



**WASHINGTON COUNTY**

Dept. of Land Use & Transportation  
Current Planning  
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[www.washingtoncountyor.gov](http://www.washingtoncountyor.gov)

**NOTICE OF DECISION OF  
THE HEARINGS OFFICER**

**PROCEDURE TYPE:** III

**CPO:** 5

**COMMUNITY PLAN:** Comprehensive  
Framework Plan for the Urban Area

**LAND USE DISTRICTS:** FD-20 District  
(Future Development 20-Acre)

**PROPERTY DESCRIPTION:**  
**ASSESSOR MAP NO.:** 3S103C0  
**TAX LOT NO:** 00490  
**SITE SIZE:** 24.23 acres  
**SITE ADDRESS(ES):** None Assigned

**CASEFILE:** L2400075-D/M

**APPLICANT:**  
Robert Hatch  
PO Box 4070  
Wilsonville, OR 97070

**APPLICANT'S REPRESENTATIVE:**  
AKS Engineering And Forestry  
Chris Goodell - AICP, LEEDAP  
12965 SW Herman Road, Ste 100  
Tualatin, OR 97062

**PROPERTY OWNER(S):**  
Robert D Hatch  
PO Box 4070  
Wilsonville, OR 97070

**PROPERTY LOCATION:**  
On the westerly side of Portland & Western  
railroad approximately 1700 feet northwest of  
SW Grahams Ferry Road.

**PROPOSED DEVELOPMENT ACTION:** Development Review and Miscellaneous Review for  
Exceptions to Public Facility and Service Standards for a Contractor's Establishment in the FD-  
20 District.

**DATE OF DECISION:**  
**August 19, 2024**

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Notice of Decision of Hearings Officer  
August 19, 2024  
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CASEFILE NUMBER: L2400075-D/M

**SUMMARY OF DECISION:**

On August 19, 2024, the Washington County Hearings Officer issued a written decision (Attachment B) for Development Review and Miscellaneous Review for Exceptions to Public Facility and Service Standards for a Contractor's Establishment in the FD-20 District.

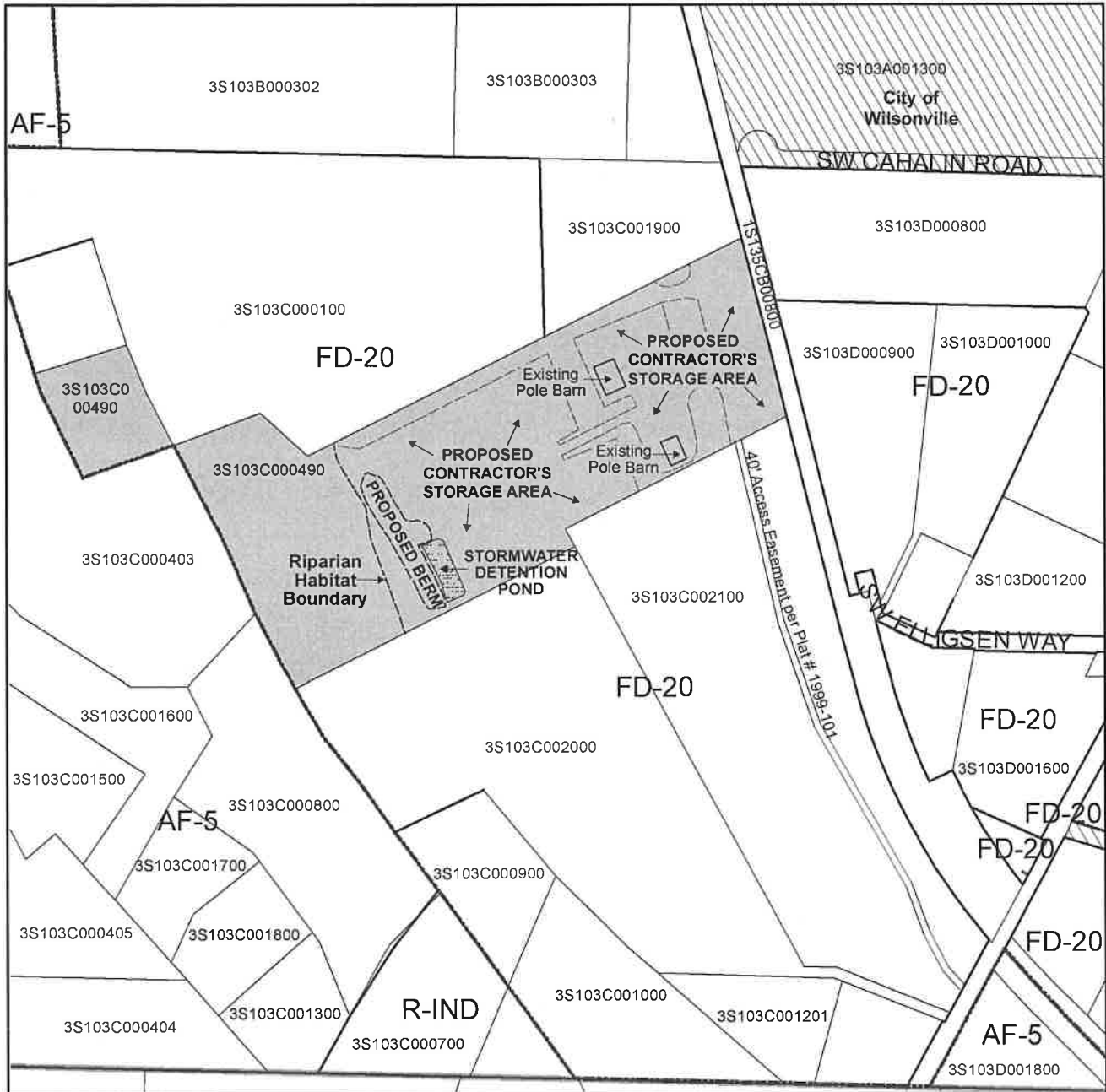
The development site is located on the westerly side of Portland & Western railroad approximately 1700 feet northwest of SW Grahams Ferry Road, and is described as Tax Lot 490, Assessor's Map 3S103C, Washington County, Oregon. The Hearings Officer's decision is as follows:

**ORDER:**

The applicant is Approved subject to Conditions of Approval set forth in Attachment B.

**Attachments:**

- A. Vicinity Map
- B. Hearings Officer's Findings, Conclusion and Order



↑ NORTH



AREA OF CONSIDERATION

NOT TO SCALE

**SITE & SURROUNDING LAND USE DISTRICTS:**

Future Development 20-Acre District (FD-20)

Urban Growth Boundary

AF-5 District (Agriculture and Forest)

City of Wilsonville

Clackamas County

**REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN**

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

BEFORE THE LAND USE HEARINGS OFFICER  
OF WASHINGTON COUNTY, OREGON

In the matter of Development Review and  
Miscellaneous Review for Exceptions to  
Public Facility and Service Standards for a  
Contractor's Establishment in the FD-20  
District

Applicant: Robert Hatch

Applicant's Representative: AKS Engineering  
and Forestry/Chris Goodell

FINAL ORDER  
Casefile No. L24000758-D/M  
APPROVED with Conditions

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**Background**

The applicant requests development review for a contractor's establishment in the FD-20 District, located on tax lot 3S103C000490. The applicant proposes to store contractor vehicles, equipment, and materials on the subject site, including use of existing buildings. The contractor's establishment is planned to operate in existing graveled areas in the central and easterly portions of the site as well as within existing on-site structures.

The applicant also requests a miscellaneous review for exceptions to public facility and service standards per section 501-6, including water, sewer, and stormwater management standards.

The site contains two existing pole barns (5,185 and 3,528 square feet) and is otherwise vacant. County records do not contain building permits for either of these structures. The central and easterly portions of the site are graveled. Proposed improvements include a stormwater facility and a mix of concrete blocks and chain link fencing separating different contractors' establishments from each other and for security purposes.

The site takes access to SW Graham's Ferry Rd from an existing 40-foot-wide access easement across tax lot 3S103C002100, recorded in Plat No. 1999-101. The access was permitted under Access Permit 04001581, and the applicant submitted a detailed access report. The Washington County Engineering, Traffic, and Survey Division reviewed the report and determined it was acceptable.

According to the Flood Insurance Rate Map for Washington County, the western portion of the property lies within the 100-year floodplain. See Section 421 for floodplain development standards.

According to Map B of Policy 41 of the Comprehensive Framework Plan for the Urban Area, the north-central portion of the property contains a Significant Natural Area, while the west portion of the property contains Water-Related Fish and Wildlife Habitat. See Section 422 for standards related to these areas.

The approval of this application is based on evidence in the record for this use. Transfer of the property or business to another owner could result in changes to the use that are not consistent with the use as described in this application. Therefore, the Hearings Officer imposes a condition of approval limiting approval to the vehicles, equipment, and operation of the contractor's establishment as described in this application.<sup>1</sup> Finally, the applicant is required by condition to limit site access to contractor employees and to restrict customers and the general public from site access.

Comments were received from the Washington County Building Division and are included in the record. Where appropriate, recommendations proposed in these letters are included as conditions of approval.

