

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

www.oregonmetro.gov

Solid Waste License Application

Yard Debris Reload Facility

Application packet for a new license, license renewals, change of authorization, or changes of ownership for yard debris reload facilities.



METRO

METRO SOLID WASTE FACILITY LICENSE APPLICATION PACKET

Issued:
August 2014

This packet contains an application for a Metro Solid Waste Facility License. You may also want to review the relevant sections of the Metro Code. The Metro Code can be accessed at www.oregonmetro.gov. Solid waste facilities within the Metro boundary generally may operate only under the authorization of a License or Franchise.

Application for a new Solid Waste Facility License

Applicants seeking a new Metro Solid Waste Facility License must first participate in a pre-application conference prior to submitting a final application form. The purpose of the pre-application conference is to obtain a description of the proposed solid waste facility and provide the applicant with information regarding the applicable requirements for the proposed operation. The conference also provides the applicant with an opportunity to discuss the application process and to identify any potential issues specific to its proposal. Applicants should prepare for the pre-application conference by reviewing the application forms and drafting answers prior to the conference with Metro. To schedule the pre-application conference, contact Metro's Solid Waste Compliance and Cleanup Division at (503) 797-1835.

After completing the pre-application conference, applicants seeking a new license must submit to Metro a completed *Solid Waste Facility License Application* form and provide all additional information as required. Metro will generally grant or deny a new license application within 120 days after the filing of a complete application. The fee for filing a license application is \$300. See Metro Code Chapter 5.01 for more information regarding the issuance of licenses.

Renewal of an Existing License

Those wishing to renew an existing authorization without substantive changes to the current authorization must submit a completed *Solid Waste Facility License Application* form and provide all additional information as required unless otherwise directed by Metro staff. License renewal applications must be submitted not less than 120 days prior to expiration of the existing license. Failure to submit applications in a timely fashion may result in a lapse of authority to operate. (See Metro Code Chapter 5.01) The fee for filing a license renewal application is \$300.

Change of Authorization to an Existing License

A change in authorization of an existing license requires an application for a formal license amendment. The applicant cannot implement the change of authorization until it has been approved by Metro. (See Metro Code Chapter 5.01) The fee for filing an application for a change of authorization is \$100.

Change of Ownership or Control of an Existing License

To transfer ownership or control of an existing license, an application for a formal license amendment is required. The applicant cannot transfer ownership or control of an existing license until it has been approved by Metro. (See Metro Code Chapter 5.01)



METRO

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO: **AUG 25 '14 4:33**

Metro Finance and Regulatory Services
Solid Waste Compliance and Cleanup
600 NE Grand Avenue
Portland, OR 97232-2736
(503) 797-1835

Solid Waste Facility License Application

Yard Debris Reload Facility

PART 1 - Standard License Application Information

Applicants applying to operate a solid waste facility must provide the following information:

1. Type of Application (please check one)	
<input type="checkbox"/>	New license Date of Pre-Application Conference: _____
<input checked="" type="checkbox"/>	Renewal of an existing license Solid Waste Facility License No. <u>YD-044-10</u>
<input type="checkbox"/>	Change of authorization to an existing license (other than a renewal) Please describe the proposed change below.
<input type="checkbox"/>	Transfer of ownership or control of an existing license Please describe the proposed change below.

2. If seeking a change of authorization to an existing license, please explain the proposed change below (attach additional pages if necessary). Complete all remaining sections of this form as they pertain to the request.

3. Applicant	
Facility Name:	David Underwood
Company Name:	Woodco
Street Address:	3011 S.W. 170 TH Ave. Aloha, OR. 97003
Mailing Address:	P.O. Box 5434
City/State/Zip:	Aloha, OR. 97006
Contact Person:	David Underwood
Phone Number:	503-649-5430
Fax Number:	503-591-7290
E-mail Address:	duwoodco@yahoo.com

4. Licensee's Owner or Parent Company (provide information for all owners)	
Company Name:	/
Address:	
City/State/Zip:	
Phone Number:	
Fax Number:	
E-mail Address:	

5. Site Operator (if different from Proposed Licensee)	
Company Name:	/
Contact Person:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Fax Number:	
E-mail Address:	

6. Site Description			
Tax Lot(s): 1517 AC 900	Section:	Township:	Range:

No Changes Have Been Made to Land-Use Ownership or Policies

7. Land Use

Present Land Use Zone:	<i>See Attached Non-Conforming Use Info</i>	
Is proposed use permitted outright?	<input type="checkbox"/> Yes If yes, attach a copy of the <i>Land Use Compatibility Statement</i> (see Attachment E).	<input type="checkbox"/> No
Is a conditional use permit necessary for the facility?	<input type="checkbox"/> Yes If yes, attach a copy of the <i>Conditional Use Permit</i>	<input type="checkbox"/> No
Are there any land use issues presently pending with the site?	<input type="checkbox"/> Yes If yes, please explain the land use issues below.	<input checked="" type="checkbox"/> No
Description of the pending land use issues identified above:		
Are any DEQ permits required?	<input type="checkbox"/> Yes If yes, please list all DEQ permits below and attach copies with this application (see Attachment F).	<input checked="" type="checkbox"/> No
Listing of all required DEQ permits:		
Are any other local permits required?	<input type="checkbox"/> Yes If yes, please list all other required permits below and attach copies with this application (see Attachment G).	<input checked="" type="checkbox"/> No
Listing of other required permits:		

8. Land Owner

Is the applicant the sole owner of the property on which the facility is located?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO (If you answer "NO", complete the rest of the information requested in this section and attach a copy of the Property Use Consent Form, signed by the owner(s) of the property.)
Name:		
Mailing Address:		

City/State/Zip:	
Phone Number:	

9. Public/Commercial Operations		
Will the facility be open to the public?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Will the facility be open to non-affiliated commercial solid waste collectors?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Will the facility be open to solid waste collection companies that collect waste from outside the boundary of Metro?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

10. Operating Hours and Traffic Volume			
	Public (non-commercial self-haul)	Commercial Affiliated	Commercial Non-Affiliated
Operating Hours	Mon-Fri 7:30-5:00 SAT 8-4 SUN 9-1:00 / Hours Are Seasonal		
Estimated Vehicles Per Day	10-20		

11. Inbound Waste/Feedstock by Type				
Identify the types of waste/feedstock and annual tonnage amounts of each that are expected to be received at the facility. Also, identify how each waste stream will be managed and the expected tip fees that will be posted at the facility (attach additional pages if necessary).				
Waste/Feedstock Type	Accepted at Facility	Expected Annual Tonnage Amount	Type of Activity to be Performed on Waste	Expected Tip Fee (per Ton)
Source-Separated Wood:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	100 yards		10 per yd.
Source-Separated Yard Debris:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	16000 tons		
Source-Separated Residential Food Waste Mixed with Yard Debris:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Source-Separated Food Waste:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Inerts (e.g., rock, concrete, etc.):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	100 yards		
Other Waste/Feedstocks (please specify):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Other Waste/Feedstocks (please specify):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

All Products Are Re-loaded and delivered to Recycler for grinding & composting

12. Inbound Waste/Feedstock by Generator

Identify the expected annual tonnage amount of waste/feedstock that will be received and recovered at the facility from the following types of generators.

