



APPEAL24-1001 STAFF REPORT

13th Street Gas Station

CONSOLIDATED PLANNING FILES: ARCH23-07, CA23-08, DR23-09, SEPA23-12, SPRV23-06

Decision Date: September 16, 2024

Appeal Date: September 30, 2024

PROPOSAL The proposal includes the construction of an 8-pump gas station, a 4,100 square-foot convenience store, and a drive-thru car wash, located at 20101 NE 13th Street, in the BP - Business Park Zone.

LOCATION The property is located on the southwesterly corner of the intersection at NE 13th Street and NW Friberg-Strunk Street. The parcel number is 176148000, situated in the NW 1/4 of Section 29, Township 2 North, Range 3 East of the Willamette Meridian, Clark County.

APPLICANT PLS Engineering, Travis Johnson
604 W. Evergreen Blvd.
Vancouver, WA 98660
(360) 944-6519

OWNER Pak USA Camas, LLC
3993 NW Currawong Court
Camas, WA 98607
(512) 779-4999

APPLICABLE LAW: The application was submitted on November 9, 2023, and the applicable codes are those codes that were in effect at the date of application. Camas Municipal Code (CMC) Title 17 Land Development and Title 18, specifically (but not limited to): Chapter 18.11 - Parking, Chapter 18.13 - Landscaping, Chapter 18.18 - Site Plan Review, Chapter 18.19 Design Review, Chapter 18.37 Business Park, and Chapter 18.55 Administrative Procedures.

SUMMARY

The proposed project includes the construction of an 8-pump gas station, a 4,100 square-foot convenience, and a drive-thru car wash on an approximately 0.97-acre parcel currently developed with a single-family residence, situated in the BP – Business Park Zone. According to CMC 18.07.030 – Table 1, the proposed uses are allowed within the BP Zone, subject to the necessary approvals.

A SEPA Determination of Non-Significance was issued on February 22, 2024, with the comment period closing on March 7, 2024. Prior to the closing of the comment period, several comments were received from the public with concerns related to noise, traffic, air and water pollution. The applicant voluntarily placed the project on pause so that they could address concerns received during the initial SEPA comment period. Revised technical reports were submitted to staff on July 11, 2024, and the SEPA Determination of Non-Significance was re-distributed on August 15, 2024, with the comment period ending on August 29, 2024. Public comments were again received during the second SEPA comment period with comments similar to what was submitted during the initial SEPA review period. No new topics of concern were included.

A Notice of Decision for the project’s approval was distributed on September 16, 2024, and the decision was appealed September 30, 2024.

The appeal narrative noted concerns related to potential water pollution, noise and light pollution, as well as an increase in traffic congestion. Also noted was the concern to allow a vehicle car wash within the BP – Business Park Zone. With regards to the items noted in the Appeal Narrative, staff has the following comments:

- Water Pollution

The appeal narrative notes the belief that the project has the potential to pollute open waters, increasing concerns about the management of Lacamas Lake, endangering safe drinking water supply of neighboring wells.

As noted in the staff report dated September 16, 2024, a Preliminary Stormwater Technical Information Report (PTIR) dated November 2023, was prepared by PLS Engineering, Inc. The PTIR was prepared in accordance with Ecology's *Stormwater Management Manual for Western Washington* (2019 SWMMWW). Ecology issued the *2024 Stormwater Management Manual for Western Washington* which was effective as of August 1, 2024. Both the 2019 and the 2024 manuals state that minimum requirements (MRs) #1-#9 will apply for a new development project that results in 5,000 sf or greater of new plus replaced hard surface area. Minimum requirements #1 - #9 applies to the proposed development.

The minimum requirement discussed in the PTIR relate to construction stormwater pollution prevention; source control of pollution; preservation of natural drainage systems, including infiltration, which is not proposed for this project; on-site stormwater management; stormwater runoff treatment; stormwater flow control; wetlands protection; and operation and maintenance of stormwater treatment and detention facilities.

With the conditions of approval contained in the staff report, the proposed project meets the requirements of CMC 14.02 Stormwater Control and CMC 17.19.040.C.3 Storm Drainage. ***Staff's position in support of the project stands.***

- Noise & Light Pollution

The appeal narrative states that the proposed project could have the potential to create noise and light pollution that would interfere with the quiet enjoyment of residences in the nearby neighborhoods.

[Noise Pollution]: As noted in the Revised SEPA Checklist dated July 9, 2024, typical noise in the area consists of traffic noise from surrounding areas/roads along with typical home and business use noises. Short term noise would include construction noise which would occur during approved hours as mandated by the City of Camas and Washington State. Long term noises could include slight increase in traffic noise and vehicle noise once construction is completed. The project is required to comply with CMC 9.32.050 – Public disturbance noises which prohibits the use of equipment and activities producing intermittent or repetitive noise commonly associated with site improvements before 7am or after 7pm - Monday through Friday, before 7am or after 5pm – Saturday, and anytime on Sundays or anytime on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day. The project has been conditioned in accordance with Camas Municipal Code requirements. ***Staff's position in support of the project stands.***

[Light Pollution]: With regards to light pollution, the applicant's narrative indicates that the lighting plan meets the minimum safety standards and outdoor lighting will be shielded to prevent off-site light spillage to the greatest extent possible. In accordance with CMC 18.19.050, the proposed project has been conditioned to require all landscape, parking lot, and/or building lighting to be directed, hooded, or shielded away from surrounding properties. ***Staff's position in support of the project stands.***

- Permitting a Car Wash in the BP – Business Park Zone

The appeal narrative notes that permitting the construction of a car wash in the BP Zone potentially violates zoning requirements.