A public notice advertising the scheduled public hearing was mailed on June 27, 2024 for this project in accordance with County requirements. In response, a letter was received from the City of Wilsonville raising concerns regarding the following:

**Access to SW Cahalin Rd:** Wilsonville does not have a record of approved access to SW Cahalin Rd across the Portland and Western Railroad tracks.

While the applicant references "secondary access onto SW Cahalin Road... via an existing access easement," no such easement is shown on plans and no further reference is made to the secondary access. However, aerial photography indicates a railroad crossing from tax lots 3S103C001900 and 3S103B000500 (both under the same ownership as the subject site).

**Stormwater Easement:** Wilsonville owns a stormwater pipeline easement across the property (Deed 2004-063726). The City requests verification that no existing or proposed buildings or improvements will interfere with the City's easement, installed infrastructure, or drainage ditch without prior approval from the City. The applicant is not permitted to connect to the existing storm line nor discharge to the drainage ditch without prior approval.

The proposed use shall not be allowed to interfere with Wilsonville's use of their easement and shall not connect to Wilsonville utilities without prior approval.

The Hearings Officer held a duly noticed hearing on July 18, 2024. The record was left open for 7 days to July 25, 2024. The 120 day deadline is August 20, 2024. One member of the public testified neutrally, and asked questions about lighting, business hours, and noise pollution. The applicant responded saying no new lighting was proposed with the application, that noise from the site would be within Washington County's limitations, and that the business would generally run during the daytime hours. The member of the public did not submit any additional testimony during the open record period; therefore, the Hearings Officer assumes that the applicant's responses were satisfactory.

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<sup>1</sup> See Exhibit 1, which contains the conditions of approval for this order.

### **Applicable Standards and Affected Jurisdictions**

Washington County Comprehensive Framework Plan for the Urban Area

Washington County Community Development Code (CDC)

1. Article II, Procedures

202-3	Type III Procedure
203-3	Neighborhood Meeting
207-5	Conditions of Approval

2. Article III, Land Use Districts

308	Future Development 20-Acre District (FD-20)
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3. Article IV, Development Standards

403	Applicability
404	Master Planning
406	Building, Siting and Architectural Design
407	Landscape Design
408	Neighborhood Circulation
410	Grading and Drainage
411	Screening and Buffering
413	Parking and Loading
414	Signs
416	Utility Design
417	Irrigation
418	Setbacks
419	Height
421	Floodplain and Drainage Hazard Area Development
422	Significant Natural Resources
423	Environmental Performance Standards
426	Erosion Control

4. Article V, Public Facilities and Services

501	Public Facility and Service Requirements
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Ordinance No. 691-A – Transportation Development Tax

Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Septic:	Washington County Health and Human Services
Well:	District 18 Watermaster
Fire Protection:	Tualatin Valley Fire and Rescue
Police Protection:	Washington County Sheriff

## Findings

### A. Washington County Comprehensive Framework Plan

The goals and policies which relate to the development of land are implemented by the Washington County Community Development Code (the Code). The applicant is not required to address, consider, or implement any goal, policy or strategy of the Plan except where required by the Code. In accordance with Section 308-3 of the Code, the proposed use is subject to Policy 41 of the Comprehensive Framework Plan for the Urban Area.

The subject site is located within Area of Special Concern No. 6, as designated on Map C of Policy 41. Area of Special Concern No. 6 is subject to the following:

6. *Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan. Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:*
  - a) *Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.*
  - b) *Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:*
    - 1) *Day care facilities, cemeteries, religious institutions and schools are prohibited due to the area's designation as an Industrial Area.*
  - c) *The Title 11 planning required by Metro shall:*
    - 1) *Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.*

- 2) *Incorporate the general location of projected right-of-way location alignment for the 1-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.*

The development site is adjacent to Wilsonville's Coffee Creek Master Plan area to the east but has not undergone any further planning itself. Future Title 11 planning will be completed by the City of Wilsonville in accordance with the above standards. Until such time, the application remains subject to the requirements of Section 308.

The proposed development is in line with the designation as an Industrial Area and does not involve development review for a day care facility, cemetery, religious institution, or school.

In addition, according to Map B of Policy 41, the north-central portion of the property contains a Significant Natural Area (Tonquins Scablands Geologic Area), while the west portion of the property contains Water-Related Fish and Wildlife Habitat. A portion of the contractor's establishment lies within the mapped Significant Natural Area. See Section 422 below for analysis.

The northwest portion of the property is mapped with Mineral and Aggregate District B. However, the proposed uses are not considered noise sensitive uses (e.g., not residential) and findings for the requirements of Section 379 (Mineral and Aggregate Overlay District) are not required for this report.