Generator	Tons Received	Tons Recovered	Tons Residual
Agricultural:			
Commercial:			
Industrial:			
Residential:			
TOTAL TONS:			

13. Outbound Waste, Products, and By-Products

List the expected destination and amount of each type of outbound solid waste, products or by-products to be transferred from the facility (attach additional pages if necessary).

Destination Site	Waste/Product/By-Product Type	Expected Annual Tonnage	Purpose of Delivery*
Grabhorn, Inc	Yard Debris	16000 Tons	Ground & Composted for Garden Mulch
Grabhorn, Inc	Lumber	100 yards	Ground + delivered to Smurfit
Grabhorn, Inc	Concrete	100 yards	Ground and Sold as Rock Products

*For example: disposal, recovery, land reclamation, beneficial use, etc

4. Subcontractors

Provide the name, address and function of all subcontractors involved in the facility operations:

NAME	ADDRESS	FUNCTION
Grabhorn, Inc.	14930 SW Vandermost Beaverton, OR 97007	Grinds All Products & Resells As Mulch / Hog Fuel & Rock

PART 2 - Standard Attachments to License Application (License application continued)

- All of the following attachments (Attachments A - I) are required for new applications and must be submitted in order for a license application to be considered complete. Each attachment must be clearly labeled.
- Application submittals such as facility design, building plans, site plans and specifications must be prepared, as appropriate, by persons licensed in engineering, architecture, landscape design, traffic engineering, air quality control, and design of structures.
- Applicants seeking to renew an existing license without substantive changes to the current authorization must submit a completed *Solid Waste Facility License Application* form and provide all additional information as required unless otherwise directed by Metro staff.

ATTACHMENT A: SITE PLAN

The applicant must submit a facility site plan that includes scaled maps and drawings showing the location of the facility at an appropriate scale, and no smaller than one inch equals 30 feet. The location of the following items must be provided on the site plan:

- (1) Boundaries of the facility.
- (2) Property boundaries, if different.
- (3) All buildings on the property (existing and proposed) and other pertinent information with respect to the operation of the facility, to include:
 - a) scale location
 - b) scale house
 - c) all proposed buildings and structures to include: intake, processing, and product/by-product storage.
 - d) fencing and gates
 - e) access roads
 - f) paved areas.
 - g) vegetative buffer zones and berms

- (4) All receiving, processing, reload and storage areas, as applicable, for solid waste, source-separated recyclable materials, yard debris, recovered materials, product/by-products, waste residuals, exterior stockpiles, hazardous waste, and other materials.
- (5) All exterior material stockpile footprints, material types stored outside, and maximum height of each stockpile.
- (6) Load checking areas.
- (7) Prohibited waste storage areas. Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination.
- (8) Identification of on-site traffic flow patterns.
- (9) The location of all commercial and residential structures within a one mile radius of the facility, identified on a map or aerial photograph.
- (10) The prevailing wind direction, by season, identified on a map or aerial photograph.
- (11) Facility signage. Facility signs must display all of the information required by Metro and be posted at all public entrances to the facility, and in conformity with local government signage regulations.

ATTACHMENT B: FACILITY DESIGN PLAN AND REPORT

The applicant shall submit a facility design plan and/or report to address the following:

- (1) **Submit a narrative that includes a description of the following:**
 - a) Facility overview.
 - b) Facility design and technology.
 - c) Buildings and major equipment (existing and proposed).
 - d) Construction timeline (if applicable).
 - e) Types of wastes to be processed.
 - f) Feedstock receiving procedures.
 - g) Feedstock processing procedures.
 - h) Residuals management procedures.
- (2) **Dust, odor, airborne debris and litter.**
 - a) Submit a proposed design or existing design plan that identifies the location of all areas for load checking, receiving/tipping, mixing, processing, and storage for all materials.
 - b) Describe control measures to prevent odors, fugitive dust, airborne debris and litter. Describe how the facility design will provide for dust prevention at the receiving area, processing area, storage area, reload area, and all waste processing equipment.
 - c) Describe any additional facility design measures and procedures for the control of odor, dust, windblown materials, airborne debris, litter and for the handling of the waste and waste by-products in the case of major processing facility breakdown.
- (3) **Facility capacity.**
 - a) Provide engineering plans, reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all food wastes and materials that will be delivered to and generated by the facility.
 - b) Provide the estimated capacity (cubic yards and tons) of the facility storage area(s) for incoming solid waste waiting to be processed, the estimated capacity (cubic yards and tons) for storage of recovered materials or products, and the estimated capacity (cubic yards and tons) for storage of processing residual and other by-products.

(2) Attach proof of financial assurance for the costs of closure of the facility. Cost of closure means the costs associated with restoring the site to its condition prior to engaging in the licensable activity.

These costs may include but are not limited to:

- a) The cost to load and transport accumulated solid waste stockpiles to an authorized disposal site or recycling facility;
- b) The cost to "tip" the waste at an authorized landfill or recycling facility; and
- c) Other related costs such as additional disposal costs associated with restoring the site.

Examples of acceptable forms of financial assurance include, but are not limited to the following: surety bond, irrevocable letter of credit, closure insurance, escrow account.

If the DEQ does not require financial assurance, then the COO may waive the requirement for financial assurance if the applicant provides written documentation demonstrating that the cost to implement the closure plan will be less than \$10,000.

ATTACHMENT I: PROPERTY USE CONSENT FORM

If required by Section 9 of Part 1 of this application. Form is available at www.oreognmetro.gov.

PUBLIC NOTICE AND CONFIDENTIAL INFORMATION

This application for the proposed solid waste facility is subject to Metro's public notice procedures. Metro will notify the public of all complete license applications that are received by Metro and provide an opportunity for the public to review and comment on the proposed application. Such public notice may include, but not limited to, the posting of the complete license or franchise application on Metro's website.

The applicant may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the applicant that are directly related to the proposed application and that are submitted to or reviewed by Metro. The applicant shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192.

Within five (5) days of Metro's receipt of a request for disclosure of information identified by the applicant as confidential, Metro shall provide the applicant written notice of the request. The applicant shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The applicant shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. These conditions shall not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information.

APPLICANT CERTIFICATION: This form cannot be processed without a signature

I certify under penalty of law that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

SIGNATURE OF AUTHORIZED AGENT David Underwood

TITLE owner

PRINT NAME David Underwood

DATE August 21, 2014 PHONE 503-649-5430

M:\rem\regaff\projects\FORMS\Application Forms\Solid Waste Facility\Solid Waste License Forms\YD Reload Application_0802014.docx



WASHINGTON COUNTY
OREGON

July 5, 2002

Bill Metzler, Sr. Planner
Metro Regulatory Affairs Div.
Metro
600 NE. Grand Ave.
Portland, OR 97232

Re.: WoodCo. Land Use Compatibility Statement

As we discussed earlier this week, I have been advised by counsel that, in this particular case, a determination of a lawful non-conforming use that you are seeking would be a land use decision by the County. Such a land use decision involves the exercise of discretion, requires an application, public notice and an opportunity for a public hearing. A review of our records shows that we have not previously made such a determination, and that the owner currently does not have an application pending for such a determination. Therefore, we are unable to determine if WoodCo is a lawfully non-conforming land use. However, at the present time, we are not aware of any complaints or reported land use violations against the property.

