

RESOLUTION NO. 933

A RESOLUTION adopting findings and approving a conditional use permit for a fuel station as part of a commercial center located at the intersection of the State Route 14 Westbound Offramp, Southwest 6th Avenue, and the State Route 14 Camas Offramp.

The Council of the City of Camas do resolve as follows:

Section I

FINDINGS

1. **Project Description:** Jesse Schacher has applied for a conditional use permit to establish a fuel station as part of a commercial center located at the intersection of the State Route 14 Westbound Offramp, Southwest 6th Avenue, and the State Route 14 Eastbound Camas Offramp. The project includes an 8,244 square foot building containing offices, retail/commercial uses, and a convenience store, a 2,200 square foot building to house a coffee/espresso shop or restaurant, a car wash and a fueling station.

2. **Site Description:** The subject property consists of 2.17 acres located at the intersection of the State Route 14 Westbound Offramp, Southwest 6th Avenue and the State Route 14 Eastbound Camas Offramp. The site is bounded on all sides by public right-of-way.

3. **Zoning:** At the time the application was filed herein, the property was zoned Commercial District 2. Under the Commercial District 2 zone, business offices, general retail/commercial uses, restaurants/cafes, and drive-in business are permitted outright (CMC 18.44.020). The proposed fuel station is subject to a conditional use under the category of Service Station (CMC 18.44.040).

4. **Procedural History:** On June 21, 2001, the owners of the subject property entered into a development agreement with the City of Camas, whereby the City agreed to vacate and sell certain right-of-way located in and adjacent to site in exchange for the construction of certain landscaping and other improvements to the property that benefit neighboring properties and the general public. The development agreement was contingent upon the developer obtaining a conditional use permit for the fuel station.

Pursuant to CMC 18.43.0404, the planning commission held a public hearing to consider the conditional use permit application. The planning commission issued its recommendation that

the conditional use permit be approved with specified conditions. Neighboring property owners duly filed a timely appeal to the recommendation of the planning commission, Public Work Director's determination of Nonsignificance.

5. Approval Standards: The approval standards for conditional use permits are set forth in CMC 18.43.050. CMC 18.55.210(c) also sets forth specific findings the planning commission must make in order to recommend approval of a development project.

5.1. Conditional Use Permit Findings:

5.1.1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated. The subject parcel is an island surrounded by public right-of-way in close proximity to State Route 14, a major arterial. The site does not directly abut any privately owned property. The traffic study submitted by the applicant documents that all intersections after consideration of traffic generated by this project will operate at a level of Service B, which exceeds the City's standards. Stormwater generated by the development will be collected on site in a stormwater detention facility to be designed and maintained in accordance with the Puget Sound Manual. The applicant has submitted a site plan and landscaping plan. The layout of the structures, the lighting plan, and the landscaping plan are all designed to minimize impacts to neighboring properties.

5.1.2. The proposed use meets or exceeds the development standards that are required in the zoning district in which it occupies. Development standards for commercial development within the City of Camas are located in Title 18. The proposed project satisfies City's standards for setbacks, minimum lot size, lot coverage, building height, parking, and landscaping. Additionally, the applicant has agreed to be subject to the City's enhanced design review criteria. The application contains no specific proposal relating to signage, and there should be a condition to approval requiring City review of any proposed signs for consistency with CMC 18.15.

5.1.3. The proposed use is compatible with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design. The parcel is surrounded on all sides by public right-of-way where Northwest 6th Avenue, a major arterial, and State Highway

14 intersect. The applicant's traffic study, and the City's independent review by DKS support a finding that the proposal is compatible with traffic and pedestrian circulation. The building and site have been designed to minimize impacts on neighboring property through the use of landscaping, building orientation, and the design of lighting so as to not affect neighboring properties.

5.1.4. Appropriate measures have been taken to minimize the possible adverse impacts that the proposed use may have on the area in which it is located. The landscaping has been designed to visually shield the property from neighboring properties. Traffic impacts have been mitigated, and the applicant will be required to pay its proportional share of a traffic light at the intersection of Southwest 6th and Northwest 6th Avenues. The applicant is also being required to widen the Northbound approach to Southwest 6th Avenue in order to provide separate left and right turn lanes. Pedestrian safety will be insured by construction of a sidewalk from Northwest 6th to the entrance of the commercial center.

5.1.5. The proposed use is consistent with the goals and policies expressed in the Comprehensive Plan. The Comprehensive Plan designates this site as community commercial. The uses proposed by the applicant for this site are consistent with those defined in the Comprehensive Plan.

5.1.6. Any special conditions and criteria established for the proposed use have been satisfied. There are no special conditions and criteria established for a fueling station.

5.2. Development Standards:

5.2.1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Camas Municipal Code. The Comprehensive Plan classifies this site as community commercial, and the uses proposed by the applicant are consistent with those defined in the Comprehensive Plan. The Comprehensive Plan further encourages the development of commercial centers, which should have direct access to arterial streets, and if possible be located at the intersection of arterials that have maximum accessibility. This site is surrounded on all sides by public right-of-ways, including Highway 14, Northwest 6th Avenue, and Southwest 6th Avenue, all of which are major arterials.