## **Washington County Development Code**

### **Article II, Procedures**

#### **202 Procedure Types and Determination of Proper Procedure**

##### **202-3 Type III**

- 202-3.1 *Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.*

This request is being processed through the Type III procedure of the Community Development Code, pursuant to Section 308-4.6. In accordance with Type III procedural requirements, public notice was sent to surrounding property owners 20 days prior to the hearing. One letter of comment was received prior to the hearing, as described in Background Findings above.



**203 Processing Type I, II and III Development Actions**

**203-3 Neighborhood Meeting**

**203-3.2** *The following application types shall be subject to the neighborhood meeting requirements:*

**A. Inside the UGB:**

- *Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the parcel subject to the application is within 125 feet of a Residential District).*

The proposed use is a Type III industrial use in the FD-20 District. The subject site is over 125 feet from a Residential District. A neighborhood meeting is not required.

**207 Conditions of Approval**

**207-5 Conditions of Approval**

**207-5.1** *The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.*

Conditions of approval are included in Exhibit 1. The applicant must comply with all conditions of approval.

**Article III, Land Use Districts**

**308 Future Development 20-Acre District (FD-20)**

**308-4 Uses Which May Be Permitted Through a Type III Procedure**

*The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable*

*standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.*

*308-4.5 Contractor's Establishment.*

The proposed contractor's establishment is permitted in the FD-20 District through a Type III procedure. The applicant proposes to utilize the graveled area and existing structures to store contractors' vehicles, equipment, and materials.

*308-5 Prohibited Uses*

*308-5.4 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).*

*308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.*

As part of the contractor's establishment, the applicant proposes to park and/or store vehicles and heavy equipment on the site. Approval of this request constitutes development approval, thereby permitting the storage of the above vehicles and heavy equipment on the site, as specified in this request.

*308-6 Dimensional Requirements*

No new structures or land division are proposed in this request. All existing structures meet setback and height standards and no new buildings are proposed. These standards will be reviewed further at time of Building Permit submittal.

*308-7 Additional Standards*

*308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.*

This approval is in line with future industrial zoning. While future development of the site with urban-level zoning would likely require various public and site improvements not compelled by this application, this approval will not interfere or preclude future conversion of the site to urban densities or uses.

*308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.*

See findings for the Washington County Comprehensive Framework Plan for the Urban Area above.

*308-8 Access*

*All lots in this District shall either:*

*308-8.1 Abut a public street; or*

*308-8.2 Have an easement of record at least 40 feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.*

The site takes access to SW Graham's Ferry Rd from an existing 40-foot-wide access easement across tax lot 3S103C002100, recorded in Plat No. 1999-101.

**Article IV, Development Standards**

**403 Applicability**

The applicant provided a site plan and written information to address the Development Review standards of Article IV.

*403-3 Additional Standards Inside the UGB*

*403-3.1 Type III development, except those detailed in Section 403-3.2, may be denied based on the following:*

*A. The proposed development will have significant adverse impacts on property values in the area;*

Staff noted in its Report & Recommendation that it is not aware of any known significant adverse impacts on property values as a result of this request. Further, the Hearings Officer finds that conditions of approval ensure that the proposed use will not adversely impact surrounding properties.

- B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or*

The development site is located within a broad area in transition. The area was added to the Regional Urban Growth Boundary by Metro for the primary purpose of providing industrial land. The proposed contractor's establishment is in character for the intended industrial use.

- C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the county may be evaluated for its impacts on the entire area to be served.*

The proposed use benefits the public interest by supporting the economic growth that development and construction provide to the local area as well as the region as a whole. The proposed use also allows active use on industrial land that would otherwise be undevelopable due to a lack of urban services. Moreover, existing and proposed uses and structures on site are not necessarily an impediment to more intensive redevelopment. The Hearings Officer finds that the greater public interest will be served by the proposed development.

**404 Master Planning**

The applicant has submitted materials showing on-site topography and tax lot lines, as well as roadways in proximity to the site. This information adequately represents the Master Planning requirements of Section 404.

**406 Building, Siting and Architectural Design**

Existing structures comply with the standards of this section. No new structures are proposed.

**407 Landscape Design**

*407-1 Minimum Landscape Standards*

*407-1.4 Commercial, Industrial and Institutional Districts:*

- A. For new development, the minimum area required for landscaping shall be 15% of the land area.*

Submitted plans and narrative indicate that over 15% of the land area shall be landscaped, including a new berm and a new stormwater detention pond. Landscaping requirements are primarily fulfilled by preserved existing landscaping west of the new berm.

