves no needs of the community, puts the Bethany wetlands at risk, puts the nature so many people enjoy at risk and, in the applicant’s own words, is designed for financial purposes.

Please stop this project.

Sincerely,

Kaye Gardner-O’Kearny

**EXHIBIT: PH52**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**Sent:** <noreply@co.washington.or.us> on behalf of Washington County Forms  
**To:** <noreply@co.washington.or.us>  
**Subject:** Monday, November 8, 2021 8:05 PM  
Doria Mateja-Stellmacher; LUT Development  
Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 20:05

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Tammy Jones

**Email**  
[trjones1977@gmail.com](mailto:trjones1977@gmail.com)

**Address**  
19033 Nw Northshore Ct  
Portland, Oregon. 97229

**Your Comments**

While I realize that when an individual purchased land they should be allowed to do what they desire with it. However, there are zoning rules for a reason. This type of establishment should also have to abide by the zoning rules. It is not one that is going to make the area better. It really isn't needed. Despite what they say there will be impacts to the environment. It will cause more congestion in an already congested area. It will affect the habitat for the animals that call this place home- noise, lights, pollution

**EXHIBIT: PH53**

**Case:**

**L2100244-SU/SU/D/V/V/AMP/M**

**Date: 11/11/21**

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eply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 8:09 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 20:08

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Monica Spisla

**Email**

[spislafamily@gmail.com](mailto:spislafamily@gmail.com)

**Address**

3876 NW Mortensen Terrace

Portland , Oregon. 97229

**Your Comments**

Dear Washington County Commissioners and Staff, Please listen to the community and the requests to not allow a gas station to be built near Bethany Lake. There is already another gas station less 1.7 miles immediately south of this location. Adding another one to this area is unnecessary and will affect livability and traffic in the area. Thanks for for your thoughts and consideration. Monica Spisla

EXHIBIT: PH54

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

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From: -----

noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

Sent:

Monday, November 8, 2021 8:55 PM

To:

Doria Mateja-Stellmacher; LUT Development

Subject:

Casefile Public Comment - Response

Follow Up Flag:

Follow up

Flag Status:

Flagged

Submitted on Mon, 11/08/2021 - 20:54

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Sara Bhat

**Email**

[saraquartell@gmail.com](mailto:saraquartell@gmail.com)

**Address**

5370 NW 169th Place  
Portland, Oregon. 97229

**Your Comments**

I am writing to oppose the Chevron station next to Bethany Lake. One of the things I love most about Bethany is the preserved wetlands. It is only a matter of time before the gas station would pollute the ecosystem of Bethany Lake. I also strongly oppose it because of the increased traffic/congestion at an already busy intersection. There is a high school (with teenage drivers!), an elementary and multiple preschools--(including my daughter's school) in the immediate area. Adding a gas station where people are frequently entering and exiting near an intersection increases the risk of accidents.

EXHIBIT: PH55

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

**From:** noreply@co.washington.or.us

noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 9:45 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 21:44

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Nathaniel Silver

**Email**

[nathansilver476@gmail.com](mailto:nathansilver476@gmail.com)

**Address**

18715 NW TOLOVANA ST  
PORTLAND, Oregon. 97229

**Your Comments**

My name is Nate Silver. I'm 13 years old and I attend an environmental middle school. If someone as young as I is able to realize that it's not a good idea to put a gas station next to wetlands, then I believe a group of adults could also realize this as well. Leaks of underground storage tanks containing fuel (Oregon DEQ reported 50 Underground Storage Tank releases between October 1st 2020 and September 30th 2021 in their annual report) are fairly common. The DEQ reports that many of the leaks are not detected until after the tanks are decommissioned which means that alarms haven't been working consistently and can't be relied on. "Wetlands must have one or more of the following three attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is saturated with water or covered by shallow water at some time during the growing season of each year." (www.wetlands-initiative.org) This means that it would be disastrous for the ecosystem because if the tanks do leak or if there is runoff of fuel or other contaminants from the parking lot, it would speed up the process of contaminating the area and damaging plants and animals. We can't rely on an alarm system and if this gas station is built, there just wouldn't be any way of solving it and restoring it to what it was before the gas station was built. Electric cars are gaining popularity and starting to become the new method of transportation, so how long is this gas station really going to last? What will happen to the tanks after it is gone? This is a thriving ecosystem and I ask you to not shatter it by building this enormous, unnecessary, and polluting gas station and market. What we have is just fine and it will be fine if you don't alter it. Thank you for reading this comment. I hope you take all of my points into consideration - I care about this community and would like it to retain its beauty and healthy wildlife.

