

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by CK Designs, LP to divide 2.16 acres into three commercial lots and construct a convenience store/
car wash/gas station, a coffee shop, and a retail building at NW
16th Avenue and Brady Road, in the City of Camas, Washington) **FINAL ORDER**
CUP22-02
(Camas Station)

A. SUMMARY

1. The applicant, CK Designs, LP, requests short plat approval to divide the 2.16-acre parcel located at the northwest corner of the intersection of NW 16th Avenue and NW Brady Road, known as tax parcel # 127357-000 (the "site") into three commercial lots.

2. The applicant also requests site plan, design review, and conditional use approval to construct a 7,350 square foot convenience store, car wash and 12 pump gas station, a 3,900 square foot drive thru coffee shop/retail building, and a 2,800 square foot retail building, including associated landscaping, parking, utilities, and other improvements such as electric vehicle charging stalls on the proposed lots. The gas station and drive thru coffee shop are both conditional uses in the CC zone. The remaining uses are permitted uses. Access to the site is proposed via a full-access intersection onto NW 16th Avenue and a right-in/right-out only access onto NW Brady Road.

3. The site is zoned CC (Community Commercial). Properties to the north and west are zoned RC (Regional Commercial). Properties to the east, across NW Brady Road, and southeast, across NW Brady Road and NW 16th Avenue, are zoned R-12 (Single-Family Low, 12,00 square foot minimum lot size). Properties to the south across NW 16th Avenue, are zoned "Park" and developed as the Prune Hill Sports Park. Prune Hill Elementary School is located roughly 300 feet west of the site, at the intersection of NW 16th Avenue and NW Tideland Street.

4. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearing Examiner dated July 21, 2022 (the "Staff Report").

5. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the application subject to conditions set out in the Staff Report. The applicant accepted those findings and conditions with certain exceptions. 12 persons testified orally with in opposition to the proposed development. Other persons testified in writing. Contested issues in the case include:

a. Whether the City provided adequate notice of the application and hearing;

b. Whether the examiner can reconsider the City's SEPA determination in this proceeding;

b. Whether the applicant is seeking a zone change;

c. Whether the proposed use will be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity of the proposed use (CMC 18.43.050.A) considering:

i. Increased traffic;

ii. Fumes from gasoline stored and dispensed on the site;

iii. Groundwater and soil contamination from gasoline spilled on the site or leaking from underground tanks;

iv. Increased air pollution;

v. Allowing sales of alcohol and tobacco in proximity to a school;

vi. Increased litter, vandalism, robbery, and other illegal activities;

vii. Noise, including construction noise;

viii. Outdoor lighting;

d. Whether the proposed use will be compatible with the surrounding uses in terms of traffic and pedestrian circulation, density, building, and site design. CMC 18.43.050.C;

e. Whether appropriate measures have been taken to minimize the possible adverse impacts that the proposed use may have on the surrounding area. CMC 18.43.050.D;

f. Whether the proposed development is consistent with the comprehensive plan. CMC 18.430.050.E;

g. Whether alleged property value impacts are relevant to the applicable approval criteria;

h. Whether the "need" for the proposed use, alternative locations for the proposed development, and alternative uses for the site are relevant to the applicable approval criteria;

i. Whether the proposed development will have prohibited impacts on wildlife and wildlife habitat;

j. Whether the applicant is required to install windows in the east wall of the carwash; and

k. Whether the CUP approval should be extended beyond the one year period provided by CMC 18.43.070.

6. Based on the findings provided or incorporated herein, the examiner approves the application subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on July 26, 2022. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Lauren Hollenbeck summarized the Staff Report as amended by her Memorandum dated July 21, 2022 (Exhibit 97). She noted that the applicant proposed to divide the 2.16-acre site into three lots for commercial development, including: a retail building on proposed Lot 1, a drive-thru coffee shop/retail building on proposed Lot 2, and a convenience store/car wash and 12 pump gas station on proposed Lot 3. The proposed drive-through coffee shop and gas station are both conditional uses in the CC zone. The retail uses are permitted.

a. The site is located at the northwest corner of the intersection of NW Brady Road and NW 16th Avenue. The topography of the site is relatively flat at the south end. The northern portion of the site slopes downward from south to northeast. The site is covered in trees, brush, invasive plants (blackberries), and grass. Many of the trees on the site are dead, in poor health, and/or structurally unsound. The applicant proposed to remove all of the existing trees and other vegetation on the site. The applicant is required to proposed to plant 98 tree units, more than double the minimum 43 tree units required.

b. NW Brady Road abutting the east boundary of the site is designated a three lane arterial road and is currently fully improved. Driveway access to NW Brady Road will be limited to right-in/right-out movements only. NW 16th Avenue abutting the south boundary of the site is designated a two lane collector roadway. The applicant will dedicate right-of-way and construct half-width frontage improvements along this street frontage and provide a full access driveway onto NW 16th Avenue.

c. The Code does not require building setbacks in the CC zone. However, the applicant proposed to provide a 35 to 40 foot setback from NW Brady Road in order to reduce the visual mass and scale of the development across the street from existing residential development. All on-site parking is located near the interior of the site where the proposed buildings will screen it from offsite views. The applicant will install landscaping along the boundaries of the site to buffer and screen the development including a five-foot wide L1 buffer on the north and west boundaries where the site

abuts other commercial zoned properties. The Code requires a five-foot wide L2 buffer on the east boundary, abutting NW Brady Road. However, the applicant proposed to provide a 15-foot wide buffer on the east boundary, including a four-foot wall and five-foot landscape buffer to screen the carwash drive through. The Code does not require screening on the south boundary of the site, abutting NW 16th Avenue. However, additional screening is necessary on that boundary in order to screen the carwash drive through.

d. Pursuant to CMC 18.43.070, conditional use approvals automatically expire after one year. However, this section further provides that “The hearing examiner may authorize longer periods for a CUP, if appropriate for the project.” CMC 18.43.070.

e. Condition 25.e, as revised, is intended to screen the coffee shop drive thru and the headlights of vehicles in the drive-thru queue. She requested the examiner modify condition 25.e to allow an alternative barrier that serves these functions. Condition of approval 28 should be retained, as it requires specifications for the safety barrier design.

3. City engineer James Carouthers noted that the “mixed use internalization credit” noted at p. 16 of the Staff Report is intended to account for customers who may utilize multiple services on the site during a single trip; i.e., they stop for coffee, get gas and a carwash, and use the retail business, thereby reducing the total number of vehicle trips on the adjacent roadway.

a. The driveway from the site to NW Brady Road will be limited to right-in/right out movements only. Left turns in and out of the site to and from northbound NW Brady Road will be prohibited. The City will determine the specific methods for ensuring compliance – signage, physical barriers, etc. – through the final engineering review process.

b. Traffic congestion occurs at all schools as parents line up to pick up and drop off their children. However, such congestion only occurs for relatively short periods, generally 20 minutes or less. The City considers traffic impacts during the peak hours, not this type of short term congestion.

4. City engineering project manager Anita Ashton requested the examiner modify condition 35.a to clarify that an ADA accessible curb ramp is required “at the drive access from NW Brady Road.” She agreed with the applicant’s request to delete condition 36.c.