Sincerely,

Mark Brown
Interim Assist. Director

Wpdata\WoodCoLUCS.ltr



Washington County
 Department of Land Use and
 Transportation
 Land Development Services
 155 N First Ave., Suite 350-13
 Hillsboro, OR 97124
 WWW.CO.WASHINGTON.OR.US

NOTICE OF DECISION & STAFF REPORT

PROCEDURE TYPE II

CPO: 6
COMMUNITY PLAN:
Aloha-Reedville-Cooper Mountain

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 1S1 07AC / 1S1 07DB
LOT#: 601, 900 / 100
SITE SIZE: 3.02 acres
ADDRESS: 3011 SW 170th Avenue

LAND USE DISTRICT:
R-15 (Residential 12 – 15 Units Per Acre)

PROPOSED DEVELOPMENT ACTION: Determination and One Time 10% Expansion of
a Non-Conforming Use to Allow the Existing Business (Woodco Fuel) to Accept Yard
Debris for Transfer to a Processing Facilities Elsewhere.

January 14, 2005

DECISION:

Approval _____ Approval with Conditions Denial _____

Signature  Date 1/14/2005
 Mark Brown, Land Development Manager

- Attachments
- A. -- Vicinity Map
 - B. -- **CONDITIONS OF APPROVAL**
 - C. -- Staff Report
 - D. -- Transportation Report
 - E. -- Appeal Information

CASEFILE: 04-459-NC

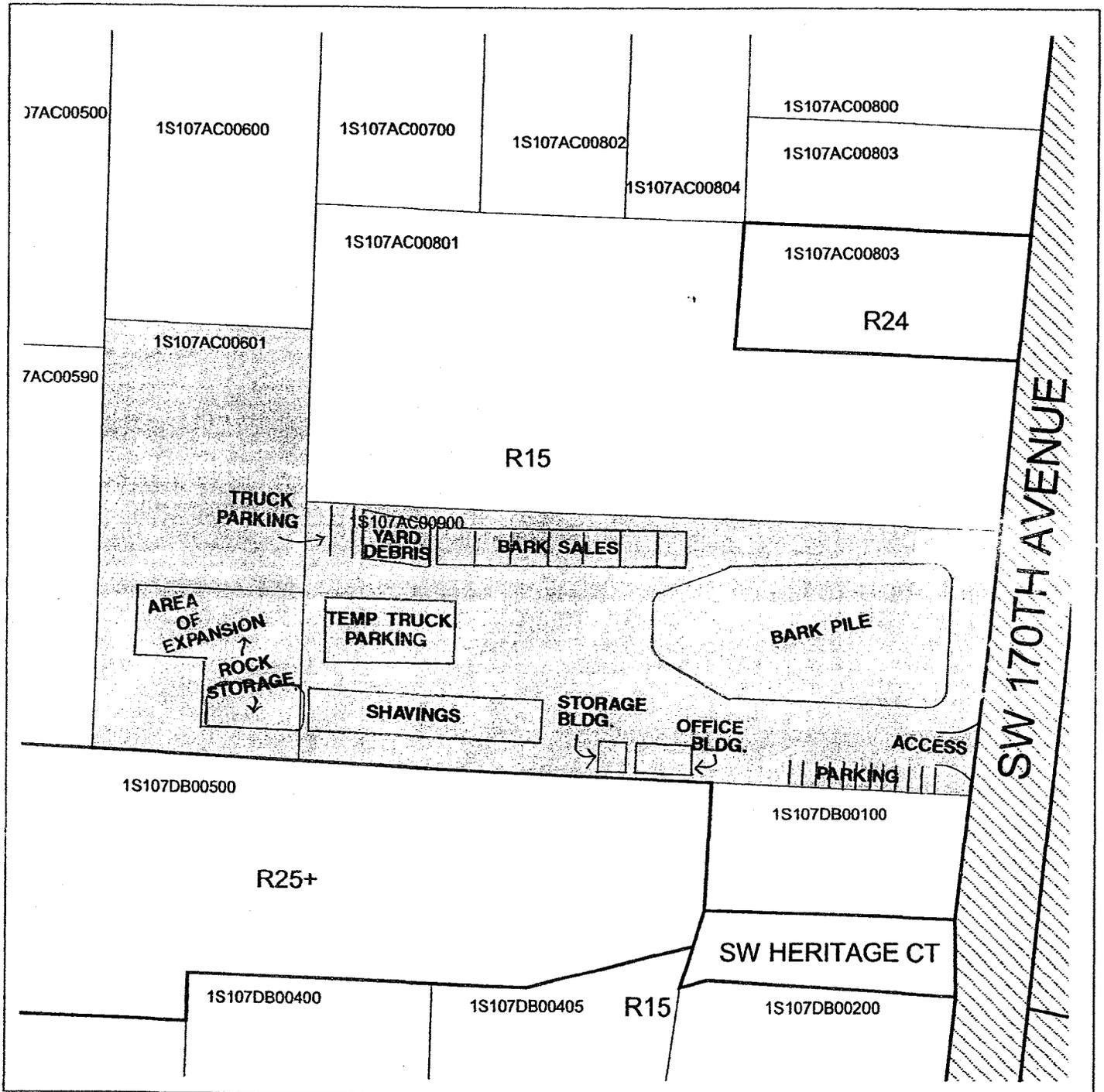
APPLICANT:
Woodco Fuel
3011 SW 170th Avenue
Aloha, OR 97007

APPLICANT'S REPRESENTATIVE:
LDC Design
20085 NW Tanasbourne Drive
Hillsboro, OR 97124

CONTACT PERSON: Matt Newman

OWNER:
David Underwood
8447 SW 175th Avenue
Aloha, OR 97007

LOCATION: On the west side of SW 170th
Avenue approximately 500 feet south of its
intersection with SW Johnson Street.