**EXHIBIT: PH56**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 8, 2021 10:02 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 22:01

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
ELIZABETH A SILVER

**Email**  
[midgesilver2003@yahoo.com](mailto:midgesilver2003@yahoo.com)

**Address**  
18715 NW TOLOVANA ST  
PORTLAND, Oregon. 97229

**Your Comments**

Hello, My objections the development of a gas station/2 story market atop a wetland are multifold. I'm concerned about the increase in danger and decrease in walkability if this project were approved. This is a popular route for high schoolers to walk to and from school and to the existing retail in the area. Having to navigate around a gas station with the immense amount of traffic in and out as anticipated by the developer, poses a a huge risk to children. Add in factors like rain, flooding, poor visibility with the variances requested for setback, the multitude of accidents that occur in the vicinity and it's a recipe for disaster. I'm concerned about livability for the folks living directly around the proposed development with lights and noise. I'm concerned for the wildlife and vegetation that inhabit the wetlands and use that area as a thoroughfare. Runoff from the parking lot, exhaust from the vehicles as they idle waiting for gas, potential leaks from underground storage tanks, increased traffic, noise and light pollution are major disruptors to ecosystems and wildlife. The nature of the proposed business is not sustainable anyways, as gasoline powered cars are being phased out (the highest concentration of electric vehicles in Oregon are found in the 97229 zip code!) so perhaps this business would benefit owners in the short term but what is the long term cost of the destruction of habitat and repair to a site after it's housed such a business with underground fuel storage tanks? Why must we bear this as a community? I hope that you will determine that these variances should not be granted and this project should not be approved for the sake of the surrounding community and ecosystem.

**EXHIBIT: PH57**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**Sent:** ply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**To:** Monday, November 8, 2021 10:23 PM  
**Subject:** Doria Mateja-Stellmacher; LUT Development  
Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 22:14

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Fenghua Liu

**Email**  
[fenghuasd@gmail.com](mailto:fenghuasd@gmail.com)

**Address**  
5210 NW SHoreline Way  
Portland , Oregon. 97229

**Your Comments**

I am not sure whether my attachment is going through the county system. If it is already in the system, please ignore it.

I am against the proposal to build the gas station at the corner of NW 185 Ave and NW Union Road based on the following reasons.

1. Environment  
Figure 1. Wetland in the Bethany lake Area

<https://www.fws.gov/wetlands/data/Mapper.html>

The Bethany Lake and nearby wetlands are an important ecosystem, and play an essential role in the environment. Wetlands are among the most productive ecosystems and also play an integral role in the ecology of the watershed. Building a gas station adjacent to Bethany Lake will likely impact the wetlands. Most trees on the lot, including some large redwoods, firs and pines will be cut. That will reduce shade and nesting areas for the many wildlife that use the adjacent wetlands. The gas station will discharge its storm waste water runoff into the sewer, and it will dump into the wetlands adjacent to Bethany Lake. Storm water from gas stations can contain toxic chemicals. There is no guarantee some environmental damage will not happen considering the area is easy to be affected by flooding.

Beside the proposed the gas station, there is a dedicated facility to protect the stream. The organization of [cleanwaterservices.org](http://cleanwaterservices.org) should be contacted and their opinion should also be considered when considering to build a GAS station.