5. Planner and landscape architect Mike Odren and traffic engineer Jennifer Danziger appeared on behalf of the applicant, CK Designs, LP

a. Mr. Odren summarized the proposed development. The uses proposed on the site are intended to serve the surrounding neighborhood. The majority of future customers are already traveling on NW 16th Avenue, NW Brady Road, and other roads in the area. Customers are expected to stop at the site on their way to other destinations in the area.

i. The site and abutting properties to the north and west are zoned for commercial development. With the exception of the gas station and drive thru facilities, all of the proposed uses are outright permitted in the CC zone, which means these uses can be approved without a public hearing. Gas stations are permitted in the RC zone to the north and west of the site.

ii. Fumes from vehicle fuels dispensed at gas stations do contain a variety of potentially hazardous chemicals, including neurotoxins and carcinogens. However, fueling systems are highly regulated by state and federal law. The applicant will be required to install vapor recovery systems at all fueling facilities. In addition vehicles are equipped with vapor recovery systems that will significantly reduce the amount fumes and associated toxic materials released into the atmosphere.

iii. He requested the examiner make certain amendments to the findings and conditions in the Staff Report.

(A) Condition 37 merely reiterates condition 36.c and should be deleted.

(B) The existing right-of-way on NW 16th Street is adequate; no additional right-of-way dedication is needed. Therefore, findings and conditions of approval related to that issue should be stricken.

(C) The applicant is providing more than twice the number of required trees on the site. Additional trees at the base of the wall at the coffee shop drive thru are not needed and condition 25.e should be deleted. Conifer trees planted in this location will shade out the shrubs that are already screening the wall. The wall is necessary to screen headlights of vehicles operating in the drive-thru as well as for safety of such vehicles. He agreed with the amendment proposed by Ms. Hollenbeck, that they applicant provide an evergreen screen or some other alternative method of screening headlights of vehicles operating in the drive-thru.

(D) It is not feasible to provide windows in the wall of the car wash, as they would fog up and need constant cleaning. Such windows would also increase light pollution. The applicant proposed to install maps illustrating the route of the Lewis and Clark expedition along the Columbia River instead of windows, thereby providing historical information within the project, consistent with the City's design review guidelines. The maps can be backlit with a shut off timer and/or located in framed panels to enhance their visual interest.

iv. He requested the examiner approve the CUP for five years to allow the applicant sufficient time to complete design and construction of the project. A five year approval period would be consistent with the approval timeline for site plan approval.

v. The applicant designed the project "over and above" the minimum requirements of the Code, providing additional landscaping to screen and

buffer the site, pedestrian connections to NW 16th Avenue and Brady Road, and constructing half-width street improvements along the site's NW 16th Avenue frontage.

vi. It is in the applicant's best interest to maintain the landscaping and other improvements on the site in order to protect their investment. The applicant will install automatic irrigation for all landscaped areas on the site. Landscaping is generally well established after the three-year maintenance period required by the City.

vii. Activities on the site are subject to state laws regulating noise. All lights on the site will be designed, located, aimed, and shielded to limit offsite glare.

viii. The Southwest Clean Air Agency ("SWCAA") regulates the construction, operation, and spill response of gas stations. Runoff from the fueling area will be routed to a dead-end sump to avoid the potential for groundwater contamination. The SWCAA also regulates and limits emissions from fueling stations.

iv. Construction hours are regulated by the City.

b. Ms. Danziger noted that the trip generation for commercial uses is different than residential uses. For residential uses, all vehicle trips are "new" to the roadway. With commercial uses, much of the traffic generated by a proposed use is already on the road, traveling to other destinations, including existing commercial uses elsewhere in the area. When a new commercial use is developed drivers merely change their existing travel patterns, stopping at the new use rather than traveling to an existing commercial business that offers similar services. Only 20 to 25-percent of vehicle trips are "new" trips. The remaining 75 to 80-percent of vehicles are already on the road. In addition, customers of this type of retail complex frequently patronize more than one use on the site during a single "trip," stopping at the site for gas, coffee, and other services without adding trips to the roadway for each service. Therefore, the proposed use will not cause a significant increase in traffic on roads in the area.

i. NW Brady Road and the section of NW 16th Avenue east of NW Brady Road are classified as arterial streets. NW 16th Avenue west of NW Brady Road is classified as a collector street. These roads are designed and intended to carry higher volumes of traffic.

ii. Traffic studies focus on the busiest traffic periods of the day, generally the a.m. and p.m. peak hour when traffic volumes are highest. The applicant performed traffic counts on area streets on school days when school was in-person and parents were picking up and dropping off students. Traffic queues do form on the roads approaching the schools; however, they only last for 15 to 20 minutes before traffic returns to normal. Traffic generated by the proposed commercial use will be spread out over the entire day. This development is projected to increase delay times at affected intersections by less than five seconds. In addition, the proposed development will add an eastbound turn lane on NW 16th Avenue, which will increase the capacity of the intersection. Although there will be traffic queues at the NW Brady Road/16th Avenue intersection, traffic volumes will not exceed adopted intersection capacity limits. The traffic analysis did not review the intersection of NW Tideland Street and NW 16th

Avenue because less than ten-percent of traffic related to this development is expected to come from that direction.

iii. The traffic study considered pedestrian safety. There have been no reported pedestrian collisions in the area over the past five years.

6. Amy Linder, president of the Prune Hill PTA, testified that she walks her children to and from school every day, crossing NW Brady Road at NW Pacific Rim Drive. Although this intersection is a four-way stop, many drivers fail to stop for pedestrians. Traffic in the area has increased significantly in recent years. Traffic from this development will make things worse. Drivers frequently blow through traffic lights, turn in front of pedestrians, speed through school zones, and pull over to pick up and drop off children at the park, blocking the travel lanes. There is no police enforcement in the area. Adding 300 to 400 additional trips to this already congested area will create a hazard. Many students walk to and from school. Elementary age students are usually accompanied by their parents but middle and high school age children walk alone. In addition, the high school generates a higher percentage of student drivers. Sight distance is limited at the NW Brady Road/NW 16th Avenue intersection due to the hill. She argued that the p.m. traffic peak actually occurs between 2:30 and 4:30, when students are being picked up from school, rather than from 4:00-6:00 as noted in the traffic study. Eastbound traffic on NW 16th Avenue frequently backs up past the driveways to the school and westbound traffic backs up past NW Klickitat Street. Vehicles are getting taller, with the hood on many vehicles higher than the top of the head of young students, making them difficult, if not impossible, for drivers to see smaller pedestrians. Many drivers are distracted.

a. The applicant should be required to perform a noise study to ensure that noise from the site does not impact the mobile classrooms at Prune Hill Elementary.

b. The carwash in Washougal installed windows. The Code prohibits backlit signs.

c. She argued that the applicant and the city should have provided more notice to the entire community, rather than just property owners within a limited radius of the site.

7. Vin Tran argued that the site is “the wrong place” for this development. He requested the examiner hold the record open to allow the public an opportunity to review the information submitted by the City. He argued that CMC 18.43.050 provides the examiner with great discretion to approve or deny this application. The phrase “materially detrimental to the public welfare” is not defined by the Code. Convenience stores and gas stations are frequent targets of robbery and crime and guns are used in 60 percent of such crimes, creating a hazard for children and other residents of the area. The residents of this area do not want a gas station in the neighborhood. They will continue to buy gas at Costco or Safeway as they do now.

8. Robert Sullivan testified that there is a queue of vehicles waiting to pick up or drop off students at the school every day. He drives two miles out of direction in order

avoid that queue. The number of cars increases during bad weather as fewer children walk to school. He disputed the findings in the traffic study. The strong east winds blowing through this area will carry benzene, a known carcinogen, and other hazardous pollutants from the site into the air intakes for the school cafeteria.