 AREA OF CONSIDERATION

SCALE: 1" TO 100'

SITE & SURROUNDING LAND USE DISTRICTS:

- R15 (Residential 12-15 units/acre)
- R24 (Residential 19-24 units/acre)
- R25+ (Residential 20-100 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 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 DIV. & LOT LINE ADJUSTMENTS
 - ARTICLE VII, PUBLIC TRANSPORTATION FACILITIES
- E. R & O 86-95 TRAFFIC SAFETY IMPROVEMENTS
- F. ORD. NO. 524 UNIFORM ROAD IMPROVEMENT STANDARDS
- G. ORD. NO. 379 TRAFFIC IMPACT FEE
- H. R & O 03-011 DESIGN AND CONSTRUCTION STANDARDS

CONDITIONS OF APPROVAL

I. WITHIN 90 DAYS OF THIS APPROVAL PROVIDE EVIDENCE TO THE LAND DEVELOPMENT DIVISION PROJECT PLANNER (Tom Harry, 503-846-3841) THAT THE FOLLOWING HAVE BEEN COMPLETED:

A. Evidence that the following documents have been completed and recorded with the Records Division of the Washington County Department of Assessment and Taxation:

1. Dedication of additional right-of-way to provide 49 feet from centerline of SW 170th Avenue frontage. (Section 207-5)
2. A non-access restriction along SW 170th Avenue frontage, except at the approved access location(s). (Section 207-5)

NOTE: The document needed for completion of these conditions shall be prepared by the County Survey Division (contact Jamil Kamawal, 846-7902) and recorded in the Records Division of the Department of Assessment and Taxation (846-8752). Submittal of this document must include the appropriate recording fee.

B. Evidence of a final approved access permit for the existing driveway to SW 170th Avenue. (Section 207-5)

C. Evidence that the applicant has constructed a 6-foot tall sight-obscuring fence along the northern property line of tax lot 900 and along tax lot 900's west property line to the area of expansion on tax lot 601, than around the 8,800 square foot expansion area on tax lot 601. (Section 207-5)

D. Evidence that the applicant has removed all business related materials from tax lot 1S1 07DB 100 and construct a six-foot tall sight obscuring fence along the common property line between tax lot 1S1 07DB 100 and tax lot 1S1 07AC 900.

E. Obtain a building permit for the two existing structures on the subject property.

II. ADDITIONAL CONDITIONS:

A. Access to the site shall be located from the existing access point to SW 170th Avenue. (Section 207-5)

B. Adequate sight distance shall be continuously maintained by the property owner. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site). (Section 207-5)

- C. Yard debris collected at this site shall not be stored on site for a period of more than three days. All yard debris shall be materials are removed from the site and transported to a METRO-approved mulching or waste transfer facility. (Section 207-5)**
- D. The applicant shall maintain compliance with all DEQ, Washington County Health Department, and METRO guidelines and requirements for the storage of materials on site. (Section 207-5)**
- E. This development shall be completed in accordance with the conditions of this decision, the approved final plans, and the standards of the Community Development Code (Section 207-5).**
- F. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5).**
- G. Transferability of this Development Permit shall be in accordance with Section 201-8.**
- H. This approval shall automatically expire two 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 (CDC Section 201-4).**

STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Framework Plan
- B. Aloha-Reedville-Cooper Mountain Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 Type II Procedure
 - Section 203-3 Neighborhood Meetings
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 305 R-15 District (Residential 12 - 15 Units Per Acre)
 - 3. Article IV, Development Standards:
 - Section 404 Master Planning
 - Section 410 Grading and Drainage
 - Section 411 Screening and Buffering
 - Section 413 Parking and Loading
 - Section 423 Environmental Performance Standards
 - Section 426 Erosion Control
 - Section 440 Non-Conforming Use
 - 4. Article V, Public Facilities and Services
- D. Ordinance No. 379 - Washington County Traffic Impact Fee Ordinance:
- E. Resolution and Order No. 91-47 as amended by R&O 91-75, Erosion Control, Water Quality and Water Quantity and R&Os 96-44 and 00-7:

II. AFFECTED JURISDICTIONS

- Sewer: Clean Water Services
- Streets: Washington County Dept. of Land Use and Transportation
- Drainage: Washington County Dept. of Land Use and Transportation
- Water Quality and Quantity: Clean Water Services
- Erosion Control: Clean Water Services
- Water: Tualatin Valley Water District
- Fire Protection: Tualatin Valley Fire and Rescue
- Police Protection: Washington County Sheriff
- Schools: Beaverton School District
- Parks: Tualatin Hills Parks and Recreation District

III. FINDINGS

A. **Background Information:**

- 1. The applicant requests approval of a request for determination and one-time 10% expansion of a Non-Conforming Use to allow the existing business (Woodco Fuel) on the site to accept yard debris for transfer to a processing facilities off-site. The site consists of two parcels tax lot 601 (1 acre) and tax lot 900 (2.02 acres). The subject parcels are located in the R-15 District (Residential 12 – 15 Units Per Acre). Pursuant to Section 305 businesses that

include the open storage of materials, the sale of landscaping material, or the collection of recyclable materials are not permitted in the R-15 District. Zoning on the property was established on September 9, 1959 as R-7, which was a residential district. According to County records the subject parcel has had a residential zoning and/or land use designation since zoning was initially established in 1959. According to the applicant the existing business, which included storage and distribution of wood-by-products, landscape supplies, and rock products was established on tax lot 900 in 1949. Since the existing business on tax lot 900 was established on the site prior to zoning and the current land use designation, that portion of the business located on tax lot 900 is considered non-conforming. According to the applicant, tax lot 601 was purchased in 1964 therefore any use of tax lot 601 is not non-conforming because it occurred when the parcel was zoned residential. Staff notes that the applicant has illegally expanded onto tax lot 601 since 1964. Any expansion of the use or alterations to the use (including the expansion onto tax lot 601) is subject to the requirements of Section 440 (Non-Conforming Uses), which are addressed later in this report.

2. The applicant provided that following supporting findings as background and history of the use of the site:

"Tax Lot 1S1 7AC 900, is 2.02-acres in area and has been in use for storage and distribution of wood-by-products, landscape supplies and rock products since 1949. Currently there is an 800 sq. ft. business office and 400 sq. ft. storage building on the site, in addition to equipment, parking and material storage. The remaining 1.0-acre parcel, Tax Lot 1S1 7AC 601 located to the west, was purchased in 1964 and has been in use by Woodco for materials storage since the 1960's.

Residential zoning was first established on the site in 1959. Since the barkdust (and related landscape/rock product supplies) storage and distribution use existed prior to land use regulations on Tax Lot 900, the applicant requests a determination of nonconforming use. However, since the materials storage use on Tax Lot 601 was established after 1959, a 10% expansion of use totaling 8,800 sq. ft. is requested. The balance of the tax lot will not be in use as part of the Woodco business (See Exhibit 1 of the applicant's submittal). Existing truck parking which is currently provided on Tax Lot 601 outside the 8,800 sq. ft. area will be relocated to Tax Lot 900 or to approved off-site locations.

The Woodco operation involves storage and distribution of bark dust, sawdust, shavings, landscape supplies and rock products to the general public and commercial customers. Some of these products are transferred directly from lumber mills to pulp and paper plants or farms without ever being delivered to the site. These wood-by-products are hauled by the six trucks owned, operated and stored at Woodco. The other portion of the Woodco business involves customers purchasing products on site for either delivery or to haul themselves. As noted in the "historical background" letter prepared by the applicant (Exhibit 2 of the applicant's submittal), the business operation is essentially the same as it was in the early 1980's. The applicant estimates that vehicle trips to and from the site has only increased by about 10% over the last 20 years, to an average of 30-40 daily trips. Since this business is seasonal, the busiest months of the year are April-September. Fridays and Saturdays are the busiest days of the week for both the general public and commercial business.