## 2. Safety

The federal government has a safety requirement that a gas station has to be 1000 feet away from schools or kindergartens. There is a kindergarten facility just cross the West Union Road. The federal 1000 feet standard is the minimum requirement. As a green friendly county, the county government should maintain a high standard to protect the health of the future generations. It is not proper to build a GAS station in the corner of NW 185 AVE and NW Union Road.

Beside, building a GAS station adjacent to the Bethany Lake will increase traffic and air pollution in the nearby residential areas, increase the dangers for students walking home from nearby schools, kids playing at the parks, and people enjoying the trail.

## 3. Neighborhood Commercial

5 Gas stations within 1.5 mile at the proposed site already exist. They should provide enough convenience for the neighborhood for gas station services. There is an Albertsons Grocery Store just across NW West Union, which satisfies the neighborhood shopping requirements for food and drink.

There is no reason to relax a 20 feet requirement for the store. A private financial benefit should not be put ahead of the neighborhood public interests. If the proposer thinks the financial prosperity could not achieved by meeting the normal neighborhood commercial requirement, he should not pursue the business opportunity.

## 4. Fight for Climate Change

The federal and state governments already made plans to phase out new gasoline powered cars in 2035. The gas cars are going to become a history.

<https://slate.com/business/2016/06/why-americas-gas-stations-are-running-out-of-time.html>

The gas stations will soon be as quaint as a bookstore or soda fountain.

It doesn't make any sense to build a new gas station adjacent to Bethany Lake with such a truncated timeline.

**Attach Documents**

- [county.pdf](#) (1.45 MB)



chemicals. There is no guarantee some environmental damage will not happen considering the area is easy to be affected by flooding.



Beside the proposed the gas station, there is a dedicated facility to protect the stream. The organization of [cleanwaterservices.org](http://cleanwaterservices.org) should be contacted and their opinion should also be considered when considering to build a GAS station.

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minimum requirement. As a green friendly county, the county government should maintain a high standard to protect the health of the future generations. It is not proper to build a GAS station in the corner of NW 185 AVE and NW Union Road.

Beside, building a GAS station adjacent to the Bethany Lake will increase traffic and air pollution in the nearby residential areas, increase the dangers for students walking home from nearby schools, kids playing at the parks, and people enjoying the trail.

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The gas stations will soon be as quaint as a bookstore or soda fountain. It doesn't make any sense to build a new gas station adjacent to Bethany Lake with such a truncated timeline.

EXHIBIT: PMS8

Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

ly@co.washington.or.us on behalf of Washington County Forms  
eply@co.washington.or.us>

**Sent:**

Monday, November 8, 2021 10:49 PM

**To:**

Doria Mateja-Stellmacher; LUT Development

**Subject:**

Casefile Public Comment - Response

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Submitted on Mon, 11/08/2021 - 22:47

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Nisha George

**Email**

[negeorge@gmail.com](mailto:negeorge@gmail.com)

**Address**

16822 NW Vetter Dr  
Portland, Oregon. 97229

**Your Comments**

Hello Washington County Land Use Staff-

I am submitting a public comment on why I believe the Chevron near Bethany Lake (L2100244) land use application should be denied. Please see the attached document for my full comment.

Thank you,  
Nisha George

**Attach Documents**

- [west-union-chevron-application-public-comment---l2100244---nisha-george.pdf](#) (70.03 KB)

Hello Washington County Land Use Staff-

I am submitting a public comment on why I believe the Chevron near Bethany Lake (L2100244) land use application should be denied.

The applicant's property is zoned Neighborhood Commercial which has a setback requirement of 20 feet on the front and side (S311-6). Building setbacks are important to provide visibility for traffic safety, access to natural light, ventilation, space for landscaping and defensible space for fire safety.