9. Kerri Richardson testified that traffic in the area “is a nightmare” under existing conditions. She has had several “near misses” as she walks her children to school every day. Drivers frequently ignore the crossing guards and blow through the intersection at NW 16th/Brady while pedestrians are trying to cross the street. NW Brady Road slopes down to the north and south of NW 16th Avenue, blocking views of the intersection for oncoming drivers. Many drivers ignore the 20 mph school zone speed limit. Many children walk to school. Prune Hill Elementary School houses 488 students and is located within 300 feet from the site. The proposed convenience store is expected to generate 1,000 customers per day and the coffee shop another 470, adding 1,500 additional cars to the roads in the area, all for a for-profit business. The City recently approved another 34 homes on NW 16th Avenue, which will add additional traffic to the area. Prohibiting left turns onto NW Brady Road will make things worse, as drivers wanting to travel northbound on NW Brady Road must turn left onto NW 16th Avenue and then left again onto NW Brady Road. It was negligent for the applicant to exclude the NW Tideland Street/16th Avenue intersection from the analysis.

10. Gwen Tuason testified that traffic in the area is hazardous under existing conditions. She has observed many “near misses” as pedestrians travel through the NW Brady Road/NW 16th Avenue intersection. She saw a driver run over an orange pylon and keep driving, dragging it down the street beneath their vehicle. Additional traffic from this development will make conditions even worse, especially when a crossing guard is not present. Drivers frequently exceed the posted speed limit of 35 mph.

a. The design review committee failed to consider the screening effect of landscaping on the site, as pedestrians will be unable to see vehicles maneuvering on the site. Many children will cut through the parking lot, rather than staying on the designated paths.

b. Traffic and pollution generated by this use will also impact use of the park across the street from the site. Children playing in the park will smell and taste the increased vehicle exhaust. Vehicles idling in the drive-thru lanes will increase the volume of exhaust generated in the area. This facility is primarily designed to accommodate auto traffic. This site should be developed with a more sustainable use with less traffic and pollution impact than a gas station. Wildlife are frequently observed on the site.

11. Joe Westfall objected to the applicant’s request to extend the CUP approval for five years. He argued that the proposed development will impact the value of surrounding properties. He argued that a gas station/convenience store will never be built on the abutting RC zoned property, because alcohol and tobacco sales are prohibited within 500 feet of a school. The applicant located the convenience store on this site to comply with that setback requirement. The sale of alcohol on the site will impact children, attracting undesirable people to the area. Allowing the sale of gas and alcohol will be detrimental to the public.

12. Stephen Chipps argued that many drivers travel out of direction in order to avoid congestion near the school. Many sports teams have games and practices at the park to the south of the site. Parents park on the street, vehicle doors are opening, and children are getting in and out of vehicles, adding to congestion and safety hazards in the area. Traffic from this development will exacerbate this existing congestion, preventing drivers from turning out of the site onto NW 16th Avenue.

13. Mike Kelly argued that the applicant's traffic data is out of date. He argued that 88-percent of gasoline vapors from fuel pumps are not adequately controlled, allowing vapor to escape before, during, and after fuel is dispensed. Gasoline vapors have a neurotoxic effect. Additional traffic generated by this use will generate additional pollution that will impact children in the area.

14. Patrick Rowson argued that traffic generated by the proposed use creates a hazard for children and benzene and other pollutants from the gas station will also create a hazard. The convenience store will increase the risk of robbery and crime in the area.

15. Monica Svaricek objected to the proposed development for the reasons noted by prior witnesses. The use will impact the value of surrounding properties. Traffic in the area has increased since 2018. Signs will not prevent drivers from turning left into and out of the site from Brady Road and a center median will preclude access to the existing homes on the east side of NW Brady Road. Many drivers fail to stop prior to turning right on a red light. The intersection of NW Brady Road and NW 16th Avenue is highly congested under existing conditions due to the school and park. Although parking is prohibited on NW 16th Street, many drivers park there anyway while using the park, creating a hazard. She observed many "near misses" in the area. There is no traffic enforcement in the area. Additional traffic from this use will only make things worse.

a. Underground gas tanks may leak, contaminating the soil and groundwater in the area.

b. There are erosion problems on the site under existing conditions.

c. Lighting and noise on the site will conflict with the surrounding residential neighborhood.

d. She questioned how the proposed landscaping will be maintained after the required three year maintenance period.

16. Aunna Elm argued that the proposed development conflicts with the community.

17. Myranda Mattson argued that the use will increase the amount of litter and trash in the area. She has a child with asthma and pollution from increased traffic will exacerbate their health issues. Noise from construction and commercial activity on the site will impact her childrens' sleep. There is no need for this use.

18. City interim community development director Robert Maul noted that the applicant is required to ensure the survival of landscaping on the site for three years after planting. By that point the landscaping is generally well established and less maintenance is required. Future maintenance beyond that point is up to the property owner.

a. He noted that the site has been zoned CC since at least 2006 and all of the uses proposed on the site are allowed as permitted or conditional uses under the CC zoning.

19. At the end of the hearing the examiner held the record open for one week, until July 29, 2022, to allow all parties the opportunity to submit new testimony and evidence and for a second week, until August 5, 2022, to allow the applicant to submit a final written argument. The record in this case closed at 5:00 p.m. on August 5, 2022.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings in the Staff Report. The applicant accepted those findings with certain exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report show that the proposed use does or can comply with the applicable standards for approval of a short plat, site plan, design review, and conditional use permit. The examiner adopts the affirmative findings in the Staff Report as his own.

3. The examiner finds that the public was provided adequate notice and opportunity to comment on this application.

a. The City mailed notice of the application and hearing to the owners or properties within 300 feet of the site, published notice in the newspaper, and posted notice on the site, as required by CMC 18.55.150. Multiple forms of notice are required, in part, to provide a measure of overlap, so that if notice in one form is not effective (e.g., when a mailed notice is not received), another form of notice will be effective (e.g., published or posted notice). The applicant is not required to provide notice beyond the 300 foot radius required by the Code. The neighborhood was well represented at the hearing and in the written record. Residents of the neighborhood testified clearly and succinctly, both orally and in writing, regarding issues of concern to them. At the conclusion of the hearing the examiner held the record open for an additional week to allow the public the opportunity to submit additional testimony and evidence.

4. The City issued a Mitigated Determination of Non Significance (MDNS) for this development. That determination was not appealed and is now final. Therefore, the examiner has no jurisdiction to reconsider the City's SEPA determination.

a. The purpose of the SEPA analysis is to ensure consideration of environmental issues that are not addressed by the Code. In this case, the CMC addresses the majority of potential environmental impacts of this development, including traffic. State and federal laws address issues with design, construction, and operation of the

fueling facility, including fumes and spills. The applicant submitted and the City reviewed technical reports analyzing these issues. The examiner finds that the application complies with the applicable provisions of the Code, based on those analyses and the findings in the Staff Report.

5. The applicant is not requesting a zone change for the site. The site has been zoned for commercial uses since at least 2006. All of the proposed uses are allowed in the CC zone, either as conditional or outright permitted uses.

