

**Doria Mateja-Stellmacher**

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**EXHIBIT: PH66**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of Wa  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 14, 2021 7:42 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Sun, 11/14/2021 - 07:41

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Shelley Signett

**Email**

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

**Address**

18900 NW LAPINE ST  
PORTLAND, Oregon. 97229-2065

**Your Comments**

Casefile/Project #: L2100244

I strongly oppose the development of a Chevron gas station and mini-mart at 185th and West Union.

**—TWO-STORY BUILDING OUT-OF-SCALE FOR NEIGHBORHOOD**

If county setbacks are ignored, the two-story mini-mart building will be right next to West Union Road, creating an imposing and extremely unfriendly experience for pedestrians and drivers on the south side of West Union near 185th. The building will loom large like a skyscraper. This type of structure is out-of-scale for the neighborhood.

**—RIGHT-IN ONLY ACCESS IS A DANGER TO PEDESTRIANS AND CARS**

North-bound cars on 185th making a right-hand turn onto West Union Road and then immediately making another right-hand turn using the right-in only access to the property creates a danger for pedestrians and a potential traffic jam for other cars waiting to proceed east on West Union. The right-in only access is unsafe for pedestrians and cars.

The county should deny the proposal.

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of W;  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 14, 2021 5:30 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Sun, 11/14/2021 - 17:30

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Peter Oliver

**Email**

[peter.j.oliver1@gmail.com](mailto:peter.j.oliver1@gmail.com)

**Address**

17477 NW Reindeer Dr.  
Portland, Oregon. 97229

**Your Comments**

I am strongly opposed to the addition of gas station and mini mart at West Union and 185th. This offers us local residents no benefit/value because we have an ample selection of gas stations and grocery/retail stores within 2 miles, and specifically a grocery store directly across the street from the proposed site. This will hurt our home values and quality of life by placing a gas station with unhealthy fumes/emissions close to our homes. Most importantly to me, this will put more toxic fumes/emissions close to the increasingly precious green spaces and wetlands neighboring the property, not to mention an increased risk of leak events. This is where I run and walk with my family each day and this proposed gas station would make this area smell like gasolines every time we walk by, affecting our quality of life each day. Please do not approve this building.

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of Wa  
<noreply@co.washington.or.us>  
**Sent:** Sunday, November 14, 2021 7:40 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Sun, 11/14/2021 - 19:39

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Cheri and Bob Adams

**Email**

[lute4life@gmail.com](mailto:lute4life@gmail.com)

**Address**

19164 NW Northshore Ct.  
Portland, Oregon. 97229

**Your Comments**

We want you to deny the variance to reduce setback requirements for the significantly-sized Chevron gas station. In short our reasons for opposition are: 1) Environmental concerns for humans, habitat and wildlife in this area 2) Traffic flow would be further hampered at an already busy and hazardous intersection 3) Current zoning does not support this project and the proposed project does not address any glaring community need  
Please shut down this project. Thank you.

**Doria Mateja-Stellmacher**

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**EXHIBIT: PH69**

**Case:**

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

**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of W  
<noreply@co.washington.or.us>

**Sent:** Sunday, November 14, 2021 9:17 PM

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

**Subject:** Casefile Public Comment - Response

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

**Flag Status:** Flagged

Submitted on Sun, 11/14/2021 - 21:16

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Marc Herbert

**Address**

17869 NW Deerfield Dr.  
Portland, Oregon. 97229

**Your Comments**

I can't come anywhere close to the amazing research work published at <https://nabgas.com> but I'd like to add just one thing: there are already many gas stations very close to the planned location: one 3 min West, three 5 min South, another one 7 min South East and many more further out. All this while electric vehicles are on the rise (in this neighborhood more than anywhere else in Oregon) and when the application itself mentions "slim and typically volatile margins associated with fuel sales." So, how many years until this new station will have to close?