This determination and expansion of a nonconforming use is requested in part to obtain authorization from METRO to begin taking yard debris for temporary storage, not grinding and composting. Woodco has accepted yard debris for many years, (primarily from commercial

customers), but stopped in May 2003 because METRO requires approval from Washington County. County staff stated that a determination of nonconforming use application must first be submitted. The applicant would like to again take the yard debris as a convenience to commercial customers. These businesses deliver yard debris to Woodco, then load barkdust or other products for the return trip. Once enough yard debris is accumulated to fill a trailer, it is hauled to a METRO-approved mulching facility. Since the yard debris is stored at Woodco only for 2-3 days, adjacent neighbors are not impacted by odors. The applicant estimates that this additional service will increase traffic by less than 10%.

The Woodco site is bordered on the north and south by apartments built in the 1960's and early 70's in the R-15 District. Both apartment complexes take direct access from SW 170th Avenue, a County Arterial Road. Properties to the west, also in the R-15 District are underdeveloped and access SW 174th Avenue. SW 170th Avenue and Tualatin Hills Park and Recreation District property are located to the east (See Exhibit 3 of the applicant's submittal).

The Woodco commercial access from SW 170th Avenue is located at the site's southeast corner. The Traffic Impact Statement (Exhibit 8 of the applicant's submittal), requires that the site comply with access spacing standards if trip generation is increased by more than 25%. As noted above, the applicant estimates that vehicle trips have increased by approximately 10% over the last 20 years to 30-40 average daily trips. Authorization to again accept yard debris may increase daily/weekly vehicle trips further, but well less than another 10% (2-3 additional trips). Therefore, this application is not subject to the access spacing standards of Section 501. The TIS indicates that the applicant is required to dedicate additional right-of-way along the site's SW 170th Avenue to 49-ft. from centerline. A non-access reserve strip will also be provided, except at the approved interim access location near the southeast corner of the site. The applicant believes that construction of a sidewalk along the site's frontage should not be required (as noted in the TIS) because this application for a nonconforming use does not generate more than 14 additional vehicle trips, as noted above (an increase of fewer than 10 trips/day over the last 20 years). In addition, the request is deemed not to be a "development" and, therefore, is not subject to Clean Water Services buffer or Service Provider Letter requirements.

Washington County reviewed an application for Replacement of a Non-Conforming Use on the subject site in 1987. Casefile 86-415-NC (Exhibit 5) was a request for replacement of a 7,500 sq. ft. shop building destroyed by fire in 1985. The Hearings Officer denied the request since less than 60% of the building's value remained (only the foundation was left). Findings regarding Woodco's history are included in the Casefile which provide evidence that the business existed on the site prior to 1959. Additional documentation is provided as Exhibit 4 (of the applicant's submittal).

3. As discussed above, access to the subject parcel is via an existing driveway from SW 170th Avenue. Access to the subject parcel will not be altered as a part of this approval.
4. As discussed above by the applicant, the subject parcel supports two structures that are used in conjunction with the business: An 800 square foot business office and 400 square foot storage building. After a review of County records, Staff is unable to find any evidence of building permits for these structures. Since these structures are not agricultural buildings and are regularly used by employees of the business and on occasion the public, the applicant is required to obtain building permits for these buildings (see Attachment B).
5. Staff notes that a third parcel, tax lot 1S1 07DB 100 (.33 acres), is under the same ownership as tax lot 601 and 900. This parcel supports a single-family

dwelling and was not identified in the applicant's submittal. According to the applicant the dwelling is a rental property and used as a dwelling. Staff noted that the back yard is used by the applicant to store equipment and vehicles. Staff notes that according to County records the applicant purchased the property in 1997, therefore it is not part of the non-conforming use of tax lot 900 and any expansion onto that parcel is illegal. Therefore, a condition has been included in Attachment B requiring the applicant to remove all business related materials from the site and construct a six-foot tall sight obscuring fence along the common property line between tax lot 1S1 07DB 100 and tax lot 1S1 07AC 900.

6. Two letters of comment were received in response to the public notice mailed regarding this request. One of the letters of comment had no concerns with the applicant's request. The second letter of comment was concerned that yard debris stored on the site could cause odor and therefore felt this request should not be approved. As discussed in Section 423 of this report, Staff also has a concern regarding odor generated from the site as a result of the yard debris materials. The applicant has indicated that these materials will be on the site from 2-3 days and therefore will not generate odors. Staff believes that if these materials are removed from the site as proposed by the applicant, odors are unlikely. Therefore, a condition of approval has been included in Attachment B of this report, limiting the storage of these materials on site to a maximum of three days. Staff also notes that as a part of the applicant's permit from Metro they are required to limit odors. If odor becomes a problem, complaints can be directed to Metro where noncompliance with the odor requirements of the Metro permit could result in a loss of their yard debris collection permit.
7. Letters of comment were received from the Washington County Building Division, Tualatin Hills Parks and Recreation District, and Tualatin Valley Fire and Rescue (see Casefile). The recommended conditions of approval proposed in these letters of comment are included in Attachment B of this report.

B. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals, which affect this request which are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

C. Aloha-Reedville-Cooper Mountain Community Plan:

The site is located in the Tualatin Valley Highway Corridor Subarea.

The site is located in Area of Special Concern #3. This Area of Special Concern recognizes that this is an area of redevelopment from low-density residential (single family homes on 20,000 to 60,000 square foot lots) to medium and high-density residential development (15 units per acre). It calls for the consolidation of lots to

create larger more integrated development in the area. It also calls for the consolidation of access points onto collectors and arterials such as SW 170th Avenue. Since this is a non-conforming use and the applicant has not proposed increasing the trip generation on the site more than 10 trips per day, the applicant is not required to comply with these requirements.

The site is not designated as Significant Natural Resource.

The Community Plan is implemented by the Community Development Code. When built in conformance with the conditions of approval, the project will be in compliance with the community plan.

D. Washington County Community Development Code:

1. Article II, Procedures:

Section 202-2 Type II Procedures

202-2.2 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

STAFF: The request for one single-family home on the subject parcel is being processed as a Type II application pursuant to Section 202-2.1. Public notices advertising this request were mailed to all property owners within 500 feet of the site in accordance with Section 204-3.

Section 203-3 Neighborhood Meetings

STAFF: As required by this Section, the applicant conducted a neighborhood meeting on February 17, 2004. The application included the necessary documentation verifying compliance with the neighborhood meeting requirement, pursuant to Section 203-4.2 (I) of the Code.

Section 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.

STAFF: The applicant will be required to comply with all of the applicable Code regulations and Departmental conditions.