6. The examiner finds that the proposed use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity of the proposed use and will be compatible with the surrounding land uses. CMC 18.43.050. These criteria do not provide the examiner with unfettered discretion. The criteria must be interpreted in context. The examiner cannot find that a conditional use that generates impacts roughly equivalent to another outright permitted use will be materially detrimental or injurious.

a. Vehicle traffic volumes, congestion, and safety of pedestrians was a significant concern for many witnesses. This development, like any other commercial development on this site, will increase the volume of traffic on roads in the area. The uses proposed on the site are projected to generate 5,429 Average Daily Trips (“ADT”). However, the majority of those trips are “pass-by” trips – vehicles that are already on the road that stop by the site on their way to other destinations. The proposed uses will only generate 1,131 “new” ADT. (p. 9 of Exhibit 19). That increased traffic will be perceptible to area residents. However, the site is located at the intersection of two arterial streets and a collector street, streets that are designed and intended to carry higher traffic volumes. City engineering staff determined that traffic generated by this development will not exceed the capacity of streets nor create a hazard. The site driveways and all of affected intersections are projected to continue operating within the minimum Level Of Service (“LOS”) and volume to capacity (“v/c”) limits adopted by the City. There is no substantial evidence to the contrary. Neighbors unsupported and subjective concerns are not sufficient to counter the expert analysis of the engineers for the applicant and the City, which is based on actual traffic counts and nationally accepted engineering standards and analyses. The City has a vested interest in ensuring that traffic generated by this facility will maintain reasonable traffic flows in the area consistent with adopted standards and not create a hazard.

i. Increased congestion is expected and accepted, based on the minimum LOS D required by the City. As noted in Exhibit 125, the “Highway Capacity Manual” describes LOS D as:

Tolerable operating speeds; long traffic delays occur at intersections. The influence of congestion is noticeable. At traffic signals many vehicles stop, and the proportion of vehicles not stopping declines. The number of signal cycle failures, for which vehicles must wait through more than one signal

cycle, are noticeable. This is typically the design level for urban signalized intersections.

ii. The additional traffic generated by this development may pose an increased risk for drivers, cyclists, and pedestrians in the area. Higher vehicular traffic volume creates a marginally higher risk for pedestrians and bicyclists. It may well warrant a heightened degree of attentiveness to traffic when driving, cycling, or walking in the neighborhood, but those risks are consistent with the location of the site in the urban area where City plans call for the sort of development being proposed. Reasonably prudent drivers will stop for pedestrians and observe the posted speed limits and other applicable traffic regulations. Unfortunately, not all drivers are prudent. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. If necessary, the City can address issues of speeding and other traffic violations by providing increased enforcement of traffic laws on streets in the area. Area residents can petition the City to provide increased enforcement on area streets. However, speeding and other traffic violations noted in the record are an existing problem, which the applicant cannot be required to remedy.

iii. The Institute of Transportation Engineers (ITE) Traffic Access and Impact Studies for Site Development – A Recommended Practice states that Accident rates vary, but any intersection with more than one accident per million entering vehicles is worthy of additional analysis. This ITE recommended threshold and practice is used by city staff to determine the scope or level of analysis required to document crash history and mitigate for significant traffic safety hazards. On this basis, city staff regard a crash rate of one crash per million entering vehicles to be the threshold for further analysis and possible mitigation. The applicant's traffic study analyzed the crash history based on data obtained from the Washington State Department of Transportation (WSDOT). The study confirmed that the intersection crash rate for the study intersections was well below the action level of one crash per million entering vehicles and that no further analysis was warranted. (pp. 16 and 17 of Exhibit 19). Opponents cited numerous "near misses" as distracted drivers failed to stop for pedestrians and/or ignored traffic control devices and personnel. That is unfortunate and frightening for the persons involved, but it is not evidence that the roads in the area are inherently unsafe.

iv. The traffic study did not review intersections to the west of the site, including the NW Tideland Street/NW 16th Avenue intersection and the driveways serving Prune Hill Elementary School, because those intersections did not meet City standards for inclusion in the analysis; ten-percent or less of the traffic generated by this development is projected to travel to and from the west on NW 16th Street. The examiner cannot require that the applicant expand the scope of the traffic study beyond the requirements of the Code.

v. Opponents argued that the hills on NW Brady Road to the north and south of NW 16th Avenue limit sight distance at the intersection of these two roadways. However, they failed to provide any evidence to support that assertion. The City recently improved this intersection, installing a traffic signal and widening NW Brady Road. The examiner must assume that the City designed the intersection to meet all applicable standards, including sight distance. The applicant will further improve this

intersection, widening the pavement, providing an eastbound left turn lane at NW Brady Road, and constructing sidewalks and other improvements along the site's frontage on NW 16th Avenue.

vi. Opponents argued that the traffic analysis is inaccurate because it did not consider traffic during the afternoon peak hour when school lets out. However, there is no evidence that school related traffic volumes are higher than the p.m. peak hour traffic considered in the traffic analysis. There is no dispute that traffic generated by the nearby school causes congestion on roadways in the area. However, that congestion is localized and short term (roughly 20 minutes) and does not alter the results of the applicant's analysis, based on the expert testimony of the engineers for the City and the applicant.

vii. Neighbors argued that congestion and traffic volumes on area streets will preclude left turn movements from the site onto NW 16th Avenue. However, that unsupported testimony conflicts with the traffic analysis, which determined that both driveways are projected to operate at LOS B or better during the a.m. and p.m. peak hours. Traffic volumes and congestion may cause delays, forcing drivers to wait for traffic to clear and allow access. But it will not cause the intersections to fail. The applicant will add an eastbound left turn lane on NW 16th Avenue at NW Brady Road, which may alleviate some existing congestion by providing a separate queuing area for vehicles waiting to turn left onto NW Brady Road, allowing eastbound traffic to continue uninterrupted.

viii. The examiner finds that it is feasible to limit left turn movements at the proposed driveway onto NW Brady Road. The applicant can install signage, striping, and, if necessary, a physical barrier such as a "porkchop" island within the intersection. The choice and design of the left turn restriction is up to the expert determination of the city engineer based on projected traffic volumes, road conditions, and other relevant engineering considerations.

ix. Concerns were expressed about the height of certain passenger vehicles limiting views of shorter pedestrians. Although those concerns are reasonable, they are unrelated to this development. Such vehicles will continue to operate on roadways and parking lots in the area regardless of this development. There is no evidence that the uses proposed in this application will attract a disproportionate number of such vehicles. This is just one of the many risks that occur everywhere in the urban area where pedestrian and vehicle traffic mix.

x. Neighbors argued that park patrons frequently park on the south side of NW 16th Avenue, creating a hazard as passengers enter and exit vehicles. However, it appears that parking is prohibited on this section of roadway, as parked vehicles are likely to obstruct the travel lane. The applicant is not required to design this development to accommodate such illegal activities.

xi. Neighbors argued that the proposed landscaping will screen drivers' views of pedestrians on site. However, the majority of the landscaping is located near the perimeter of the site. Interior landscaping is limited to low groundcovers and

trees, maintaining clear views between ground level and roughly seven feet above the ground – the standard pruning height needed to maintain vehicle and pedestrian passage. The landscaping proposed on this site is no different than that provided at other commercial developments throughout the region.