5.2.2. The development makes adequate provisions for open space,

drainage ways, streets and other public ways, transit stops, water supply, sanitary waste, parks and recreation facilities, playgrounds, sites for schools and school grounds. The project provides for substantial landscaping amenities in excess of the City's Code with approximately twenty-seven percent (27%) of the site being used for landscaping. The site plan contains a stormwater detention facility that is fully integrated with the landscaping. Water supply and disposal of sanitary waste will be provided through the City of Camas Municipal Water and Sewer System. The applicant is required to widen the Northbound approach to Southwest 6th Avenue in order to provide separate left and right turn lanes. Pedestrian safety will be insured by the construction of a sidewalk from Northwest 6th to the entrance of the project. There will be an information Kiosk with bicycle and pedestrian pathways.

5.2.3. The development adequately mitigates impacts identified under Titles 15 - 18 of the Camas Municipal Code. All buildings will be constructed in compliance with the City's Building Codes. The public works director issued a Determination of Nonsignificance for this development. The applicant submitted a traffic study prepared by CTS Engineers, Inc., a geotechnical soils stability analysis prepared by PBS Environmental, and a preliminary stormwater plan prepared by Olson Engineering, Inc. All impacts identified have been mitigated. The applicant will be required to comply with the City's erosion control plan and to minimize dust and noise from construction activities. Ground water resources in the area will be adequately protected by compliance with existing State and Federal regulations governing underground storage tanks. An oil/water separator will be used to treat runoff from parking and fueling areas.

5.2.4. The development is beneficial to the public health, safety and welfare and is in the public interest. The information Kiosk, and pedestrian and bicycle paths benefit the public. The offsite improvements including widening the Northbound approach of Southwest 6th Avenue to provide separate left and right turn lanes, the installation of a sidewalk, and the participation in the traffic light at the intersection of Northwest 6th Avenue and Southwest 6th Avenue will all benefit the public. The construction and operation of a fueling station at this location which has accessibility to a large number of motorists is also beneficial to the public interest.

5.2.5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan. The Comprehensive Plan provides level of service standards for roadways surrounding the commercial center. Level of service of standards range from “A” being little or no delay to “F” indicating that drivers will experience long delays. The City requires that intersections along collector or arterial roadways such as Northwest 6th Avenue and the SR 14 ramps operate at level of Service D or better. The traffic analysis submitted by the applicant and reviewed independently by DKS & Associates indicates that after the improvements to be constructed by the applicant, the level of service at this location will be LOS B.

5.2.6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably necessary to mitigate the effects of the development, and are proportional to the impacts created by the development. The applicant has agreed that all areas proposed for dedication are directly related and proportional to the development proposal, and further that they are reasonably necessary needed to mitigate the effects of the development.

6. SEPA Issues:

6.1. Based upon the information contained in the SEPA checklist, the application, the traffic, stormwater and geotechnical reports, the testimony from staff, the testimony from applicants, representatives, and the testimony from the public, the Council finds that the applicant’s proposal complies with all applicable laws and will not significantly adversely affect the environment. The issuance of a Determination of Nonsignificance (DNS) for this development was proper and fully complies with the Washington State Environmental Policy Act (SEPA).

6.2. The inclusion of additional information relating to emissions from the Fort James Paper Mill was not essential to a reasoned threshold determination. WAC 197-11-080(1) requires the lead agency to obtain information and use it in its environment analysis if the lead agency feels that there is some unknown information that is essential to a reasoned choice. Any alleged unknown information relating to emissions at the Fort James Mill was not essential to the

review of the applicant's project. There is no evidence in the record demonstrating that these emissions have a probable significant adverse environmental impact.

6.3. The applicant's development is not required to mitigate for the impacts caused by the Fort James Paper Mill. Project opponents argue that the applicant's development is required to mitigate emission impacts caused by the Fort James Paper Mill. There is no authority to require a party impacted by the actions of another to mitigate that impact. Fort James is responsible for its own emissions, not the applicant.

6.4. The proposed development will not degrade air quality in the area of the development beyond acceptable standards. Project opponents argue that the proposed development would degrade air quality in the area of the development beyond acceptable standards. Air quality issues were identified by the applicant in the SEPA checklist. Those issues were examined by the responsible official who concluded that there were no probable significant environmental impacts that require mitigation. There is no evidence in the record that the proposed development would degrade air quality beyond acceptable standards.

6.5. The applicant's project will comply with State and local noise standards. Project opponents argued that the applicant's project would not comply with State and local noise standards. The applicant identified potential noise emitters related to construction and operation of the project in the SEPA checklist. The evidence in the records supported by staff is that the noise generated by current traffic on State Route 14 and other adjacent roadways exceeds any noise likely to be generated by the project.

Section II

CONCLUSIONS

1. The applicant has satisfied the criteria of CMC 18.43.050 and of CMC 18.55.210(c), and therefore the conditional use permit should be issued.
2. The issuance of a Determination of Nonsignificance (DNS) for this project was proper.

Section III

DECISION

1. The appeal of the issuance of a DNS for this project is denied.
2. The recommendation of the planning commission to grant the conditional use permit

is approved.

3. The conditional use permit shall issue subject to the conditions set forth in the staff report of December 11, 2001, and as agreed to by the applicant in the proceedings before the City Council.

ADOPTED by the Council at a regular meeting this 13TH day of May, 2002.

SIGNED: _____

Mayor

ATTEST: _____

Clerk

APPROVED as to form:

City Attorney