2. **Article III, Land Use Districts:**

Section 305 R-15 District (Residential 12 - 15 Units Per Acre)

STAFF: The applicant requests approval of a request for determination and one-time 10% expansion of a Non-Conforming Use to allow the existing business (Woodco Fuel) on the site to accept yard debris for transfer to processing facilities off-site. The site consists of two parcels tax lot 601 (1 acre) and tax lot 900 (2.02 acres). The subject parcels are located in the R-15 District (Residential 12 – 15 Units Per Acre). Pursuant to Section 305 businesses that include the open storage of materials, the sale of landscaping material, or the collection of recyclable materials are not permitted in the R-15 District. Zoning on the property was established in September 9, 1959 as R-7, which was a residential district. According to County records the subject parcel has had a residential zoning and/or land use designation since zoning was initially established. According to the applicant the existing business, which included storage and distribution of wood-by-products, landscape supplies, and rock products was established on tax lot 900 in 1949. Since the existing business on tax lot 900 was established on the site in 1949 prior to zoning and the current land use designation, that portion of the business located on tax lot 900 is considered non-conforming. According to the applicant, tax lot 601 was purchased in 1964. Therefore any use of tax lot 601 is not non-conforming because it occurred when the parcel was zoned residential. Staff notes that the applicant has expanded onto tax lot 601 since 1964 illegally. Any expansion of the use or alterations to the use (including the expansion onto tax lot 601) is subject to the requirements of Section 440 (Non-Conforming Uses), which addressed later in this report.

3. **Article IV, Development Standards:**

Section 404 Master Planning

STAFF: The applicant has submitted the information required by this section, including a site plan and conceptual redevelopment plan. This information is in the Casefile.

Section 410 Grading and Drainage

STAFF: According to the applicant no grading is proposed with this application. Staff notes that the subject parcels are relatively flat and the "expansion area" has been used for many years and the applicant has not proposed any modifications to the site other than the construction of a fence to delineate that portion of tax lot 601 that can not be used for the business. Since no grade changes are proposed a grading permit is not required at this time. Staff notes however, that should the applicant propose any grading in the future a grading permit is required.

Pursuant to Resolution and Order No's 91-47, 91-75, and 00-7, Clean Water Services has the responsibility for review and approval of storm drainage plans and erosion control plans. The applicant is required to contact Clean Water Services if any grading is proposed.

Section 411 Screening and Buffering

STAFF: The subject property has a land use designation of R-15. The existing use of the property is commercial. According to the applicant, the subject property has an existing screening fence along the south property line, which abuts the existing residential uses to the south. The applicant has proposed constructing a 6-foot tall sight-obscuring fence along the northern property line to act as a buffer to the apartments to the north. Staff also notes that the applicant is required to construct a sight obscuring fence along tax lot 900's property line and around the expansion area on tax lot 601. Staff believes that upon completion of this fencing the site will be in compliance with the requirements of Section 411.

Section 413 Parking and Loading

STAFF: The applicant provided a parking plan of the site that identifies 10 parking spaces on the site plus a truck parking area. Section 413-9.5 requires 1.6 spaces for each 1,000 square foot of gross floor area for Industrial establishments. Site currently supports only two small buildings totaling 1,200 square feet, which therefore requires three parking spaces. According to the applicant, ten parking spaces are provided for customers and the six employees (3 or 4 of which are generally out all day driving trucks associated with the business). Additional parking is available for trucks and equipment. Staff believes the applicant's plans provide for more than enough off-street parking to meet the requirements of this Section.

Section 423 Environmental Performance Standards

STAFF: The County requires compliance with all applicable DEQ environmental standards including noise, odor, drainage and wastewater, and County storage requirements. As discussed previously, concern has been expressed in a letter of comment regarding odor from the site in conjunction with any storage of yard debris on the site. To assure odor will be held to a minimum the applicant is limited to the storage of yard debris on site for no more than 3 days, which is consistent with the applicant's business practice. Staff notes that the applicant is required to comply will all DEQ requirements regarding odor and the storage of yard debris.

Staff notes that the entire site is used for the open storage of material and equipment. Section 423-9 requires all open storage be located behind a sight-obscuring fence. According to the applicant, the subject property has an existing screening fence along the south property line, which abuts the existing residential uses to the south. The applicant has proposed constructing a 6-foot tall sight-obscuring fence along the northern property line to act as a buffer to the apartments to the north. Staff also notes that the applicant is required to

construct a sight obscuring fence along tax lot 900's property line and around the expansion area on tax lot 601. Since the site is non-conforming and no changes are proposed along the site's frontage with SW Johnson Street, the applicant is not required to construct a fence along the site's frontage.

Of the other criteria that might conceivably pertain to the proposed use (air quality, noise, vibration, heat and glare, adequate water supply, electromagnetic interference, radioactive material and toxic noxious matter), all are either: (1) not applicable because the subject matter will not be present on the site (e.g., radioactive material); (2) will not in a form different from the existing non-conforming use (e.g., noise); or (3) the subject is addressed elsewhere in this report. Therefore, this request meets the requirements of this Section.

Section 426 Erosion Control

STAFF: Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction. The applicant shall therefore be required to submit an erosion control plan consistent with the requirements of Section 426 prior to any physical change or construction on the site. The applicant has submitted a preliminary erosion control plan with the application. On July 1, 1990, the Unified Sewerage Agency (now known as Clean Water Services) assumed responsibility for erosion control within their district boundaries.

Section 440 Non-Conforming Uses

440-3 Determination of a Nonconforming Use

In order to proceed with any of the land use actions listed in Sections 440-5 and 440-6, an applicant shall provide evidence that shows the following. Determination of a nonconforming use may be processed independently or concurrently through a Type II procedure with any of the land use actions listed in Section 440-5 and 440-6.

440-3.1 The nonconforming use was lawfully established in accordance with applicable land use standards. Building permits or tax records may be used as evidence to prove when the use was established.

Applicant: *"Woodco Fuel Company has operated on the subject site since 1949, ten years prior to establishment of zoning in Washington County. As noted above and described by the applicant in the Historical Background Statement (Exhibit 2 of the applicant's submittal), Woodco has always operated as a storage and distribution business for wood-by-products, landscape supplies, and rock products. The business was operated from Tax Lot 1S1 7AC 900 since the beginning. The business expanded to Tax Lot 601 in the 1960's. The following exhibits have been included to provide evidence that Woodco Fuel existed prior to 1959 (See Exhibit 4 of the applicant's submittal in chronological order):*

- *Bowling Register for team Woodco dated October 14, 1954*
- *Air King receipt dated February 1, 1955 for 6 units of bark dust*
- *Brown & Bigelow receipt dated June 15, 1956 to Woodco*
- *Affidavit dated November 4, 1975 stating Woodco was bought from original owner on April 1, 1950*

Additional evidence is included in the staff report for Casefile 86-415-NC (Exhibit 5), although the narrative indicates that Woodco Fuel was established in 1953, the applicant states that it was 1949. Either way, evidence has been provided which indicate that Woodco Fuel was operating from the site prior to 1959. A copy of the Warrantee Deed for Tax Lot 601 dated October 6, 1964 is included as Exhibit 11 of the applicant's submittal. Since Woodco was established on this parcel after 1959, a 10% expansion onto Tax Lot 601 is requested with this application, pursuant to Section 440-6.2.B(3)".

440-3.2 The nature and extent of the nonconforming use at the time it became nonconforming. Sporadic and intermittent nonconforming uses may continue as nonconforming uses provided the continuation of the use continues to be sporadic and intermittent.