b. Neighbors expressed concerns with toxic fumes resulting from fuel dispensing on the site as well as potential fuel spills and leaking tanks. There is no dispute that gasoline contains a variety of potentially toxic and cancer causing chemicals. However, the design and operation of modern gas stations are highly regulated by state and federal laws that are implemented by the SWCAA. (See Exhibits 36 and 37). Fuel dispensing systems and storage tanks must be equipped with vapor recovery systems to limit the volume of gasoline vapor discharged into the atmosphere. In addition, all modern vehicles must be equipped with vapor recovery systems that capture and contain fumes and associated toxic materials during fueling. This is consistent with the studies cited by opponents. The Science article cited at <https://sciencing.com/pollution-gas-stations-18064.html> was based on a study of gas stations in Delhi India, which presumably are not subject to the regulations that apply to gas stations in the U.S. Modern equipment and practices reduce the pollution risk of gas stations and regulatory agencies can and do monitor operations and impose fines for violations. <https://www.google.com/amp/s/www.environmentalpollutioncenters.org/gas-stations/amp/>,¹ <https://education.seattlepi.com/pollution-gas-stations-3472.html>,² <https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>.³ SWCAA regulations require periodic inspections of fueling facilities to ensure ongoing compliance and effective operation of such vapor recovery systems. (Exhibits 36 and 37).

i. Prune Hill Elementary School is located more than 300 feet from the site and any fumes released from the site are likely to disperse prior to reaching the school. Although EPA guidelines recommend consideration of gas stations and other sources of potential contaminants in locating schools, the Code does not impose any special setbacks for gas stations. As noted at the hearing, gas stations are a permitted use on the RC zoned property across the street from the school. Therefore, the examiner cannot find that a gas station that is subject to state and federal regulations on fumes and spills will be materially detrimental to the public welfare, or injurious to the property or improvements.

c. Accidental fuel spills on the site will not contaminate soil or groundwater. The fueling area will be equipped with a separate drainage system ending in

¹ On the positive side - currently, better equipment and improved operation practices along with improved awareness of various pollution risks allow a more optimistic view of gas stations as integral part of urban environments with fewer pollution risks. Additionally, gas station pollution penalties and fines exist and are evolving, ensuring overall considerably fewer spills.

² When a driver pumps gas into a car, the nozzle on the hose has a special apparatus to control the amount of fumes that are released. If this fails, toxic chemicals leak into the air. Underground storage tanks have similar equipment to limit fumes when the tanks are being filled, and similar vulnerability in case of failure.

³ Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks.

a dead-end sump to ensure that any spilled fuel will not enter the stormwater system or contaminate groundwater. The applicant will also be required to develop and implement an emergency spill response plan if larger spills occur. Underground tanks must comply with current design, installation, and inspection requirements to limit the potential for leaking and quickly detect and remedy any leaks that do occur.

d. There is no dispute that air pollution threatens brain health.

<https://www.pnas.org/doi/10.1073/pnas.2008940117>. However, there is no evidence that this use will cause a significant increase in air pollution. To the contrary, it may reduce, air pollution by reducing the distance drivers must travel to obtain the types of goods and services provided at this site. As noted above, most of the vehicle traffic patronizing this use is already on the road. Drivers merely stop by the site on their way to other destinations.

e. The proposed convenience store will sell alcohol and tobacco. However, the examiner cannot find that the sale of such products will be materially detrimental to the public welfare, or injurious to the property or improvements. Neighborhood grocery stores are a permitted use in the CC zone and would likely include the sale of such products. Sales of these products is restricted by state law and the examiner cannot assume that this facility will allow the sale to minors. Minors will be exposed to such products wherever they shop.

f. The proposed development will attract additional people to the immediate area, which may increase the amount of litter, vandalism, and other illegal activities. However the examiner finds that there is no substantial evidence in the record that the future customers of this development are any more or less likely to engage in nuisance or illegal activities than other people. Retail uses do have a higher than average risk of robbery and theft because such uses rely, in part, on cash sales. Gas stations and mini-marts have likely have a higher percentage of cash sales, making them a greater target for theft. However, there is no substantial evidence that this particular facility will create a significantly higher risk of robbery compared to other permitted uses in the CC zone.

g. The Code does not prohibit all impacts from this development. The site is zoned for commercial development, and any commercial development on this site will require clearing of the site and cause an increase in noise, lighting, traffic, litter, and other impacts. However, the examiner finds that the proposed development will not cause impacts that are significantly greater than would be generated by other permitted commercial development on the site.

i. Noise, including construction noise, is limited by local and state laws and all activities on the site must comply with those limitations. The design of the proposed development will limit the impact of activities on surrounding residential areas. The applicant designed the development to locate the parking and activity areas in the center of the site, allowing the proposed buildings to serve as a buffer between these activity areas and adjacent residential uses to the east.

ii. Lighting on the site is subject to the regulations of CMC 18.37.030.J, which require that lighting must be directed to the interior of the site and shielded from adjacent properties and building lighting must be concealed and indirect. In addition, the applicant will install landscaping, walls, and other features to screen and buffer the site from offsite views and to screen the headlights of vehicles in the drive-thru lanes. Condition of approval 31 requires that "All outdoor lighting including landscaping, parking lot, building and canopy lighting shall be directed, hooded, or shielded away from surrounding properties."

iii. The applicant is required to provide a five-foot L1 buffer along the north boundary of the site, because the abutting property is zoned RC. (CMC 18.13.055.A). The north boundary of the site is roughly 300 feet away from the Parker Village development to the north.

iv. The applicant is required to maintain the landscaping on the site for a minimum of three years after issuance of a Certificate of Occupancy and replace any plantings that fail to survive. (See condition 26). After three years landscaping is assumed to be established and capable of surviving. However, it is in the property owners interest to continue to maintain the landscaping and other improvements on the site in order to protect their investment.

7. The examiner finds that the proposed use will be compatible with the surrounding uses in terms of traffic and pedestrian circulation, density, building, and site design. CMC 18.43.050.C.

a. As discussed above, additional traffic generated by the proposed use will not exceed the capacity of area streets or create a hazard.

b. There are no density or building height limitations in the CC zone. (CMC 18.09.030). However, the applicant proposed to limit the buildings to roughly two stories (maximum heights of 26 feet 4 inches for the mini-mart, 24 feet one inch for the gas station canopy, 25 feet 10 inches for the retail building, and 22 feet seven inches for the coffee shop. See Exhibits 7-10), which is consistent with existing residential development in the surrounding area; CMC 18.09.040 allows a maximum building height of 35 feet in all single-family residential zones. In addition, the applicant proposed a 35 to 40 foot setback from NW Brady Road to provide additional separation from the existing residential development on the east side of NW Brady Road.

c. The buildings are designed with a variety of articulations to reduce their overall mass and a variety of roof styles (gabled, shed, and flat) to enhance visual interest.

d. As discussed above, the applicant designed the development to locate the parking lot and building entrances in the center of the site so that the proposed buildings will screen these activity areas from adjacent properties. In addition, the applicant will install landscaping, walls, and other improvements to screen and buffer the site, including the proposed drive thru lanes.

e. All lights on the site will be located, designed, and shielded to limit offsite glare. The examiner finds that, as designed, the proposed development is compatible with surrounding land uses in terms of traffic and pedestrian circulation, density, building, and site design.

8. The examiner finds that appropriate measures have been taken to minimize the possible adverse impacts that the proposed use may have on the surrounding area. CMC 18.43.050.D. As discussed above, parking and activity areas have been located near the center of the site, where the proposed buildings and landscaping will screen views of the area. Additional measures are proposed to shield and buffer the drive thru aisles. Lighting will be located, designed, and shielded to limit offsite glare. The drainage system and storage tanks are designed to minimize the potential for groundwater contamination. All fuel dispensing facilities are subject to compliance with state law intended to minimize the potential for release of fumes and other toxic substances.