**408 Neighborhood Circulation**

**408-2 Applicability**

408-2.1 *Notwithstanding the requirements of Section 408-10, within an urban growth boundary the requirements of 408-4 - 408-9 shall apply as follows:*

B. *To all Type II and Type III development except for the uses listed below:*

(6) *Specific land uses, as determined by the Review Authority, may be exempt from the provisions of this Section on a case-by-case basis, based on findings that:*

(a) *The nature of the use will create minimal demand for pedestrians and bicycle use; and*

(b) *The subject property does not front on an Arterial or Collector; or*

(c) *All properties abutting the subject site that do not have frontage on an Arterial or Collector are developed; or*

(d) *All properties abutting the subject site that do not have frontage on an Arterial or Collector are designated as Industrial or General Commercial; or*

(e) *Walking distances to the nearest Arterial or Collector from all properties abutting the subject site that do not have frontage on an Arterial or Collector will not increase more than 200 feet if the subject property were found to be exempt from this Section.*

The proposed use is a private contractor's establishment, primarily for storage of vehicles, equipment, and materials. The site shall not be open to the general public and will be primarily used by contractor employees. Therefore, the use will create minimal demand for pedestrian and bicycle use. Further, the subject property does not front on any public road. As such, the Hearings Officer exempts this use from the standards of 408-4 - 408-9.

**408-10 Internal Pedestrian Circulation**

**408-10.1 Number of Pedestrian Connections**

- A. *All developments with 20 or more parking spaces or that generate 14 or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single-family or Duplex residential development.*

#### **408-10.2 Reduction of Number of Pedestrian Connections**

*A reduction of the number of pedestrian connections required by 408-9.1 A. through D. may be granted by the Review Authority based on a determination that reducing the number of connections would not result in an increase in out of direction travel from the street or trail to any main building entrance for pedestrians or cyclists accessing the site from: 1) An off-site accessway or trail, 2) The sidewalk or shoulder along the street where the property has frontage, 3) A transit stop, 4) Pedestrian crossings on Arterials and Collectors, and 5) from pedestrian oriented uses across a Collector, Neighborhood Route or Local Street.*

The proposed use will generate 14 or more additional ADT. However, as described above, the use will create minimal demand for pedestrian and bicycle use and has a limited access easement. In addition, the property contains two structures accessory to the primary use but no primary structure. No increase in out-of-direction travel from the street or trail to any main building entrance for pedestrians or cyclists is anticipated. As such, the Hearings Officer exempts this use from the connection requirement of 408-10.1 A.

#### **410 Grading and Drainage**

The applicant proposes grading necessary to create a new stormwater management facility and a new berm in the western portion of the site. The applicant submitted preliminary details as required by this section, including preliminary grading and drainage plans. The Washington County Building Engineer has reviewed the preliminary details submitted with the application and determined that the plans meet the requirements of Section 410-1.1. A grading permit will likely be required for the development, and a condition of approval is included to this effect.

#### **411 Screening and Buffering**

The applicant has proposed a contractor's establishment on the site, which has a land use designation of FD-20. The Code includes no specific provisions for screening and buffering on

FD-20 uses, with required screening and buffering to be determined by the review authority. Inside the UGB, Code provisions specifically require screening and buffering when commercial and industrial uses adjoin residential uses.

The majority of surrounding properties are vacant or in industrial use, and therefore require minimal screening. Tax lots 3S103C000403 and 3S103C000800, to the west of the site, are zoned AF-5 and owned by Metro. These sites contain substantial natural resources, and any potential development is expected to be minimal. The west side of the lot includes floodplain and riparian areas and is to be left largely undeveloped as it is now. As a result, the proposed developed area is approximately 240 feet from the west property line. In addition, an approximately 10-foot berm is proposed between the developed area and the undeveloped western portion of the site. See also Section 423 for required screening of storage areas.

#### **413                    *Parking and Loading***

Section 413 does not contain specific parking requirements for a contractor's establishment. The applicant notes that all vehicles accessing the property will be stored on-site. Per section 413-4.4, for the purpose of storage of heavy equipment or vehicles in the Industrial District, an appropriate gravel surface may be approved. No specific number or location of spaces are proposed. Given the nature of the use and minimal development proposed, the Hearings Officer finds the proposed gravel storage area sufficient for Section 413, subject to certification that the parking area has been designed in accordance with the requirements of Sections 413-4 and 413-5.

#### **414                    *Signs***

The applicant has not proposed a sign at this time. If the applicant proposes to erect or otherwise locate any signs on the subject site, a sign permit is required from Washington County Current Planning Services.

#### **416                    *Utility Design***

No modifications are proposed to existing utilities. New utilities, as necessary, shall be placed underground pursuant to Section 416-1. The location, design, and installation of new utilities (if any) shall be coordinated with the applicable service provider and carried out with minimum site disturbance. Utility easements shall be provided in accordance with Section 416-1.3.