**Doria Mateja-Stellmacher**

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EXHIBIT: P70

Case:

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

Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of  
<noreply@co.washington.or.us>  
**Sent:** Monday, November 15, 2021 10:55 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Mon, 11/15/2021 - 10:54

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Sparrow Bender

**Address**

20800 NW Rock Creek Blvd  
Portland, Oregon. 97229

**Your Comments**

Words cannot express how corrupt and irresponsible this plan is. Wetlands are in dangerously short supply as is, and gas leaking into ours would be a disaster. People fish regularly from the nearby creek, dogs swim in it, and wild waterfowl rest in droves during their migrations. The damage to local recreation would be disastrous, to say nothing of what this building will do for appearances. The creek is an enticing, attractive part of the area, entirely thanks to the wildlife that favors it, and allowing toxins to enter it and kill the local ecosystem would destroy this.

I implore you to reconsider the consequences - no amount of money is worth the destruction of the local environment, particularly when the local environment is what defines the area.

**Doria Mateja-Stellmacher**

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EXHIBIT: PH71  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf  
<noreply@co.washington.or.us>  
**Sent:** Tuesday, November 16, 2021 11:57 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Tue, 11/16/2021 - 23:57

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Yadi Zheng

**Email**

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

**Address**

17734 NW Elkcrest Ct  
Portland, Oregon. 97229

**Your Comments**

There are five gas stations nearby and I personally don't want take the risk of oil leaking to the wetland. The developer owns the land, but the residents take the risk. It's not fair. And there are plenty of species that can not talk nor fight, the fish, the eagles, the trees, the beavers and so on. Please stop it.

**Paul Schaefer**

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**EXHIBIT: PH72**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** Doria Mateja-Stellmacher  
**Sent:** Wednesday, November 17, 2021 6:41 AM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>  
**Sent:** Tuesday, November 16, 2021 11:57 PM  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response

Submitted on Tue, 11/16/2021 - 23:57

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Yadi Zheng

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

**Address**  
17734 NW Elkcrest Ct  
Portland, Oregon. 97229

**Your Comments**  
There are five gas stations nearby and I personally don't want take the risk of oil leaking to the wetland. The developer owns the land, but the residents take the risk. It's not fair. And there are plenty of species that can not talk nor fight, the fish, the eagles, the trees, the beavers and so on. Please stop it.

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of Washi  
<noreply@co.washington.or.us>  
**Sent:** Wednesday, November 17, 2021 6:48 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Wed, 11/17/2021 - 06:48

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

George Cabaniss

**Email**

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

**Address**

5045 Northwest 180th Terrace  
Portland, Oregon. 97229

**Your Comments**

Please deny this proposal. There is no reason to allow variances on the setbacks. Why is the applicant only paying for half of street "improvements". Taxpayers should not have pay for the other half. The proposed business would create congestion disrupt traffic flow. Putting gasoline tanks that close to a stream is not environmentally responsible. Run off from gasoline spills will not be properly contained unless there is a hydrocarbon removing filter. There are plenty of gasoline stations near by. Albertson is more than adequate for snacks and groceries. Our neighborhood does not need this business. I will never be a customer. Quit giving this applicant chances to rewrite an unreasonable request that will hurt our community.



**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of <noreply@co.washington.or.us>  
**Sent:** Tuesday, November 16, 2021 10:49 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Tue, 11/16/2021 - 10:49

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Sheri Hiefield

**Email**

[shiefield@mac.com](mailto:shiefield@mac.com)