However, the applicant is asking for a variance or exception to the county rules. The applicant's reasoning for requesting a hardship variance from the County is included in the "Narrative" application document:

*If the site's setbacks were imposed as required, the buildable area would be reduced from approximately 4,983 SF to 2,400 SF, and the resulting building footprint would be smaller in order to maintain a rectangular shape. According to the National Association of Convenience Stores (NASC), a typical convenience store contains approximately 2,800 SF of sales space and 1,900 SF of non-sales area for a total of 4,700 SF. These areas are vital to the feasibility of fueling stations, because the greater margins associated with in-stores sales, particularly food and beverage, are necessary to offset the **slim and typically volatile margins associated with fuel sales**. Therefore, a smaller building footprint would significantly impact the financial feasibility of the project and **render the proposed use of the site as a retail market and fueling station unviable**.*

*This site is unique to other sites within the area in that it carries a commercial zoning designation but the **opportunities for access and building placement are dramatically restricted**. The applicant's proposal represents a reasonable and non-invasive opportunity to utilize the site in a manner which is comparable with other properties in the area.*

The applicant claims to be an expert in owning gas stations. In fact they own a gas station that "in 2019 this facility ranked #2 in gasoline sales volume for all of the Chevron facilities located in the Pacific Northwest" according to their trip estimate application document.

The applicant was under no pressure to buy this particular set of parcels and build a gas station in this location. They had access to review county code requirements and understood what it would take to build a profitable business before buying this land.

The applicant is requesting the County to subsidize their poor real estate decision by granting a variance to the County's required setbacks. The County should not grant this variance. It is not the County's responsibility to ensure profitability to business owners who buy property without considering if the property is fit for their purpose.

Beyond the applicant's need for County assistance with variances they are also placing a fuel station in an area with the highest percentage of electric vehicles (EVs) in all of Oregon.

Considering the applicant's lack of real estate foresight and their customers adopting EVs that compete directly with their business: I feel the County is exposing taxpayers to significant risk. In the recent past the County has foreclosed on service stations and in turn became responsible for cleanup and decommissioning. Service stations are notoriously difficult to redevelop; so much so that the Federal EPA, Oregon DEQ, and the Oregon State government provide assistance for buyers trying to redevelop such a site.

As a taxpayer I don't want to see the County expose itself to grave financial risk on behalf of an applicant who struggles with real estate planning and competitive market forces.

Thank you,  
Nisha George

**EXHIBIT: PH59**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 8, 2021 11:31 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 11/08/2021 - 23:29

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
William Gardner-O'Kearny

**Email**  
[wcg@pdx.edu](mailto:wcg@pdx.edu)

**Address**  
16883 NW Waterford Way  
Portland, Oregon. 97229

**Your Comments**

I have attached a brief letter explaining my position on this project. In short, having reviewed the literature dealing with creating buffer zones between wetlands and various land-use types. I have attached a ArcGIS map showing that this project cannot meet even the most basic buffer zone standards. Please feel free to contact me if you have any questions.

**Attach Documents**

- [wgo\\_public\\_comment\\_v2.docx](#) (18.36 KB)
- [185th\\_west\\_union\\_3.pdf](#) (2.49 MB)

William Gardner-O'Kearny  
16883 NW Waterford Way  
Portland, Oregon 97229  
wcg@pdx.edu

November 10, 2021

Land Use & Transportation Department Reviewer,

I am writing today to comment on a proposed project to build a gas station/mini mart on the southeast corner of 185<sup>th</sup> Ave. and West Union Rd. (Case File # L2100244). I cannot express strongly enough how opposed I am to the Washington County Land Use and Transportation Department allowing this project to proceed. My initial reaction upon hearing that such a project was even being considered was shock and disbelief that anyone would think that this was a good idea. I, however, understand that dumbfounded disbelief is not really an argument.