9. The proposed development is consistent with the comprehensive plan. CMC 18.430.050.E, specifically the following relevant policies:

LU-1.3: Maintain compatible use and design with the surrounding built and natural environments when considering new development or redevelopment.

LU-2.1: Attract and encourage a balance of new commercial, light industrial, and knowledge-based business, medical, and high-tech uses, and the expansion of existing businesses to provide regional and local employment.

LU-2.3: Encourage shopping local and support for Camas businesses.

LU-2.4: Encourage mixed-use developments (residential and commercial) in order to support adjacent uses and reduce car trips, but not at the expense of job creation.

ED-1: Maintain a diverse range of employment opportunities to support all residents and provide a setting and quality of life that attract and retain businesses.

T.2.2: Support opportunities to increase participation of school-age children in walking or biking to school to improve their health and reduce traffic congestion.

a. The applicant is proposing a mixed use commercial development, which will allow customers to satisfy multiple needs with a single trip, i.e., buying gas, a car wash, and coffee, thereby potentially reducing overall vehicle trips and vehicle miles traveled. In addition, as noted in the traffic study, the proposed use will primarily serve “pass by” trips, vehicles that are already on the road on their way to another destination. Although the drive thru uses on the site allow customers to serve certain needs without exiting their vehicle, it does not per se increase vehicle trips.

b. The proposed use will provide new employment opportunities at the businesses on the site.

c. The mixed use commercial development will allow residents to fulfill some of their needs for commercial products and services in close proximity to their homes.

d. As discussed above, the layout of the site and the design of the proposed buildings are intended to buffer adjacent residential zoned properties and focus noise, lighting, and activity within the site order maintain compatibility with adjacent uses.

e. This development will generate increased traffic, which will create a marginally higher risk for pedestrians, including students walking to school. However, any development on this site will result in an increase in vehicular traffic on area roads. This development will provide sidewalks along the site frontage which will facilitate pedestrian traffic as well as wider pavement which will allow for the extension of existing bicycle lanes, thereby supporting the ability of students to walk to school.

10. Members of the public testified that the proposed development will reduce the value of their properties. However, even if the development will have an adverse impact on surrounding property values --- and there is no substantial evidence to that effect in the record --- protection of property value is not relevant to the applicable approval standards for this development. The examiner must base the decision on the laws of the City of Camas and Washington State.

11. Assertions that the proposed development is not “needed,” that there are sufficient existing gas stations in the area, or that the site would be “better” used for other commercial uses, are not relevant to the applicable approval criteria for this application. The City has no authority to determine the highest and best use of the site and whether there is a “need” for the proposed uses. The applicant is a private property owner and has the right to develop their property as allowed by the Code based on their determination of market demand. The Columbia Palisades development is also a private development. The owner of that property, not the city or county, chose to prohibit gas stations in that development.

12. Clearing and development on this site will eliminate habitat for wildlife, including birds, deer, and coyotes. But the Code does not prohibit such an effect. To the contrary, it is an inevitable consequence of concentrating new development in the urban area. There are no wetlands or habitat areas on the site and none of the animals observed on this site are listed as endangered or threatened. They are commonly observed in the area. Their presence is less likely after the site is developed, but that is to be expected.

13. The examiner finds that the applicant should be required to install windows in the east wall of the car wash in order to fulfill the design principles of the Design Review Manual. The maps proposed by the applicant would provide some visual interest, but it would not “provide a high degree to transparency at the lower levels of the building” or “maximize visibility of pedestrian active uses” as required by the City’s design standards.

The applicant argued that it is not feasible to install such windows. However, as noted at the hearing, the carwash in Washougal has windows that provide views of the wash bays.

14. There is a dispute about the width of the existing NW 16th Avenue right-of-way abutting the site. CMC 17.19.040.B.5 requires the dedication of additional right-of-way when is less than the minimum necessary to meet the minimum street width standards. The section of NW 16th Avenue abutting the site is designated a two-lane collector/arterial, which requires a 60-foot full width right-of-way. The City argues that the existing right-of-way is deficient and additional right-of-way dedication is needed to meet the minimum standard. The applicant argues that the existing right-of-way is adequate. However, neither party provided any evidence to support their position. Therefore, the examiner finds that condition of approval 37 should be modified to require that the applicant demonstrate that the existing right-of-way is sufficient to meet minimum requirements or dedicate additional right-of-way necessary to meet minimum requirements along the site frontage.

a. As noted at the hearing, condition of approval 36.c merely repeats condition 37. Therefore, condition of approval 36.c should be deleted.

15. CMC 18.43.070 provides that conditional use permit approvals automatically expire after one year. The Code authorizes the examiner to grant a longer approval period, "[i]f appropriate for the project." Unfortunately, the Code does not provide any direction or standards for when a longer approval period is warranted. In this case, the applicant's site plan approval will expire in two years pursuant to CMC 18.18.080 and 18.55.260.A(1). The short plat approval expires after five years. CMC 17.09.040. The examiner finds that a two year approval period is warranted for the CUP, so that CUP and site plan approvals are subject to similar expiration deadlines. The CUP approval is not final until the applicant obtains all required building permits and the applicant cannot obtain building permits without final site plan approval. The longer CUP approval period will allow additional time to complete final designs consistent with the conditions of approval.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP22-02 (Camas Station) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves CUP22-02 (Camas Station).

Standard Conditions:

1. Engineering site improvement plans shall be prepared in accordance with the City of Camas Design Standards Manual (CDSM) and CMC 17.19.040.
 - a. Per CMC 17.19.040.C and a: All utilities designed to serve the development shall be placed underground. Those utilities to be located beneath paved surfaces, including all service connections, shall be installed prior to application of any surface materials.
2. The engineering site plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Community Development Engineering Department for review and approval. Submittal requirements for first review are as follows:
 - a. Submit four (4) full size sets and one (1) half size set of plans;
 - b. One (1) hard copy of (TIR) stormwater report;
 - c. Stamped preliminary engineer's estimate.
3. Community Development (CDEV) Engineering shall collect a total 3% plan review and construction inspection (PR&CI) fee for the proposed development.
 - a. Payment of the 1 percent plan review (PR) fee shall be due prior to the start of the plan review process.
 - b. Payment of the 2 percent construction inspection (CI) fee shall be due prior to construction plan approval and release of approved plans to the applicant's consultant.
 - c. Under no circumstances will the applicant be allowed to begin construction prior to construction plan approval.
4. Installation of public improvements shall be in accordance with CMC 17.21 Procedures for Public Improvements.
5. Prior to any land-disturbing activities of an acre or more, the applicant shall submit:
 - a. A copy of the NPDES General Construction Stormwater Permit (GCSWP), which is issued by the Washington State Dept. of Ecology;
 - b. A copy of the Stormwater Pollution Prevention Plan (SWPPP), which is required as a component of the NPDES GCSWP permit.
6. Prior to any land-disturbing activities of an acre or more, the applicant shall submit an Erosion Control Bond in the amount of 200% of the cost for erosion control measures, per CMC 14.06.200.