**Address**

16680 NW Argyle Way  
Portland, Oregon. 97229

**Your Comments**

I am opposed to this development in this location. Yes, perhaps with all of the growth in North Bethany there is a need for a gas station. HOWEVER, there are far more appropriate locations (up near PCC or further North). It would benefit the community if this was PLANNED into the future development areas, rather than FORCED into a location that is a hardship on the community members that are already there and have been there for years. I am sad that this is even a consideration for so many times. People here do not have the monetary resources, expertise, time, and stamina to keep fighting this wealthy man who wants to harm our environment by building next to a flood plain, our nature/field trails, and an already very crowded intersection, only to line his pockets further. This project will degrade the living experience in our community. I am not a lawyer and should not have to be a lawyer or a wealthy person to be able to point out that there is no going back from this decision and how it will impact us and our children. I do not understand how this has been approved by making a change to the very clear setback regulations? Isn't that why we have set regulations? This sends up a red flag for me as a community member as in: (How was someone "convinced" that this should be allowed??) I feel that we, as paying taxpayers, are not being heard by our own representatives. This is a danger/detriment to our young high schoolers who walk and ride their bikes in this exact location. When PCC is holding full in- person learning (not for the last couple of years) this intersection is packed (grid lock) during the evening commute and evening class time at PCC. I have seen people fishing in the nearby water. We all saw the vast fluctuation in the water levels at the Bethany Lake. This summer the Bethany Lake area was dried up and last winter it flooded into nearby fenced yards. What happens to the increased road way oil from the pavement not to mention the spillage from the filling of the storage tanks and whatever other environmental hazards that are present with a gas station. More pavement/cars equals more heat, more run off, noise, and more environmental detriment. I cannot even begin to understand how our Clean Water Services has not put an end to this proposed development. Am I the only one who sees the signs posted all along the trail by Clean Water Services that encourage people to be responsible along this area to protect the water system? Will this location really be "convenient" when cars are backed up (a) because there are not enough gas

attendants to pump fast enough (B) there are stop lights that will be grid locked? Residents in the nearby neighborhoods already have a difficult time getting out onto West Union. I am appealing to the powers that be to do the right thing here.

## **Doria Mateja-Stellmacher**

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**EXHIBIT: PH75**  
**Case:**  
**L2100244-SU/SU/D/V/V/AMP/M**  
**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of Wash  
<noreply@co.washington.or.us>  
**Sent:** Friday, November 12, 2021 10:32 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Fri, 11/12/2021 - 10:31

Submitted by: Anonymous

Submitted values are:

### **Casefile Number**

L2100244

### **Your Name**

Zachary Kiley

### **Email**

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

### **Address**

17705 NW Elk RunDr.  
Portland, Oregon. 97229

### **Your Comments**

Who benefits from this? A select few looking to make a few bucks. There are already multiple gas stations not too out of the way and a grocery that's across the street that has pretty generous hours. On top of this, would the price of gas really that be considerably different and enticing that people would rather go to this spot instead of the Fred Meyers and/or Costco that's not even a 10 minute drive and considerably cheaper than anything this location will offer? It's doubtful, given how more "isolated" gas station locations tend to charge a premium for their products, and this isn't even factoring in the higher than usual gas prices we're experiencing today.

On top of this, you have an amazing greenway that will be compromised by the increase of traffic as well as the transferring of petroleum products from tanker to storage. These trails are not only home to quite a bit of wildlife and plant life, but they are also used extensively by the surrounding communities for walks, bike rides, runs, soccer games, fishing, areas for dogs to run around, and community gardens, to name a few activities. The presence of this gas station has a great potential to ruin the surrounding areas; scaring off wildlife that will cause plant and algae growth to be out of control, poisoning the water that could ruin homes for plants, animals and microbial life that are essential to the upkeep of the area, and take away the beauty of these greenways and taking away an area that is a quick escape from the hustle and bustle of everyday life that only nature can provide.

Also, while on the topic of the environment, it seems quite irresponsible to construct a gas station right after we had the hottest summer in the state's history thanks to global warming and we as a community witnessed Bethany Lake dry up. We should be looking for solutions to combat global warming, not leaning into these ridiculous proposals to satiate a small minority's hunger for wealth at the expense of the surrounding environment's health.

So, to recap: economically, it doesn't make sense and it's not a great benefit to the consumer fiscally, just conveniently,

and only slightly; this project has serious implications on the surrounding environment which is greatly enjoyed by all of the community members and also is used for great day trips for schools; this is a tone deaf proposal in light of our climate change crisis and is a slap to face for all members of the community who witnessed the devastating effects of the heat wave on the local environment.

This is already long winded and I didn't even get into implication on property taxes. But realistically, that lot should be touched up and used as a community lot. There could be amazing events like farmers markets, block parties, and fundraisers, on top of the annual Christmas tree lots. Let the community dub the significance and value of the lot, not a select few who are only in it for the money.