Over the course of thinking about this project I started wondering about what sort of buffer zone standards existed for situations where areas of potential effect included wetlands. There is, not surprisingly, a great amount of research out there, although much of it is concerned with very specific land uses. Several extended treatments wetland buffer zones have the Pacific Northwest as a study area. Among those are a report prepared Washington State Department of Ecology and partially funded by NOAA does a good job of summarizing a fair sampling of the scientific literature ([https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland Buffers Use and Effectiveness.pdf](https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland%20Buffers%20Use%20and%20Effectiveness.pdf)). The Environmental Law Institute also has extensive review of wetland buffer zones aimed at local governments (<https://www.eli.org/research-report/planners-guide-wetland-buffers-local-governments>). Finally, Oregon State University's Dr. Paul Adamus put together a review of the literature for wetland buffer zone science for Island County, Washington (<https://www.islandcountywa.gov/Planning/Documents/CriticalAreas/BAS%20wetlands.pdf>). Based on this report, I created a quick ArcGIS map (attached) showing two basic and minimal buffer zones. Although ranges of buffer widths discussed in the report varied depending on circumstances, I have selected a 100-foot-wide buffer for the area around the Allenbach Acres wetland. This is a conservative compromise resting at the bottom end of most buffer size ranges. One can easily see the vast majority of the construction area, including the main gas pump island, is well within even this most moderate of buffers.

Just out of curiosity, I calculated another buffer zone around the main area of impact. This time I selected an even tighter 50 ft. buffer. Think of this as the area where humans at the proposed gas station will have a easy and direct impact on the wetland. Human impact includes everything from trash to trampling. This also easily reaches into the the main flow of the wetland.

It is also worth pointing out that the Washington State Department of Ecology report specifically states that a minimum buffer of 200 to 300 feet beyond the wetland is needed if the wetland is a feeding ground for or stopping over site for migratory birds (p. 44), which this wetland definitely is. In short, there is no way that this project can meet even the minimal requirements for protecting this wetland.

I assume that other commenters have presented arguments about the broader environmental and health dangers a gas station presents. I had previously assumed that there was some degree of

hyperbole in the kinds of warnings one might hear at an environmental rally. I was wrong, and, as it turns out, the dangers are actually worse than I thought (<https://link.springer.com/article/10.1007/s40572-015-0074-8> and <https://www.jhsph.edu/news/news-releases/2014/small-spills-at-gas-stations-could-cause-significant-public-health-risks-over-time.html> and <https://www.sciencedirect.com/science/article/abs/pii/S0048969718337549> ). So, let us assume, for moment, that gas stations are basically bad.

At this point in my thought process I asked myself if I could think of any reasons that would outweigh this basic badness or justify just completely ignoring the idea of putting a buffer between the gas station and an active wetland. What does the neighborhood get out of it in exchange for putting our health and much beloved wetland in danger?

Gas, obviously. But, also obviously, there are half a dozen gas stations in the immediate area already. We are not lacking for opportunities to purchase petrol.

There will be a mini mart, so we get access to food stuffs. But there is already a grocery store right across the street. And, since grocery store prices tend to be consistently lower than those found in convenience stores (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5580618/>), there is no economic advantage. One author (<https://smallbusiness.chron.com/difference-between-grocery-store-convenience-store-19023.html>) points out that the tradeoff for the higher prices of convenience stores is the added value of speed in purchasing. I cannot imagine there will be any increase in shopping efficiency when one must deal with the traffic at that particular intersection, however.

On the other hand, it turns out that even convenience store operators realize they are a crime magnet. The industries own new magazine ran a store pointed that convenience stores were at the top of the list for locations for violent crimes (<https://www.cspdailynews.com/company-news/c-stores-are-4th-most-common-location-violent-crime>).