A structure that is used as a single dwelling unit shall:

- A. Have been used full-time as a dwelling at the time it became nonconforming and used continually since then as a dwelling; and
- B. Have sleeping quarters and eating facilities. The dwelling occupants shall not have been sustained by another dwelling (taking meals or bathing at another dwelling).

Applicant: *"The barkdust, wood chip, rock, etc. business has been in existence on this property since before zoning was created in Washington County in 1959. In 1959 Woodco Fuel was selling barkdust, sawdust, shavings, etc. Woodco now and back in 1959 sold to the general public as well as hauled wood-by-products from mills to their contracted destination. Their customer base includes homeowners, landscapers, lumber mills and pulp paper manufacturers. No single-family dwelling exists on the site. The two buildings on the subject property are a mobile unit and a shed used for the Woodco office and storage of supplies for the equipment onsite, respectively."*

440-3.3 The nonconforming use has continued since it became nonconforming. Utility bills, tax records, business licenses or telephone directory listings may be used as evidence to demonstrate how the use has continued.

Applicant: *Woodco Fuel has remained in business since it became nonconforming in 1959 with the establishment of zoning in Washington County. The following exhibits demonstrate that Woodco has been a continual use on the subject property (See Exhibits 3 and 4):*

- *Aerial Photo dated 1963*
- *Aerial Photo dated 1975*
- *Aerial Photo dated 1994*

- *Current Aerial Photo (Exhibit 1 - Site Plan)*
- *Standard Fire Insurance Policy dated January 15, 1963*
- *Liability Policy with General Insurance Company of America dated May 21, 1967*
- *Motor Carrier's Monthly Highway Use Tax Report dated February 21, 1972*
- *Affidavit dated November 4, 1975 stating Woodco was bought from original owner on April 1, 1950*
- *Employment Division Status Report dated February 24, 1976*
- *Notice of Determination from Employment Division dated March 16, 1976*
- *Statement of Assets and Liabilities dated March 31, 1976*
- *Federal Tax Return for 1976*
- *Woodco Receipt for 4 Units Shavings dated October 3, 1977*
- *Check Order Form dated March 28, 1980*
- *Employer's Report of Employees' Wages and Weeks of Work dated September 30, 1980*
- *Employer's Payroll Report dated October 12, 1980*
- *Bank Statement dated January 31, 1983*
- *Purchase Order from City of Portland dated March 18, 1985*
- *Receipt from Swanson Fuel dated December 12, 1986 and Receipt from Woodco dated February 27, 1986*
- *Casefile 86-415-NC staff report dated March 12, 1987*

STAFF:

The site consists of two parcels tax lot 601 (1 acre) and tax lot 900 (2.02 acres). According to the Aloha-Reedville-Cooper Mountain Community Plan the subject parcels are located in the R-15 District (Residential 12 – 15 Units Per Acre). Pursuant to Section 305 businesses that include the open storage of materials, the sale of landscaping material, or the collection of recyclable materials are not permitted in the R-15 District. Zoning on the property was established in September 9, 1959 as R-7, which was a residential district. According to County records the subject parcel has had a residential zoning and/or land use designation since zoning was initially established in 1959. According to the applicant the existing business, which included storage and distribution of wood-by-products, landscape supplies, and rock products was established on tax lot 900 in 1949. Since the existing business on tax lot 900 was established on the site in 1949 prior to zoning and the current land use designation, that portion of the business located on tax lot 900 is considered non-conforming. According to the applicant, tax lot 601 was purchased in 1964. Therefore any use of tax lot 601 is not non-conforming because it occurred when the parcel was zoned residential. Staff notes that the applicant has illegally expanded onto tax lot 601 since 1964. Therefore, any expansion onto tax lot 601 is subject to the requirements of Section 440-6.2 B.

440-4 Discontinuance or Abandonment

If a nonconforming use of land or structure is discontinued or abandoned for more than one (1) year for any reason except bona fide efforts to market the property or structure, it shall not be resumed unless the resumed use conforms with the applicable requirements of this Code at the time of proposed resumption. Once a nonconforming use has been changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. Any future uses shall conform with the applicable requirements of this Code.

A surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided: the owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulations; and the surface mining use was not inactive for a period of twelve (12) consecutive years or more. For purposes of surface mining uses, 'inactive' means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

STAFF:

As discussed above, the existing business, which included storage and distribution of wood-by-products, landscape supplies, and rock products was established on tax lot 900 in 1949 and became non-conforming when the land was first zoned as residential. According to the information provided by the applicant the use has continuously existed on the site since it became non-conforming. Therefore, Staff concludes that the non-conforming use of the site has not been discontinued or abandoned.

440-6 Alterations to a Nonconforming Use or Structure

440-6.2 Alterations Permitted Through a Type II Procedure

B. An alteration to change, repair, remodel or expand a structure used for a lawful nonconforming use other than a single dwelling unit, or a structure used as a single dwelling unit in a commercial, industrial or institutional district, may be permitted provided:

- (1) The alteration will have no greater adverse impact on the neighborhood;

STAFF:

As discussed previously in this report, the applicant has demonstrated that the use of tax lot 900 is non-conforming. However, the use of tax lot 601 is illegal because the applicant expanded onto that parcel without a permit. According to the applicant both parcels have been used for the business since the property owner purchased tax lot 601 in 1964. Since the applicant has been unable to demonstrate that the use of tax lot 601 is legally non-conforming, the applicant is limited to a maximum 10% expansion of the facility onto tax lot 601. As a result the applicant is required to limit the use of tax lot 601 to a maximum area of 8,800 square feet. Therefore, the applicant argues that the proposed expansion actually represents a scaling back of the operation from what has occurred on the site the mid-1960's since all of tax lot 601 will no longer be used by the business.

Typically, Staff would consider the information addressing this Section as inadequate because the applicant did not address the impacts of the use on the neighborhood. In this case, however Staff takes into consideration the fact that the business has existed on the property for several years with very few

complaints regarding the use of the property. Additionally, given the lack of negative comments received during the public notice period for this application, Staff believes that there is sufficient information to conclude that the proposed expansion will not create greater adverse impact on the neighborhood.

- (2) Any increase in floor area shall be limited to a one time increase up to twenty (20) percent;

STAFF: No residential development is proposed with this request.

- (3) Any increase in the area of the nonconforming use, excluding floor area, shall be limited to a one time increase up to ten (10) percent;

STAFF: As discussed previously in this report, the site consists of two parcels; tax lot 601 (1 acre) and tax lot 900 (2.02 acres). The applicant has provided evidence that the use of tax lot 900 for the business is non-conforming. However the use of tax lot 601 is illegal. Therefore, if the applicant wishes to use any part of tax lot 601 for the business, the applicant is limited to a one-time expansion in land area of 10%. Ten percent of 2.02 acres (or 88,000 square feet) is 8,800 square feet. To assure that the applicant will not use more than 8,800 square feet of tax lot 601, the applicant is required to construct a fence along tax lot 900's west property line, plus around the 8,800 square foot expansion area on tax lot 601. The fence line can vary from the property to include the area of the proposed expansion. Staff concludes that this fence will assure compliance with the requirements of this Section.