**Doria Mateja-Stellmacher**

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EXHIBIT: PH76

Case:

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

Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of V  
<noreply@co.washington.or.us>  
**Sent:** Thursday, November 18, 2021 10:35 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Thu, 11/18/2021 - 10:35

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Amity Overall-Laib

**Email**

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

**Address**

6462 NW McMullen Ave  
Portland, Oregon. 97229

**Your Comments**

As a resident of Bethany (off of Springville and 185th), I respectfully implore you not to approve this project. West Union and 185th is a busy intersection: 185th serves significant access to Highway 26 for Bethany and West Union is a major thoroughfare for employees at Intel and related businesses. There are already numerous accidents at this intersection. As this proposal sits right on the corner of this intersection it will cause significant changes in traffic flow. In addition to increasing the traffic flow and potential for accidents, I am very worried about the environmental implications. According to the site plans the gas pumps are about 60ft from the Bethany Creek wetland and the Underground Storage Tanks (UST) are about 80ft away. It is not uncommon for USTs to leak. The regulations for USTs are not set by Washington county but instead are regulated by Oregon Department of Environmental Quality (DEQ). Oregon DEQ reported 50 Underground Storage Tank releases between October 1st 2020 and September 30th 2021 in their annual report. For a sense of scale, 50 leaks means 2.8% of the 1,796 regulated Oregon Underground Storage Tank facilities leaked in one year. And many of the leaks in the DEQ database are not detected until the tank is decommissioned. Also, it is worth understanding from the Oregon DEQ annual report that even if the tank itself is working perfectly USTs can leak from their dispensers, piping, or have spills caused from delivery hardware. There are other gas stations within a couple miles of this intersection so this is not a risk worth taking just to slightly improve convenience. Thank you for considering these comments.

**Doria Mateja-Stellmacher**

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EXHIBIT: PH77  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of Wash  
<noreply@co.washington.or.us>  
**Sent:** Thursday, November 18, 2021 11:11 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Thu, 11/18/2021 - 11:10

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Jason Burdge

**Email**

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

**Address**

6780 NW 163rd Ave  
Portland, Oregon. 97229

**Your Comments**

Hello, As a resident of Bethany that regularly traverses the intersection of 185th and West Union, I strongly object to a gas station being built at the South East corner of this intersection. Primarily on the basis of the negative environmental impact of the gas tanks close proximity to the areas only natural lake. Research shows that most gas tanks leak into the surrounding area and it is inevitable that a leak would occur. I would like to have a gas station in the area but not at this location.

Thanks for your time,  
Jason Burdge

**Doria Mateja-Stellmacher**

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**From:** noreply@co.washington.or.us on behalf of Washington County Forms  
<noreply@co.washington.or.us>  
**Sent:** Wednesday, November 17, 2021 8:26 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Wed, 11/17/2021 - 20:26

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Daniel Penrod

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

**Address**  
16905 NW Countryridge Drive  
Portland , Oregon. 97229

**Your Comments**

I would like to express my disapproval of the Bethany Lake gas station proposal. Nestled in the middle of our community's lake, park, and wetland is an inappropriate place to put a gas station. This gas station provides no significant benefit to the neighborhood. It will create a significant new traffic burden on our community. It poses an environmental risk to the wetland. It will increase carbon monoxide and noise pollution in both the park and the neighborhood. It will decrease our property values for all of these reasons. Literally no one in our neighborhood wants to live near a gas station. I hope our voices will be heard and valued. Petroleum companies should not be able to dictate the desires and needs of our community. Everyone knows that while the petroleum companies are heavily subsidized and never held liable or responsible for the toxic waste sites they leave behind. There's going to be a lot of angry people.

**Doria Mateja-Stellmacher**

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EXHIBIT: PH79  
Case:  
L2100244-SU/SU/D/V/V/AMP/M  
Date: 11/11/21

**From:** noreply@co.washington.or.us on behalf of <noreply@co.washington.or.us>  
**Sent:** Wednesday, November 17, 2021 11:06 PM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

Submitted on Wed, 11/17/2021 - 23:06

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Tanya Rosencrance

**Email**

[tanya.rosencrance@gmail.com](mailto:tanya.rosencrance@gmail.com)

**Address**

19200 NW Illahe St  
Portland, Oregon. 97229

**Your Comments**

Dear Mr Schaefer:

Thank you for the opportunity to oppose this project.