#### **417                    *Irrigation***

The applicant proposes to utilize existing landscaping to satisfy condition(s) in Section 207. New landscaping in need of irrigation is not proposed.

**418 Setbacks**

Section 308 establishes setback requirements for structures and buildings on properties designated FD-20. Section 418 applies to yard obstructions, corner vision and fences and retaining walls. Fences required under Section 423 shall comply with this section. These standards will be reviewed further at time of Building Permit submittal.

**419 Height**

Section 303 establishes height requirements for buildings within the R-6 District. Section 419 applies to fences and retaining walls and establishes height requirements for properties that abut properties in different districts. Fences required under Section 423 shall comply with this section. These standards will be reviewed further at time of Building Permit submittal.

**421 Floodplain and Drainage Hazard Area Development**

*421-3 Submittal Requirements*

*In addition to the requirements of Sections 203-4 and 410, an application for a floodplain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed. This information shall be prepared by a licensed professional engineer and may be submitted with or be made part of a site plan or grading plan for the proposed development.*

*421-3.1 Recognizing that the scale may be such that the true and accurate floodplain or drainage hazard area boundaries cannot be determined from the maps referenced in Sections 421-1.1 and -1.2 alone, all persons seeking a development permit for lands within said areas and within 250 feet of the map boundary of a floodplain or drainage hazard area identified in Sections 421-1.1 and -1.2, except as noted below for Land Divisions and property line adjustments, shall submit with the development permit application:*

- A. A delineation of the floodplain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations for the floodplain based upon maps or other data sources referenced in Section 421-1.1; and*

The western portion of the property lies partially within the 100-year floodplain. The applicant's preliminary site plan shows the delineated 100-year floodplain, prepared by a registered



surveyor. No development is proposed in or proximate to the floodplain at this time and further review of this section is not required.

**422                    Significant Natural Resources**

*422-3 Criteria for Development*

*422-3.1    The required master plan and site analysis for a site which includes an identified natural resource shall:*

- A.    Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);*
- B.    Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and*

The western portion of the property is identified as Water-Related Fish and Wildlife Habitat on the County Goal 5 Map. The applicant's preliminary site plan shows the limits of wetland area and Title 13 riparian habitat. No development is proposed in these areas.

The northwest portion of the property contains an identified Significant Natural Area. On investigation, the applicant determined that the mapped area does not contain the features which characterize the natural area. The Hearings Officer finds the applicant's analysis satisfactory. No further review of this section is required at this time.

**423                    Environmental Performance Standards**

*423-9 Storage*

*423-9.1    All materials, including wastes, shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.*

*423-9.2    No open storage of materials and equipment shall be permitted unless contained by a site obscuring fence or landscaped screening.*

*423-9.3    Fencing will be allowed between the required landscaping and use where necessary to protect the property concerned or to protect the public from a dangerous condition subject to the following provisions:*

- A. *No fence shall be constructed in the required setback from the public road right-of-way.*
- B. *Fences shall be constructed as required through development review.*
- C. *Fencing or sight obscuring screening for storage areas must be at least 6 feet, but no more than 10 feet high.*

The applicant proposes storage of equipment and materials. None of the materials are expected to attract or aid the propagation of insects or rodents or create a health hazard. As a condition of approval, the applicant is required to install a six-foot high sight-obscuring fence along the perimeter the outdoor storage areas consistent with the requirements of Section 423-9.

#### **426                    Erosion Control**

As a condition of approval in Exhibit 1, the applicant/property owner shall submit sedimentation/erosion control plans prior to any site disturbances and issuance of a building permit. The applicant will be required to submit plans showing compliance with Section 426 and all grading shall be conducted using erosion control which meets the provisions of Chapter 14.12 of the Washington County Code (adopted by Ordinance No. 689).

### **Article V, Public Facilities and Services**

#### **501                    Public Facility and Service Requirements**

##### *501-6 Exceptions for Critical and Essential Services*

- 501-6.1 *Development proposals that cannot ensure critical and essential services applicable to the development, other than those required by Sections 501-8.1 B (9) or 501-8.2 G. (Half-street improvements), within the required time frames shall be denied unless all of the following findings can be made:*
  - A. *The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;*
  - B. *The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;*

- C. *The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and*
- D. *It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).*

In accordance with Section 501-8.1 of the Code, the following facilities and services are considered critical:

- Water
- Sewer
- Fire protection
- Access
- Drainage, storm water, surface water and water quality management
- Urban Road Maintenance District

*Water:* The site is located outside an established water district. The applicant proposes to utilize an existing private well for water needs and submitted appropriate documentation from the Oregon Water Resources Department to confirm well approval. Timeframes for the provision of urban water services to the site are unknown. Water would be provided by the City of Wilsonville after the site annexes into the city. The proposed use does not interfere with the future provision of this service.