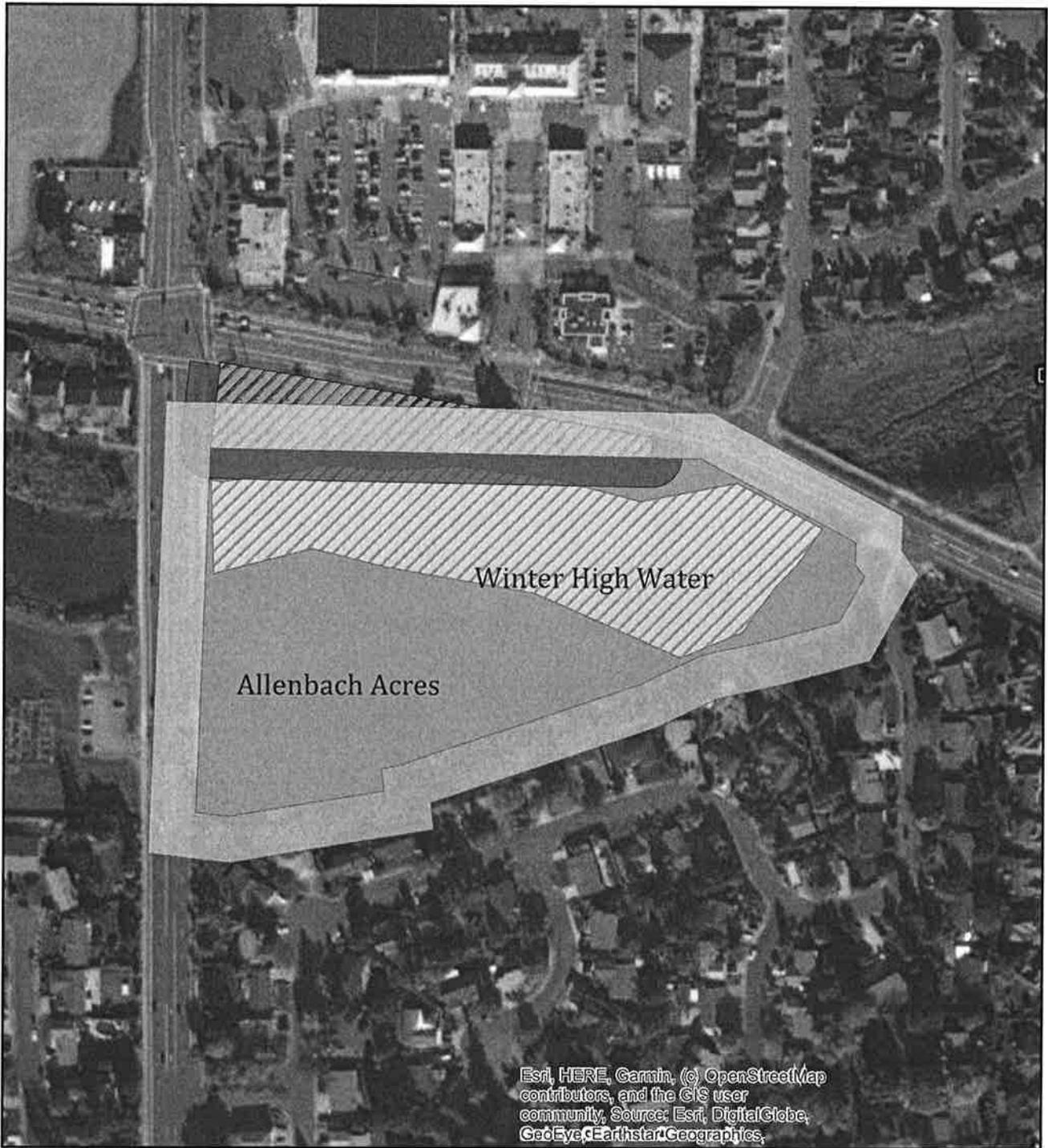
Taxes. I assume there will be some increase to tax revenue that may in some small way filter back to this general area. On the other hand, I imagine the entire Rock Creek/Bethany neighborhood is already generating a fair amount of tax revenue. Whatever fraction of a percentage point of an increase in revenue a gas station might bring cannot possibly outweigh the potential for harm in this circumstance.

In summary, this project does not meet the most basic of environmental protection measures. I cannot even see the façade of an environmental mitigation plan. Further, on the face of the matter, I see no advantage to the neighborhood as a whole that in any way offsets the problems inherent in such a project, not least of which is a likely increase in crime. Finally, research has found that the potential health dangers presented by gas stations, far from being chimeras created by hysterical environmentalists, are in fact worse than we knew.

This is the wrong project, in the wrong place, and is being done in the wrong way. Please, stop this project.