I am especially concerned about climate change and changing weather patterns as documented by science . Rainfalls come in quick and powerful deluges and draughts are longer and more severe than before and that will continue.

I've lived in this area 30 years. This past summer was the very first time I have ever seen Bethany Lake DRY. Ducks were walking on the mud- there was no water. Then last week, the Lake was so flooded that the footbridge at the west end was impassable. Rock Creek (flowing into the Lake) was raging and overflowed its banks as it headed south.

We need assurances that no damage will be inflicted upon our community and its natural resources due to the construction and operation of this business. And what about the USTs when gas is obsolete? Will they be removed? Emptied but left forever underground? Will Hillsboro landfill be able to accommodate potential tons of contaminated soil?

These are all risks of the project, yet still permissible under current NC zoning so I would like the people of Washington County to be protected as much as possible.

Absolutely no variances should be given for this project. Zero, zip. It must comply to our Code, as written, with no exceptions The people of the County deserve no less.



**Doria Mateja-Stellmacher**

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**EXHIBIT: PH80**

**Case:**

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

**Date: 11/11/21**

**From:** noreply@co.washington.or.us on behalf of W  
<noreply@co.washington.or.us>  
**Sent:** Thursday, November 18, 2021 5:23 AM  
**To:** Doria Mateja-Stellmacher; LUT Development  
**Subject:** Casefile Public Comment - Response

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

Submitted on Thu, 11/18/2021 - 05:22

Submitted by: Anonymous

Submitted values are:

**Casefile Number**  
L2100244

**Your Name**  
Maria Fernandez-Diaz

**Email**  
[maria.fernandez-diaz@hotmail.com](mailto:maria.fernandez-diaz@hotmail.com)

**Address**  
18715 NW Lapine St  
Portland, Oregon. 97229

**Your Comments**  
Dear Washington County Staff,

I'm not only a concerned neighbor. I'm a chemical engineer who benefits in so many different ways from cutting-edge technology as the one being developed at Intel. I am also an environmental engineer that has worked cleaning up oil spills from Alaska to California. There is no money or time to clean up oil spills. I understand that because of outdated zoning regulations put in place without the knowledge of the dire consequences to the health and climate of fossil fuel dependence, we are in this situation.

Why do residents have to actively demand their right to a clean neighborhood to ensure the health and safety of all visitors and by-passers of the park, not to mention the property values against the economic benefit of one person? I know that Washington County does not have the ability to change code, but I'm asking for the county to look critically at the consequences of putting a gas station so close to a place that provides countless benefits to the community.

What if there is a spill? What if we are hit with an earthquake? These are real concerns. As a consultant to a petroleum refinery, I inventoried chemical spills for Annual State Reports on gas stations. The traffic report ignores local knowledge and instead is based on the recollection of someone related to the Mad Greek Deli. As a customer and someone that walked by there every weekday to pick up my now 14-year-old son at Kindercare, next to Albertson, I can testify that even though the food was great, it was not a convenient place to eat and so I never saw the amount of traffic stated in the report. I hope I can testify today, to point those inconsistencies.

Also, as I mention my son's daycare, I'm reminded of fumes. Is that taken in account? I have attached a recent peer-reviewed publication (2019).

Gas Stations Vent Far More Toxic Fumes Than Previously Thought | Columbia Public Health

Washington County has to be proactive and stay updated to protect the users of the park. Would the owner be interested in placing electric gas charging stations? Volta has four charging stations on 185th and Evergreen. They are always occupied, and advertisers pay for them. People could go shopping at the West Union or go for a jog, and take in the beauty of the lake and get the physical and psychological benefits of being outside. Thank you,

Maria Fernandez-Diaz

5039532613

Oregon Professional Engineer #80896

**Paul Schaefer**

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EXHIBIT: PH81

**From:** Doria Mateja-Stellmacher  
**Sent:** Thursday, November 18, 2021 4:18 PM  
**To:** Paul Schaefer  
**Subject:** FW: Casefile Public Comment - Response