- (4) For residential uses, there shall be no increase in the number of dwelling units;

STAFF: The proposal does not involve residential uses.

- (5) The alteration is designed to mitigate to the extent practicable adverse impacts caused by the alteration; and

STAFF: The applicant argues that scaling back the size of the operation by limiting the use of tax lot 601 to 8,800 square feet has mitigated any adverse impacts caused by the proposed expansion. The applicant has also proposed constructing a 6-foot tall sight-obscuring fence along the northern property line to act as a buffer to the apartments to the north. As discussed in Section 411 and 423 the applicant is also required to construct a sight obscuring fence along tax lot 900's property line and around the expansion area on tax lot 601. Staff believes that this will do two things: prevent future unauthorized expansion onto tax lot 601 and provide additional buffer to the residential uses to the west of the site.

- (6) The alteration will meet all applicable standards of the primary district and the standards of Article IV to the extent practicable.

STAFF: The applicable standards of Article IV were addressed previously in this report. Staff also notes that since this request involves an expansion of the site the applicant is subject to Article V, which is addressed in Attachment D of this report.

- (7) In addition, alterations to expand a nonconforming use shall address the following:
 - (a) The alteration is necessary to avoid future deterioration or obsolescence of the use; and
 - (b) Relocation of the use would create undue hardship.

STAFF: The applicant argues that the alteration is necessary to allow the business to continue to be operated as it has been historically operated and to allow the addition of the yard debris collection to better serve their customers. The applicant further argues that the alteration is necessary to maintain a viable business on the subject property. According to the applicant, the rock, landscaping, and other materials that are stored on tax lot 601 are a significant part of the business operation. Elimination of the use on Tax Lot 601 would create undue hardships to the business.

Based on the above, Staff concludes that requiring the applicant to move the business to a different location would be both impractical and create an undue hardship.

- (8) In addition, alterations to change a nonconforming use shall address the following:

The alteration will have no greater adverse impact on the neighborhood considering factors such as:

- (a) The character and history of the development and of development in the surrounding area;
- (b) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;
- (c) The comparative numbers and kinds of vehicular trips to the site;
- (d) The comparative amount and nature of outside storage, loading and parking;

- (e) The comparative visual appearance;
- (f) The comparative hours of operation;
- (g) The comparative effect on existing vegetation;
- (h) The comparative effect on water drainage;
- (i) The degree of service or other benefit to the area; and
- (j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area;

STAFF: The applicant provided the following findings regarding the requirements of this Section:

"No change to the character and history of the development and of development in the surrounding area is proposed with this expansion because the use existed on Tax Lot 601 prior to development of the adjacent apartments. No changes in noise, vibration, dust, odor, fumes, glare or smoke is proposed with this expansion. As noted previously, this expansion will not result in any increase in vehicle trips since the use already exists on the site. An increase of 2-3 trips/day (less than 10%) may be the result of accepting yard debris again. This part of the business is not included in the "expansion" request since Woodco Fuel has accepted yard debris many years prior to halting the service in May 2003 (pending approval by Washington County and METRO). No changes to the storage of materials on Tax Lot 601 are proposed with this request. No changes to the visual appearance, hours of operation, existing buffer vegetation, drainage or other factors are proposed with this request. The existing truck & trailer parking area outside of the 8,800 sq. ft. expansion area will be abandoned and not used by Woodco Fuel."

Based on the above findings and the evidence and information in the Casefile, Staff concludes that the proposed expansion will not created greater adverse impact on the neighborhood, thereby complying with the requirements of this Section.

4. **Article V, Development Standards:**

Section 501 Public Facility and Service Requirements

STAFF: Required public services and facilities can be provided to the site to serve the proposed use. All of the agencies listed in Section II of this report have stated they can adequately serve the development subject to complying with their standards.

The findings and recommendations for transportation standards are found in the Transportation Report (Attachment D), and are incorporated as findings herein.

E. **Ordinance No.'s 379; Traffic Impact Fee:**

STAFF: The Traffic Impact Fee is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to major collectors and arterial streets needed for development.

This fee is based on the number of daily trips a site generates and is due at issuance of a building permit. Since no building is proposed with this request the TIF is not applicable.

F. Resolution and Order No. 91-47 as amended by R&O 91-75, Erosion Control, Water Quality and Water Quantity and R&Os 96-44 and 00-7:

STAFF: Resolution and Order 91-47, as amended by subsequent R&Os, adopted standards and regulations for Clean Water Services review and approval of erosion control measures.

IV. SUMMARY AND CONCLUSION:

The required findings have been made for all of the applicable Code sections. When implemented in accordance with the Conditions of Approval and the approved final plans, the project will be in compliance with the Community Development Code and the Community Plan. Therefore, the request for the determination of and one-time 10% expansion of a Non-Conforming Use to allow the existing business (Woodco Fuel) on the site to accept yard debris for transfer to a processing facilities off-site can be approved subject to the conditions of approval set forth in Attachment "B" of this report.

F:\Shared\LDS\USERS\TOMH\2004\Staff Reports\04459nc.wood co.doc

development in a fashion that either provides for neighborhood circulation or does not preclude it. This is a request for the determination and 10 percent expansion of a non-conforming use.



American Hallmark Insurance Company of Texas

777 Main St Ste 1000 Fort Worth, TX 76102
COMMERCIAL GENERAL LIABILITY
RENEWAL DECLARATION

POLICY NO. 44-CL-429710-12/000
RENEWAL OF 44-CL-000429710-11

NAMED INSURED AND MAILING ADDRESS

AGENCY AND MAILING ADDRESS 3803

WOODCO FUEL
DAVID UNDERWOOD DBA
3011 SW 170TH
ALOHA OR 97006

THE LEAVITT GROUP OF PORTLAND
8285 SW NIMBUS AVE STE 120
BEAVERTON OR 97008

POLICY PERIOD: From 11/12/2013 to 11/12/2014 AT 12:01 A.M. STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

Table with 2 columns: Description of insurance limits and corresponding dollar amounts. Includes categories like General Aggregate, Products-Completed Operations, Personal Injury, etc.

STATE-1

LOCATION OF ALL PREMISES YOU OWN, RENT OR OCCUPY:
LOC # 1: 3011 SW 170TH ALOHA OR 97006
LOC # 2: 3035 SW 170TH ALOHA OR

Table with 6 columns: LOC CLASSIFICATION, CODE, PREMIUM BASIS, PMS RATE, PDTS RATE. Lists building material dealers, office premises, and truckers.

CG0435 (12-07) : EMPLOYEE BENEFITS LIABILITY COVERAGE

Table with 3 columns: Limit of Insurance, Deductible, Premium. Shows \$1,000,000 limit, \$1,000 deductible, and \$306 premium.

Retroactive Date: 11/12/2001

TERRORISM RISK INSURANCE ACT (ANNUAL) CHARGE IS
CG2176 (01-08) - EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

\$33