As per CMC 18.07.030 – Table 1, Gas/Fuel stations with mini markets are a permitted use within the BP – Business Park Zone, as are most auto oriented uses. Although the Camas Municipal Code does not specifically call out a car wash in the Use Authorization Table as a permitted use in the BP Zone, it is an auto oriented use and is considered an ancillary use to the proposed gas station/mini market. The project has been reviewed under the current development standards of Camas Municipal Code and no variances have been requested. Adequate parking has been provided for the proposed gas station, mini market, and car wash as per CMC 18.11.130. With the conditions of approval in place, the project meets the requirements of the Camas Municipal Code. **Staff stands in support of the project.**

- Dangerous Intersection/Access Standards

The appeal narrative indicates the proposed project would create a dangerous intersection, expose the City to liability for granting an exception to the Access Standards – permitting a left turn access shorter than 660-feet, and the disruption of recreational use of the designated bicycle route.

[Dangerous Intersection]: The proposed project is located on the southeast corner of the existing signalized intersection of NE 13th Street, NW Goodwin Road, and NW Friberg-Strunk. The signalized intersection consists of dedicated east and west bound travel lanes, a dedicated bike lane, a dedicated right turn lane from NE 13th Street onto NW Friberg-Strunk, and pedestrian crosswalks.

[Access Standards]: Per CDSM, Section III Design Standards, *Table 3 Access Spacing Standards*, the access spacing standards on a roadway classified as an arterial are a minimum of 660-feet and a maximum of 1,000-feet. Due to the length of the parcel frontage along NE 13th Street, which is approximately 328-feet, it is not possible for the applicant to meet the minimum access spacing standards and still access the proposed development from NE 13th Street. Therefore, a deviation request to the city engineer was required for the location of the drive access as shown. A deviation request was submitted by the applicant.

The access spacing standards apply to the distance between access drives. These standards do not refer to the length of a dedicated left-turn pocket. A dedicated left turn pocket was a requirement for support of the deviation request from the city engineer.

A revised site plan was submitted with the Traffic Engineer's *Left Turn Lane Memo*, dated April 9, 2024, that included a dedicated left-turn lane. The staff report addresses the traffic and transportation as well as the request for a deviation from the access spacing standards and the left turn requirements. As conditioned, the project can and will meet the requirements of the Camas Design Standards Manual (CDSM) for Traffic and Transportation. **Staff's support of the proposed project stands.**

- Updated Traffic Study

The appeal narrative indicates the proposed project should conduct an updated traffic study that accounts for the new warehouse, the new residential traffic east (Goodwin/Green Mountain), Union High School traffic, the new Oak Tree Station, the new Business Park mall buildings on NW Friberg-Strunk St., and to include the traffic impact of Harmony Sports Complex.

The Traffic Analysis Report (TIR), dated September 2023, included all the developments noted above, except for the Harmony Sports Complex, which is in the City of Vancouver and owned by

Clark County. It should be noted that staff is not aware of any vested new trips for the Harmony Sports Complex.

Not noted above nor included in the September 2023 TIR is the 34 Lot Monte Verde subdivision east of Green Mountain on the south side of NE 28th Street. The in-process information for Monte Verde has been provided to the applicant. The Monte Verde development will add no more than 1 extra trip for every two minutes to the overall PM peak traffic count on NE 13th Street. The city engineer finds that the impact of these additional trips to be de minimis in relation to the findings of the Charbonneau traffic study. **Staff's support of the proposed project stands.**

- Separate Ingress and Egress

The appeal narrative indicates a requirement for separate ingress and egress for better traffic flow, including a primary exit to NW Friberg-Strunk Street.

Highlights of the Charbonneau Engineering Memo, dated June 12, 2024, and the city's responses are as follows:

"Only one access (NE 13th Street) is permitted to serve the property as no connection is allowed to NE Friberg-Strunk Street."

The pre-application notes stated no access onto NE Friberg-Strunk Street would be permitted; however, during the application review process, staff stated that access onto NW Friberg-Strunk would be supported as a right-in/right-out only. **Staff's support of the proposed project stands.**

- Operating Hours

The appeal narrative indicates operating hours of the gas station shall be in compliance with BP zoning, including all gasoline tanker trucks filling gasoline and all deliveries.

Highlights of the Charbonneau Engineering Memo, dated June 12, 2024, and the city's responses are as follows:

"To minimize the impacts associated with fueling trucks, deliveries will avoid the peak traffic periods by restricting arrivals and departures to the hours between 7:00 PM to 7:00 AM. Additionally, the fueling truck operators will be directed to make right turns from/to NE 13th Street when entering and exiting the site." A condition of approval is warranted.

The staff report addresses the traffic and transportation, the request for a deviation from the access spacing standards, the left turn requirements, ingress and egress, and hours of operation. As conditioned, the project can and will meet the requirements of the Camas Design Standards Manual (CDSM) for Traffic and Transportation. **Staff's support of the proposed project stands.**

CONCLUSION

Based on the findings and discussion provided in the staff report dated September 16, 2024, staff concludes that the appeal should be denied, and the 13th Street Gas Station (SPRV23-06) should be upheld because the project complies with the applicable standards if all conditions of approval are met.