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

**From:** noreply@co.washington.or.us <noreply@co.washington.or.us>  
**Sent:** Thursday, November 18, 2021 4:14 PM  
**To:** Doria Mateja-Stellmacher <Doria\_Mateja@co.washington.or.us>; LUT Development <lutdev@co.washington.or.us>  
**Subject:** Casefile Public Comment - Response

Submitted on Thu, 11/18/2021 - 16:13

Submitted by: Anonymous

Submitted values are:

**Casefile Number**

L2100244

**Your Name**

Dan Silver

**Email**

[Dan.silver@comcast.net](mailto:Dan.silver@comcast.net)

**Address**

18715 nw tolovana  
Portland, Oregon. 97229

**Your Comments**

I am greatly opposed to a gas station going in at this location. The traffic would be horrendous, especially with left turning traffic in and out of the station. Further, the zoning codes should be applied universally and exceptions should not be allowed in this case. Finally, the environmental impact will be substantial. Every gas station has leaks, run off, oil drainage, etc and to put this directly adjacent to a wetland space is an antithesis of Pacific Northwest values. This gas station proposal needs to be rejected.

OREGON TRIAL ATTORNEY  
STATE & FEDERAL COURT

**MIKE SARGETAKIS**  
LAW OFFICE OF  
MIKE SARGETAKIS, LLC  
735 SW FIRST AVE, 2<sup>ND</sup> FL  
PORTLAND, OR 97204

MIKE@SARGETAKIS.COM  
(971) 808-1495

November 18, 2021

Washington Department of Land Use and Transportation  
Planning and Development  
Current Planning Section  
ATTN: Paul Schaefer, Senior Planner, Paul\_Schaefer@co.washington.or.us  
Project No.: L2100244-SU/SU/D/V/V/AMP/M

**VIA ELECTRONIC MAIL ONLY**

Dear Mr. Schaefer:

These comments are provided on behalf of Friends of Bethany Lake and Neighbors Against Bethany Lake Gas Station (collectively, NABGAS), a coalition of neighbors and concerned residents advocating for protection of Bethany Lake and its associated ecosystem, a livable community, and an exuberantly sustainable future.

These are comments on application project L2100244-SU/SU/D/V/V/AMP/M, for the proposed Chevron Gas Station at 18300 & 18450 West Union by Robert Barman, West Union Chevron Extra Mile, and 3J Consulting, Inc.

While staff recognized one critical shortcoming of this Application (the request for an exception to half-street improvement), it avoided a number of others fatal to the proposed project, as explained herein.

**Half-Street Improvement**

NABGAS supports the finding made by Staff regarding the half-street exception. As staff noted in the Staff Report, this application does not meet the criteria for an exception to the half-street improvement requirement.

NABGAS would further note that if the Applicant wishes to avoid paying for its traffic impacts because, in its words, the County is already planning to build the improvements, it should wait until those improvements have been fully installed. In the meantime, a developer who seeks approval of a project which will have impacts outside of their own property lines and pocketbook should not expect to be able to externalize those costs onto the community from which they seek to profit. The hearings officer should deny the half-street exception as noted by staff.

## Bicycle Parking

While staff does not make findings on CDC 429-7 in its report, NABGAS notes that this section requires bicycle parking within 30' of where motor vehicle parking is adjacent to a use, such as a convenience store. Staff has not noted compliance with this section, but the application provided to CPO 7 noted that bicycle parking would be provided within 50', not 30' as required by the Code. NABGAS would urge the Hearings Officer to require compliance with all relevant code sections before granting an approval to this application.

## Variance

This request for a variance is hardly different from the same request made in this applicant's prior application for this Chevron project. As before, when NABGAS coalition members testified about the impropriety of the variance, leading to the ultimate withdrawal of the application during the hearing, this variance request cannot be granted because the "hardship" complained of is the Applicant's financial situation. Profitability (or lack thereof) on its own is insufficient grounds for granting a variance when an alternative design not requiring a variance is available. As a reminder, the Code requires findings consistent with **all** requirements in Washington County Community Development Code 435-4.1-4.6 (hereinafter, "CDC"). *See* CDC 435-4.