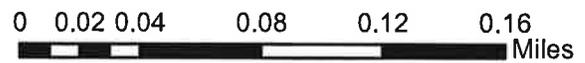
Thank you for your time,

William Gardner-O'Kearny



**Legend**

-  Wetland 100 ft. Buffer
-  Project\_Area\_Buffer\_Erase
-  Project Area
-  Winter High Water
-  Wetland / Allenbach Acres Park



Case:

L2100244-SU/SU/D/V/V/AMP/M

Date: 11/11/21

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**From:** Susan <s.nolte@frontier.com>  
**Sent:** Monday, November 8, 2021 12:16 PM  
**To:** Paul Schaefer; Louisa Bruce; Stephen Shane  
**Subject:** [EXTERNAL] Casefile L2100244 Chevron Gas Station

Susan Nolte and Lee Grunes

17055 NW Springville Rd

Portland Oregon 97229

To Whom It May Concern:

I am writing this letter to express my concern at the proposal for a Chevron Gas Station at the corner of 185<sup>th</sup> and West Union Rd, Land Use Casefile L2100244, immediately adjacent to a large wetland area.

This wetland is surrounded by a network of walking/biking paths which access nearby educational, recreational, residential and commercial facilities. The wetland is home to resident and migrating bird populations, beaver, river otters, deer, coyotes, and other small mammals. The wetlands serve to minimize flooding and manage drainage from the huge dramatically altered upstream environment impacted by recent development (entire North Bethany). Wetlands accumulate organic material that acts as a sponge to absorb water during the rainy season and aid in replenishing the aquifer (for a particularly eloquent description of this process read "Eager: the surprising secret life of beavers and why they matter" by Ben Goldfarb).

The presence of a large underground storage tank(UST) no matter how well reinforced next to a sensitive wetland habitat is problematic. It is a matter of record that USTs leak (<https://www.deq.state.or.us/lq/tanks/lust/LustPublicList.asp>), and not just the tanks but the pipes leading to and from the tank. Staffing by DEQ is not adequate to inspect even current facilities with sufficient frequency (<https://www.oregon.gov/deq/tanks/Documents/USTPublicRecord.pdf>), so contamination can occur for extended periods without recognition or reporting.

The previous surface was a mix of asphalt and gravel and the new site will create 0.754 acres of impervious surface. It is not clear from the letter generated by Clean Water Services exactly how this stormwater run-off from this impervious surface will be handled. There is no indication of what kind of rainfall data they are using to calculate the size of the handling facility required or proposed. Given the size constraints of the site and increased numbers of vehicles leaking oil and gas visiting a gas station (3,232 vehicles per day by staff estimate), it is paramount that such a retention facility be oversized to handle surface runoff during **deluge** events (large amounts of rainfall in a short period of time which are increasingly common). Though there is a proposed vegetated corridor creation at the east end of the project if one looks at the southern border of the project, the vegetated corridor is **reduced** in the area where this is most critical to protect the wetland and even areas described as "degraded" can offer significant filtration of particulate matter. Simply put too much asphalt too close to a wetland.

The gas station is proposed at the very busy 185<sup>th</sup> /West Union intersection with traffic flow from the Westview High School to the south and the busy PCC campus and THPRD/PCC sports complex to the north. Recent traffic studies may not reflect peak traffic flow from PCC due to pandemic influences (which will resume over time) but it is certain according to the staff report that this project will add upwards of 6000 trips (depending on which ITE code staff uses to calculate this number). It is not clear if a left hand turn onto West Union will be allowed (though certainly will be attempted) as vehicles exit the site. Bottom line too many cars too close to the intersection.

The applicant has asked for Variances to reduce: 1) the front yard setback (from NW 185th Avenue) from 20 feet to 2 feet, and 2) the street side yard setback (from NW West Union Road) from 20 feet to 10 feet for the main structure and from 20 feet to 15 feet for the canopy, and a half-street exception for improvements to NW West Union Road, to make this project economically feasible without any perceptible benefit to the community. A grocery store across the street with safe, easy access provides everything the proposed convenience store could offer, and there are at least half a dozen gas stations within 3 miles or less of this site to serve gasoline powered vehicles. Electric vehicles are increasing in our area. I have replaced all my landscape maintenance equipment with electric devices (I maintain a 3/4 acre site), and this is the increasing trend. While not explicitly stated anywhere in our land use and transportation goals, I would hope that our leadership would recognize the responsibility of government at all levels to take action to reduce our carbon footprint (an eco-roof does not offset 6000 vehicle trips per day to any statistically significant degree).