*Sewer, drainage, storm water, and surface water management:* The subject site is currently outside of a service district for these services. Timeframes for the provision of sewer and surface water management services are unknown. No improvements requiring sanitary sewer service are proposed at this time. The proposed use does not interfere with the future provision of these services. The applicant is required to provide evidence relating to compliance with appropriate on-site surface water management and drainage.

*Fire:* The applicant has provided an approved service provider letter from Tualatin Valley Fire & Rescue, dated December 20<sup>th</sup>, 2023.

*Access:* Sufficient access is provided via a 40-foot access easement to SW Graham's Ferry Road.

*Urban Road Maintenance District:* The property will not be required to join the Urban Road Maintenance District at this time per Policy 41 of the Washington County Comprehensive Framework Plan for the Urban Area.

In accordance with Section 501-8.2 of the Code, the following facilities and services are considered essential:

- Schools
- Police or Sheriff protection
- Transit agency service
- Trail Provider
- Highway department
- Adequate Level of Arterial and Collector Roads
- Future alignments of Collectors or Arterials
- Street Lighting
- Half street improvements

*Schools:* An adequate level of school service is not considered applicable to this development application for a contractor's establishment.

*Sheriff:* The applicant has provided a service provider letter from the Washington County Sheriff's Department establishing that police protection is available to the site. The site is not required to annex into the Sheriffs Enhanced Patrol District per Policy 41 of the Washington County Comprehensive Framework Plan for the Urban Area.

*Transit:* An adequate level of transit service is not considered applicable to this development application for a contractor's establishment.

*Trails:* The site is outside of any parks and recreation service district. Timeframes for the provision of parks and recreation service are unknown. The proposed use does not interfere with the future provision of these facilities. Further, an adequate level of trail service is not considered applicable to this development application for a contractor's establishment.

*Arterial and Collector Roads:* The property takes access from SW Graham's Ferry Rd, an arterial. No future alignments for arterials or collectors cross the property.

*Street Lighting and Half-Street Improvements:* The property does not have any street frontage. No improvements are required.

- D. *It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).*

As discussed above, there is no practical method to ensure provision of water, sewer, and surface water management services to the site and it is unknown when these services will become available to the area. There is no known timeline for annexation of the site into the city

boundary. As such, the applicant is unable to practically ensure the provisions of the unacceptable services.

*501-6.2 Exceptions to the Public Facility and Service Standards as provided under Section 501-6.1 will be reviewed through a Type III process.*

The request for exceptions to the Public Facility and Service Standards identified above is being reviewed through the Type III process.

*501-8 Standards for Development*

*501-8.5 Access to Public Roads*

*B. Roadway Access:*

*(4) Arterials*

*Direct access to arterial roads shall be from collector or other arterial streets. Exceptions for local streets and private accesses may be allowed through a Type II process when collector access is found to be unavailable and impracticable by the Director. New Arterial Street alignments identified in the TSP may be adjusted within the subject property, as approved by the County Engineer. Access to arterials shall comply with the following standards:*

*(a) Arterials*

*Direct access to an arterial will be permitted provided that Point 'A' of such access is more than 600 feet from any intersection Point 'A' or other access to that Minor Arterial (Point 'C').*

The applicant proposes to utilize an existing access to SW Graham's Ferry Rd, approved by Access Permit 04001581. The Washington County Engineering, Traffic, and Survey Division reviewed the applicant's submitted access report and determined it was acceptable.

*F. Sight Distance*

*The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate*

*the creation of new access points to maximize the safety of access to public roads.*

- (4) *Minimum intersectional sight distance shall be equal to ten times the vehicular speed of the road as determined by the standards of Section 501-8.5 F. (1) and (2) such as in the following table.*

<b>INTERSECTIONAL SIGHT DISTANCE</b>	
<b>MPH</b>	<b>DISTANCE ALONG CROSSROAD (FT)</b>
45	450

SW Graham's Ferry Rd has a speed limit of 45 mph at the access point. The application included a Certification of Sight Distance at the access to SW Grahams Ferry Rd. Sight distance to the south is measured as greater than 1,000 feet. Sight distance to the north is measured to be 520 feet. Adequate sight distance is provided at the access point.

**Ordinance No. 691-A – Transportation Development Tax**

The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

**Summary and Conclusion**

The applicant has requested Development Review approval and exceptions to Public Facility and Service Standards for a Contractor's Establishment on the subject property. The required findings have been made for the applicable Code sections. When implemented in accordance with the conditions of approval and the approved final plans, the project will comply with the Washington County Comprehensive Framework Plan for the Urban Area and the Washington County Community Development Code.