The applicant opines that a "typical" convenience store is approximately 4700 square feet, which it presumably derives its profitability figures from. This assertion is baseless, and worse, it isn't even true in the vicinity of this proposed project. As staff notes, the two nearest convenience stores are "significantly smaller" than the proposed store on this site.<sup>1</sup> So, validity of the request aside, the applicant (unsurprisingly) is only trying to maximize its profits by seeking a variance. Its complaints about profitability and misdirection on square-footage are only one reason this variance cannot be granted.

As staff notes, CDC 435-4.3 requires that "the variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available." Staff notes immediately after that "the size of the building is *the minimum necessary to result in a financially viable business*." Staff Report at 45 (emphasis added). This is not the requirement, and staff notes that "the applicant could probably design a smaller footprint..."

In the previous staff report for this project, staff was clear that "based on other design concepts that setbacks could likely be met." *See* Casefile L2000057-SU/D(C)/AMP/V/M at p. 42. A variance is an extraordinary remedy for use in limited situations where a parcel is both unusable under the applicable zoning code creating a hardship for an owner, and where the variance will not negatively impact surrounding properties. Here, there are a large number of allowed uses, even gas stations, which could be built on this property, if the applicant chose a different design. Whether or not an applicant can maximize its return on investment may be a

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<sup>1</sup> The fact that in order to fully argue this point, NABGAS would be required to engage in discussions about *profitability* and *business planning* (things controlled exclusively by the applicant) only underscores the degree to which this variance is inappropriate – CDC 435-4.2 is clear that hardships which a variance may relieve cannot be granted because of financial issues.

criteria for site selection, but it is not a criteria for granting a variance. This variance must be denied.

CDC 435-4.2 is clear: in order to claim a hardship for which a variance can be granted, the applicant must demonstrate that “the hardship does not result from actions of the applicant, . . . or from personal circumstances of the applicant . . . such as . . . financial situation.” The *only* hardship complained of in this application is the applicant’s ‘financial situation,’ (phrased as profitability,) which is explicitly a bar to a variance under the Washington County Community Development Code.

CDC 435-4.3 requires that “[t]he variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available.” Staff then goes on to discuss a number of design changes which *would allow the building to meet the code without a variance*. Staff Report at 45-46. Staff’s ultimate recommendation cannot be squared with its findings, with the facts on the ground, or the clear requirements of the Code.

If the applicant were to apply for a smaller store that was smaller, (i.e., of a similar size to those stores *cited by staff within the staff report, and which actually exist in the area,*) it would fit within the setbacks under the code. This variance is *only* necessary because of the actions of the applicant and predominantly its desire to maximize capitalization rate for investors.

This is not a close case; the variance must be denied. The applicant seeks a variance only to maximize profits. Its argument that the lot is irregularly shaped fails when a smaller footprint building –one that would be of a similar size to comparable businesses in the industry *in the area*– would meet the code requirements. The applicant has failed to meet the burden of CDC 435-4 requiring compliance with all code sections, because it has failed to meet the requirements in CDC 435-4.2 and 435-4.3.

## Conclusion

NABGAS requests that the Hearings Officer do three things: 1) hold the Record open for the maximum time allowed, so that it can review new information put into the Record since it was last reviewed by NABGAS members; 2) return this application to the Applicant with a denial of the requested variance, along with a denial of the half-street improvement exception request; and, 3) require compliance with *all* relevant applicable code sections, including bicycle parking, landscaping, lighting, circulation, setbacks, height, design, drainage, and all other standards noted on Page 1 of the staff report.

  
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Mike Sargetakis  
Law Office of Mike Sargetakis, LLC  
735 SW 1<sup>st</sup> Ave, 2<sup>nd</sup> Floor  
Portland, OR 97204  
[mike@sargetakis.com](mailto:mike@sargetakis.com)  
971-808-1495  
*Attorney for NABGAS*