

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

CJRW, LLC,

Petitioner,

vs.

WASHINGTON COUNTY,

Respondent.

LUBA No. 2023-_____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that CJRW, LLC (“Petitioner”) intends to appeal that final decision of the Hearings Officer of Washington County (“Respondent”) approving that certain decision for Special Use and Development Review approval for a two story, 4,428 square foot commercial development, “Chevron Market,” (Convenience Market/ Gas Pumps/ Drive-Thru) served by 4 fueling islands (8 pumps) and 22 parking spaces, and an Access Management Plan for access to NW West Union Road and denying the applicant's request for a Half-Street Exception;” Washington County Planning Files L2200199-SU/SU/SU/D(C)/AMP/M. The challenged decision is enclosed as **Exhibit 1**. According to **Exhibit 1**, the challenged decision became final on January 30, 2023.

II.

Petitioner has standing to appeal pursuant to ORS 197.830(2) because it is the Applicant for the Decision as shown in **Exhibit 1**.

III.

Petitioner’s address is CJRW, LLC, P.O. Box 2092, Lake Oswego, OR 97035. Petitioner is represented by Garrett H. Stephenson and Joseph O. Gaon.

Petitioner's legal counsel has as its address and telephone number: Schwabe, Williamson & Wyatt, P.C., 1211 SW Fifth Avenue, Suite 1900, Portland, OR 97204, 503-796-2893.

IV.

Respondent Washington County's mailing address is: 155 N. First Avenue, Suite 350, Hillsboro, OR 97124. Respondent is represented by: Rob Bovett. Mr. Bovett's mailing address is: Washington County Counsel's Office, 155 N. First Avenue, Suite 340, MS 24, Hillsboro, OR 97124. Mr. Bovett's telephone number is 503-846-8747.

V.

The list of persons provided notice of the decision by the County is enclosed as **Exhibit 2**.

NOTICE

Anyone designated in Paragraph V of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.

Dated this 17th day of February, 2023.

SCHWABE, WILLIAMSON & WYATT, P.C.



By: _____

Garrett H. Stephenson, OSB #136356

Joseph O. Gaon, OSB #220658

Email: gstephenson@schwabe.com

Email: jgaon@schwabe.com

Of Attorneys for CJRW, LLC

CERTIFICATE OF FILING AND TRUE COPY

I certify that this is a true copy of the Notice of Intent to Appeal Filed with the Land Use Board of Appeals on February 17, 2023, via United States Postal Service certified mail, return receipt requested.

Dated this 17th day of February, 2023.

SCHWABE, WILLIAMSON & WYATT, P.C.

By:



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Portland, Oregon 97204

Of Attorneys for CJRW, LLC



Washington County
Department of Land Use and Transportation
Planning and Development Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

NOTICE OF DECISION OF THE HEARINGS OFFICER

PROCEDURE TYPE: III

CPO: 7 COMMUNITY PLAN:
Sunset West

LAND USE DISTRICT:
Neighborhood Commercial (NC)

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 1N1 19BC
LOT#'S: 500 and 600
SITE SIZE: 1.21 acres
ADDRESS: 18450 NW West Union Road

CASEFILE: L2200199-SU/SU/SU/D(C)/AMP/M

APPLICANT & OWNER:
CJRW LLC / Mr. Bob Barman
P.O. Box 2092
Lake Oswego, OR 97035

APPLICANT'S REPRESENTATIVE:
3J Consulting
Attn: Mercedes Serra
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008

LOCATION: At the southeast corner of the
intersection of NW West Union Road and NW
185th Avenue.

PROPOSED DEVELOPMENT ACTION: Special Use and Development Review approval for a
two story, 4,428 square foot commercial development, "Chevron Market," (Convenience
Market / Gas Pumps / Drive-Thru) served by 4 fueling islands (8 pumps) and 22 parking
spaces, and an Access Management Plan for access to NW West Union Road.

DATE OF DECISION:
January 30, 2023

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.

CASEFILE NUMBER: L2200199-SU/SU/SU/D(C)/AMP/M

SUMMARY OF DECISION:

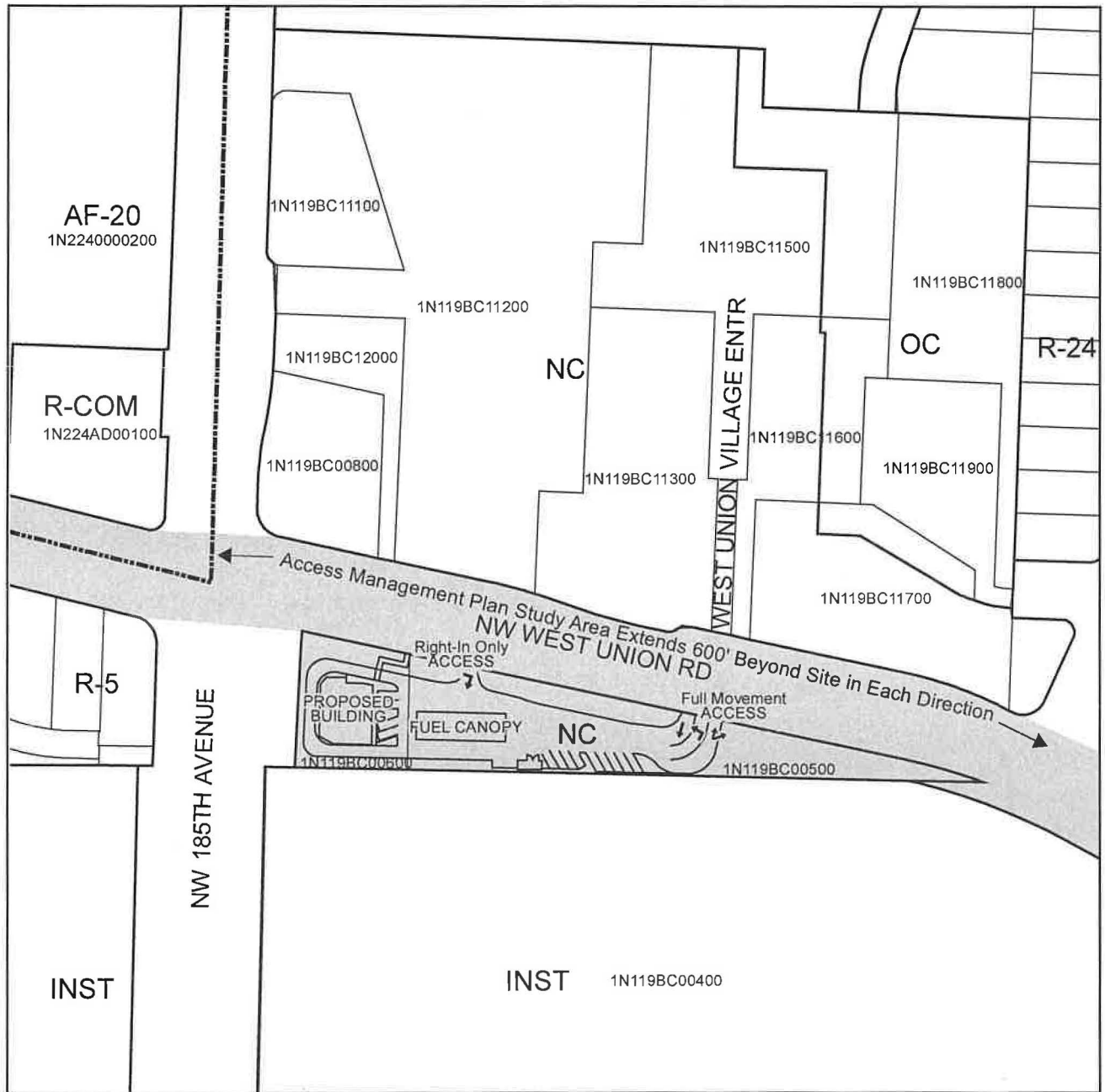
On January 30, 2023, the Washington County Hearings Officer issued a written decision (Attachment 'B') for Special Use and Development Review approval for a two story, 4,428 square foot commercial development, "Chevron Market," (Convenience Market / Gas Pumps / Drive-Thru) served by 4 fueling islands (8 pumps) and 22 parking spaces, and an Access Management Plan for access to NW West Union Road. The development site is located on the east side of NW 185th Avenue and on the south side of NW West Union Road in CPO #7, and is described as Tax Lots 0500 and 0600 Assessor Map 1N1 19BC W.M., 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
 NOT TO SCALE
 ■ AREA OF CONSIDERATION

SITE & SURROUNDING LAND USE DISTRICTS:

- Neighborhood Commercial District (NC)
- Institutional District (INST)
- Office Commercial District (OC)
- R-5 District (Residential 5 units/acre)
- R-9 District (Residential 9 units/acre)
- R-24 District (Residential 24 units/acre)

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

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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2023, I served a true and correct copy of this Notice of Intent to Appeal on all persons below pursuant to OAR 661-010-0115(2) by first class mail, and have provided an email copy of the Notice to persons who did not give their addresses during the proceedings. Their addresses are as follows:

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BARMAN)
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Dated this 17th day of February 2023.

SCHWABE, WILLIAMSON & WYATT, P.C.



By: _____

Garrett H. Stephenson, OSB #136356

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Of Attorneys for CJRW, LLC