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The Hearings Officer approves the applicant's request, subject to the conditions of approval set forth in Exhibit 1 of this Order.

It is so ordered, this 19th day of August, 2024.

A handwritten signature in black ink, appearing to read "David F. Doughman". The signature is stylized with a large initial "D" and a long horizontal stroke extending to the right.

---

David F. Doughman  
Washington County Land Use Hearings Officer

**Exhibit 1**  
**Conditions of Approval**

- I. **THIS APPROVAL SHALL AUTOMATICALLY EXPIRE FOUR YEARS FROM THE DATE OF THIS APPROVAL, UNLESS DEVELOPMENT HAS COMMENCED, AN APPLICATION FOR AN EXTENSION IS FILED, OR THIS APPROVAL IS REVOKED OR INVALIDATED (SECTION 201-4).**
- II. **PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES:**
  - A. Submit to Building Services (503-846-3470) for review and approval of a Grading Permit:
    1. A site-specific geotechnical engineering report with recommendations for developing the site. The report should be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
    2. Private road/driveway/parking lot structural details on the plans per site-specific geotechnical engineering recommendations.
    3. Civil engineering plans and drainage analysis report stamped by a civil engineer that shows that the proposed work will not impact the surrounding properties negatively per WCC 14.12.310.
  - B. In addition to the above items, comply with all requirements given on the Building Services Grading Permit application forms. Submit to the City of Wilsonville:
    1. Verify legality of access to SW Cahalin Rd. If access is legal, provide documentation of legality and work with the City to complete traffic analysis of the impact to SW Cahalin Rd or receive a written waiver from a study from the City's Community Development Director. If access is not legal, it shall be closed.
    2. Verification that no existing or proposed buildings or improvements interfere with the City's easement, installed infrastructure, or preexisting drainage ditch.
    3. The applicant is not permitted to connect to the existing storm line nor discharge to the drainage ditch without prior approval from the City.
- III. **PRIOR TO FINAL APPROVAL:**
  - A. Submit Final Approval Application to Land Development Services, Project Planner (Cassandra O'Donnell, 503-846-8170), including the following:
    1. Final Approval form (Type I procedure; two copies).

**NOTE:** *The final approval application shall contain a written statement and complete evidence/documentation that all conditions of approval have been met.*
    2. Final Approval fee.
    3. Final plans in conformance with the plans stamped "preliminary approval" in the casefile, which illustrate the following:



- a. Six-foot high sight-obscuring fence along the perimeter the outdoor storage areas consistent with the requirements of Section 423-9.
4. Written certification from an engineer that the vehicle parking area and access has been designed in accordance with the requirements of Sections 413-4 and 413-5.

***NOTE:** In accordance with Section 413-4.4, the area proposed for storage of heavy equipment or vehicle parking area may consist of a gravel surface with a minimum four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.*

**IV. PRIOR TO THE SUBMITTAL OF A BUILDING PERMIT FOR CHANGE IN OCCUPANCY OF EXISTING STRUCTURES:**

- A. Obtain Final Approval.

**V. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR CHANGE IN OCCUPANCY OF EXISTING STRUCTURES:**

- A. Submit to Building Services (503-846-3470) site plans showing:
  1. Submit building plans and building code summary (using the current building code) prepared by a registered architect to Building Services (503-846-3470).
  2. Final site plans and landscaping plans & details required by Condition of Approval III.B.3.
- B. Pay all applicable System Development Charges (SDCs) and Transportation Development Tax (TDT).

**VI. PRIOR TO FINAL BUILDING INSPECTION AND/OR OCCUPANCY:**

- A. Evidence of a six-foot high sight-obscuring fence along the perimeter the outdoor storage areas consistent with the requirements of Section 423-9.
- B. Complete all required building permit requirements to change the use of the existing structures and receive final building occupancy for the change in use from Building Services (503-846-3470).

**VII. OPERATIONAL LIMITATIONS FOR THE CONTRACTOR'S ESTABLISHMENT**

- A. This approval is limited to the storage of vehicles and materials as outlined in this Staff Report. The addition of other uses to this operation, change of ownership, or change of use at this site may require subsequent approval through the land use application process. In particular, no change in gravel/paved storage area and no new structures shall be permitted without approval. (Section 207-5)
- B. The applicant shall limit site access to contractor employees and restrict access by customers and the general public.

**VIII. ADDITIONAL CONDITIONS**

- A. Adequate sight distance shall be continuously maintained by the property owner(s). This may require the property owner(s) to periodically remove obstructing vegetation.
- B. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5).
- C. Transferability of this Development Permit shall be in accordance with Section 201-8.