7. If any item of archaeological interest is uncovered during a permitted land-disturbing action or activity, all ground disturbing activities shall immediately cease, and the applicant shall notify the City and the Department of Archaeology and Historic Preservation (DAHP).
8. A separate new construction permit shall be required from the Fire Marshal's office. Two sets of plan specifications, and other information as may be necessary to determine compliance with fire and life safety code and standards.
9. Permit forms and submittal instructions are available online or can be picked up at the Fire Marshal's office at 605 NE 3rd Avenue.
10. Permit(s) and inspections are required by the Fire Marshal's Office for this project. Please contact the Fire Marshal's office at 360-834-6191, or rmiller@ci.cammas.wa.us for submittal information.
11. A building permit shall be required prior to commencement of construction of a structure.
12. A building permit shall not be issued prior to completion of site improvements, unless otherwise approved by the Director.
13. At the time of building permit issuance, the applicant shall pay the appropriate impact fees in accordance with the provisions of CMC 3.88.
14. Prior to final acceptance, the applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, which includes stabilization of all disturbed soil.
15. Prior to final acceptance, final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual (CDSM).
 - a. As-builts are to be submitted as PDFs and in either AutoCad or Carlson formats. The cover sheet for the as-builts is to include the originally approved and signed cover sheet.
16. Prior to final acceptance the 2-year warranty maintenance bond is to be submitted in accordance with CMC 17.21.070.A
 - a. Upon final acceptance of the development improvements a two-year (2) warranty bond commences.
17. Per CMC 17.21.070.E A letter of final acceptance will be issued once all items listed in 17.21.070.B-C.
18. Per CMC 18.18.070.B, prior to issuance of final occupancy permits, all public and private improvements shall be completed in accordance with CMC 17.21.070 Final Acceptance.

19. The applicant and/or property owners shall be responsible for maintenance of all on-site private improvements: including but not limited to the private water and fire line system; the private sanitary sewer system, including STEP tanks; the on-site stormwater system, including collection, conveyance, treatment, and detention; the parking areas; pedestrian pathways; CMU wall and retaining walls; lighting for parking lots and building exteriors; and landscaping.
20. This conditional use permit shall automatically expire two years after the date it was granted unless a building permit conforming to the plans for which the CUP was granted is within that period of time. Unless substantial construction of this site commences within two (2) years of issuance of this decision, this permit will expire.
21. The short plat shall expire if not recorded within five years of the date of preliminary short plat approval per CMC 17.09.040.

Special Conditions:

22. The applicant shall comply with the following SEPA22-07 MDNS condition, including Ecology and Clark County Transportation SEPA review comments.

“The applicant shall secure all necessary permits for emissions from the Southwest Clean Air Agency and as required by any other local, state and federal agency.”

Prior to Final Engineering Plan Approval:
Planning

23. The pedestrian crossings internal to the site shall be of a concrete or other distinct material and not striped.
24. The four-foot high CMU section of wall west of the proposed pedestrian walkway from NW 16th Avenue should be removed for vision clearance and pedestrian safety.
25. Prior to Engineering Plan approval, a final landscape plan consistent with the landscaping standards in CMC 18.13.050 shall be submitted to the city for review and approval to include the following but not limited to:
 - a. Additional shrubs shall be provided at the western property line adjacent to the proposed retail building.
 - b. Additional shrubs consistent with CMC 18.13.055.B.3.b shall be provided east of the car wash and immediately south of the proposed walkway.

- c. Parking lot planter islands shall comply with the minimum 8x8 planter area requirement and tree planter areas shall include five hundred cubic feet of soil per CMC 18.13.060.E.
 - d. Wheel stops shall be installed adjacent to planter areas per CMC 18.13.060.F.
 - e. Evergreen trees shall be provided at the bottom of the retaining wall adjacent to the coffee shop drive thru lane, or alternative barrier approved by the City that serves the same screening function.
 - f. Plants utilized shall be per the approved City's Tree list in the Camas Design Manual. For plants not on the approved City list, a characteristic card should be submitted to the City for review and approval.
 - g. The planting specifications and landscape notes in the Camas Design Manual shall be included on the final landscape plan.
 - h. Irrigation specifications in the Camas Design Manual shall be noted on the final landscape plan.
 - i. Locations and size of irrigation meters are to be shown on the final landscape plans and on the water utility plans.
26. The applicant shall take appropriate measures to ensure landscaping success for a minimum of three years after issuance of Certificate of Occupancy. If plantings fail to survive, the property owner shall promptly replace them.
27. Any existing off-site trees shall not be removed without permission of the property owner.
28. Specifications for the safety barrier along the coffee shop drive thru lane shall be submitted to the City for review and approval.
29. Windows shall be provided on the car wash and coffee shop building façades facing NW Brady Road for window transparency and pedestrian visibility. Revised elevations shall be submitted to the City for review and approval.
30. The retaining and CMU walls shall compliment the proposed buildings and specifications shall be submitted prior to receiving engineering plan approval.
31. Lighting specifications and a lighting plan shall be submitted for city review and approval.
- a. All outdoor lighting including landscaping, parking lot, building and canopy lighting shall be directed, hooded, or shielded away from surrounding properties.
 - b. Lighting for signage shall be front lit if proposed.

- c. Any required street lighting shall be reviewed and approved by the City prior to final engineering plan approval.

Engineering

- 32. A photometrics analysis is required for NW 16th Avenue to ensure that the roadway lighting meets the requirements of the IES RP-8-21 lighting standards. The analysis is to be submitted for review and approval. Proposed and existing street light locations are to be shown on the final engineering plans. Preliminary electrical plans are to be submitted to the city for review and approval prior to submittal to Clark Public Utilities.
- 33. The site plans shall be revised to relocate and/or reduce the number of either the vacuum stalls or EV charging stations, at the drive access from NW 16th Avenue, to be a minimum of 40-feet from the back of sidewalk in order to meet the CDSM Table 1, Note 2 standards for off-street parking from back of sidewalk on a collector.
- 34. The site plans shall be revised to locate the pedestrian pathway such that pedestrians are not in conflict with vehicles pulling up alongside any of the proposed fueling pumps. Additionally, the pedestrian pathway is required to meet ADA standards from the Convenience Store ADA parking space to the ADA EV parking stall.

Roads

- 35. The site plans are to be submitted with following revisions:
 - a. The north curb radius at the drive access from NW Brady Road is to be increased to the minimum 35-foot curb radii with an ADA accessible curb ramp.
 - b. The south curb radius at the drive access from NW Brady Road is to be increased to a curb radius dimension, in excess of the minimum 35-foot, that will allow for ingress and egress of all vehicles entering and exiting the site without impeding on the ingress aisle or the existing left-lanes on NW Brady Road.
 - c. A new circulation plan is to be submitted with the revisions noted and is to include southbound movements onto the site from NW Brady Road.
- 36. The site plans are to be submitted with the following revisions:
 - a. The west and east curb radii at the drive access from NW 16th Avenue is to be increased to the minimum 35-foot curb radii, with ADA accessible curb ramps on both sides.

- b. The four (4) vacuum stalls are to meet the minimum 40-foot setback from back of sidewalk.
- 37. Revised site plans are to be submitted demonstrating that a minimum 60 feet of right-of-way exists along the section of NW 16th Avenue abutting the site or dedicate additional right-of-way as necessary to provide a minimum a total right-of-way width of 60-feet.
- 38. Signing and striping plans are to be submitted with the appropriate hardscaping (e.g. onsite concrete island), and signage denoting: 'Right-in/Right-out Only' and 'Left-Turns not Permitted'.
- 39. Submit revised site plans that show Phase 1 construction in include the following:
 - a. Construction of the full half-width frontage improvements along NW 16th Avenue;
 - b. Construction of both drive accesses located on NW Brady Road and NW 16th Avenue;
 - c. Full width drive aisles and/or parking lot through the site from NW 16th Avenue to NW Brady Road.