In conclusion, I feel that the proposed gas station/convenience store is not appropriate for this site nor does it serve the needs of the community. It is esthetically an eyesore in this area where a significant local natural resource is viewed and enjoyed. It is ecologically a potential disaster (leaking storage unit and ongoing surface runoff issues) without any net benefit. If protected and enhanced, this natural resource (the wetlands) could even be leveraged to attract ecotourists eg(bird watchers) to the site benefiting local restaurants and stores. And avoiding another gas station would benefit all citizens by taking one more step to move towards a carbon neutral world.

Respectfully,

Susan Nolte  
s.nolte@frontier.com  
503-970-4290

Lee Grunes

[lgrunes@hotmail.com](mailto:lgrunes@hotmail.com)

17055 NW Springville Rd

Portland, Oregon 97229

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**Paul Schaefer**

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**From:** Stephen Shane  
**Sent:** Tuesday, November 9, 2021 9:17 AM  
**To:** Paul Schaefer  
**Cc:** Louisa Bruce  
**Subject:** FW: [EXTERNAL] Proposed gas station at NW 185th Ave. & NW West Union Road

FYI

**Stephen Shane | Principal Planner**

Washington County Department of Land Use & Transportation  
Planning and Development Services | Current Planning  
155 N First Avenue, Suite 350 MS13 | Hillsboro, OR 97124  
(503) 846- 8127 direct

*Due to staffing shortages in Current Planning, responses to emails and phone calls are expected to take longer than anticipated.*  
**PLEASE NOTE: MAJORITY OF STAFF CONTINUES TO WORK REMOTELY AND ARE BEST REACHED BY EMAIL.**  
*Please submit planning-related questions to [LUTDEV@co.washington.or.us](mailto:LUTDEV@co.washington.or.us).*  
*Your patience is appreciated.*

[Current Planning updates](#)  
[LUT Services available online](#)

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**From:** LUT Building <[LUTBLDG@co.washington.or.us](mailto:LUTBLDG@co.washington.or.us)>  
**Sent:** Friday, November 5, 2021 1:16 PM  
**To:** Scott Linfesty <[Scott\\_Linfesty@co.washington.or.us](mailto:Scott_Linfesty@co.washington.or.us)>  
**Cc:** Stephen Shane <[Stephen\\_Shane@co.washington.or.us](mailto:Stephen_Shane@co.washington.or.us)>  
**Subject:** FW: [EXTERNAL] Proposed gas station at NW 185th Ave. & NW West Union Road

This came to the LUT inbox

**Nancy Keogan | Building Permit Supervisor**  
503-846-6734      [nancy\\_keogan@co.washington.or.us](mailto:nancy_keogan@co.washington.or.us)

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**From:** Alan Bennett <[alanbennett@hotmail.com](mailto:alanbennett@hotmail.com)>  
**Sent:** Friday, November 5, 2021 12:43 PM  
**To:** Board of County Commissioners <[BCC@co.washington.or.us](mailto:BCC@co.washington.or.us)>  
**Cc:** LUT Building <[LUTBLDG@co.washington.or.us](mailto:LUTBLDG@co.washington.or.us)>  
**Subject:** [EXTERNAL] Proposed gas station at NW 185th Ave. & NW West Union Road

I would like to be a party of interest on any actions, public meetings and/or hearings taken to permit a gas station between Bethany Lake and Rock Creek. I do not know why we need another gas station in unincorporated Washington County. There are several large commercially zoned properties with vacant stations scattered around the incorporated limits of Hillsboro and Beaverton.

Alan Bennett  
[alanbennett@hotmail.com](mailto:alanbennett@hotmail.com)  
(619) 955-3275