Traffic and Transportation

- 40. The applicant is to provide a trip distribution analysis that identifies the number of PM Peak Hour trips that are distributed to City of Vancouver's proportionate share intersections: SE 192nd Avenue & SE 34th Street; and SE 192 Avenue & SR-14 Ramps.
- 41. The applicant shall be required to pay the proportionate share amount of \$ to the City of Vancouver and to provide Camas staff with documentation of payment of said proportionate share amount.
- 42. The site plans are to be submitted with the site vision clearance/site distance triangles shown on the final engineering plans at the access locations at NW Brady Road and NW 16th Avenue.
- 43. Signing and striping plans are to be submitted for review and approval that address the required restriping and applicable signing on NW 16th Avenue to accommodate the new turning movements for the proposed development.

Sanitary Sewer

- 44. The applicant shall submit sanitary sewer utility plans with the following revisions to the private onsite sanitary sewer system:

- a. The STEP tanks for each future Lot 1, Lot 2, and Lot 3 are to be designed with traffic rated access lids as they are located within paved surfaces.
 - b. The applicant is responsible for sizing of the STEP tanks for future Lot 1, Lot 2, and Lot 3. Specifications, design, and calculations for sizing the STEP tanks for each of the proposed commercial buildings, are to be submitted for to the city review and approval prior to installation.
 - c. A blanket utility easement, for the sanitary sewer system, is to be provided across all future Lots for the benefit of Lot 1, Lot 2, and Lot 3.
45. A note shall be added to the engineering plans and the final plat indicating that all components of the onsite private sanitary sewer system, including the STEP tanks shall be privately owned and maintained by the property owners, with a right-of-entry granted to the city for inspection purposes.

Storm Sewer

46. A revised the final drainage analysis (TIR) is to be submitted for review and approval, with the acreage revised to match the application. Additionally, the final drainage analysis is to revise the applicable amounts of impervious surfaces and landscape areas.
- a. Submittal of a hard copy of the final drainage analysis (TIR) is not required, however, the final drainage analysis is to be submitted in an electronic (PDF) format.
47. The applicant shall submit revised stormwater and sanitary sewer plans with the catch basins located within the trash enclosures and in the vicinity of the fueling station routed to the sanitary sewer system.
48. The final TIR is to be resubmitted with MR #9 – Operation & Maintenance section revised to reference the city's 2022 Operation and Maintenance Manual.

Water

49. The applicant shall submit revised onsite water plans for review and approval with the following changes:
- a. Based on the recent construction on NW Brady Road, the water service to future Lot 2 is to be served from the 12-inch water main on NW 16th Avenue. Applicant to work with staff on the location of the onsite water line during final engineering plan approval.
 - b. The three domestic water meters and above-ground RPBAs, for the commercial buildings on future Lot 1, Lot 2, and Lot 3 are to be located at the public right-of-way in a location that is accessible for inspections and testing.

- c. The irrigation meter and backflow prevention device is to be located at the public right-of-way and is to be accessible for testing and inspection.
 - d. The water utility plans and landscape plans are to include the locations and sizes of all three domestic water meters and the irrigation meter with backflow prevention devices.
50. The applicant shall submit water utility plans with the following revisions to the fire line water system:
- a. A note is to be added to the final engineering plans and to the final plat stating that “all components of the onsite private water system and fire line, including fire hydrants shall be privately owned and maintained by the property owners with right-of-entry granted to the city for inspection purposes.”
 - b. A note is to be added to the final engineering plans stating that “all private fire hydrants are to be ordered direct from the factory and factory painted powder coated red.”
 - c. Plans for the fire line are to be submitted to the Fire Marshall’s office for the NFPA24 Fire Main Underground Permit prior to any fire line installation beyond the right-of-way.

Prior to commencement of any land-disturbing activities:

- 51. The financial security for erosion and sediment control shall be submitted to Engineering.
- 52. A copy of the NPDES GCSWP and the SWPPP shall be submitted to Engineering.
- 53. Prior to any land-disturbing activities of an acre or more, the applicant shall submit an Erosion Control Bond in the amount of 200% of the cost for erosion control measures, per CMC 14.06.200.

Prior to Final Acceptance:
Planning:

- 54. Landscaping and irrigation shall be installed or bonded for prior to final acceptance.
- 55. All temporary erosion prevention and sediment control measures shall be removed from the site at completion of all site improvements, which includes stabilization of all disturbed soil.
- 56. Final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual (CDSM).

- a. As-builts are to be submitted as PDFs and in either AutoCad or Carlson formats. The cover sheet for the as-builts is to include the originally approved and signed cover sheet.
57. A two-year warranty maintenance bond is to be submitted in accordance with CMC 17.21.070.A
- a. Upon final acceptance of the development improvements a two-year (2) warranty bond commences.

Prior to Final Short Plat Approval:

- 58. The applicant shall be required to pay the proportionate share amount of \$_ to the City of Vancouver and to provide Camas staff with documentation of payment of said proportionate share amount.
- 59. The applicant is to verify that the vision clearance/site distance triangle requirements have been met.
- 60. A note is to be added to the plat that states: "The onsite stormwater system in its entirety; including collection, conveyance, treatment, and detention are to be privately owned and maintained by the applicant/property owners. A right-of-entry is to be granted to the city for inspection purposes."
- 61. All necessary dedications and easements shall be noted on the final plat.
- 62. A note is to be added to the final plat that states: "A blanket access easement is to be provided across Lot 1, Lot 2, and Lot 3 for the benefit of each of the said Lots."
- 63. A note is to be added to the final plat stating that all components of the onsite private sanitary sewer system, including the STEP tanks shall be privately owned and maintained by the property owners, with a right-of-entry granted to the city for inspection purposes.
- 64. A note is to be added to the final plat that states: "All components of the onsite private water system and fire line, including fire hydrants shall be privately owned and maintained by the property owners with right-of-entry granted to the city for inspection purposes."

Prior to Building Permit Approval:

Planning:

- 65. Detailed construction plans shall be provided for any proposed signage prior to receiving a building occupancy permit. Lighting for signage shall be front lit.
- 66. Architectural elevations, including building materials and colors, shall be in conformance with the Design Review approval.

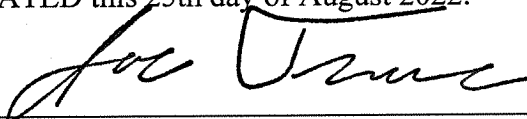
Prior to Final Occupancy:

67. The future proposed uses for the retail spaces shall include only the allowed uses in CMC 18.07.030 Table 1.

Proposed Plat Notes

1. A blanket access easement is to be provided across Lot 1, Lot 2, and Lot 3 for the benefit of each of the said Lots.
2. All components of the onsite private sanitary sewer system, including the STEP tanks shall be privately owned and maintained by the property owners, with a right-of-entry granted to the city for inspection purposes.
3. All components of the onsite private water system and fire line, including fire hydrants shall be privately owned and maintained by the property owners with right-of-entry granted to the city for inspection purposes.
4. The onsite stormwater system in its entirety; including collection, conveyance, treatment, and detention are to be privately owned and maintained by the applicant and/or property owners. A right-of-entry is to be granted to the city for inspection purposes

DATED this 25th day of August 2022.



Joe Turner, AICP
City of Camas Land Use Hearings Examiner