PLANNING COMMISSION AGENDA
May 13, 2010
7 p.m. Regular Meeting
Newberg Public Safety Building, 401 E. Third Street

I. ROLL CALL

II. OPEN MEETING

III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested)
- Approval of April 8, 2010 Planning Commission Meeting Minutes

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)
- For items not listed on the agenda

V. QUASI-JUDICIAL PUBLIC HEARING – Continued from February 12, 2009 (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

APPLICANT: **Fred Meyer Stores, Inc., c/o Barghausen Consulting Engineers, Inc.**
REQUEST: **Conditional use permit & design review approval for a gas station on the western portion of the Fred Meyer site.**
LOCATION: **3300 Portland Road**
TAX LOT: **3216-2004**
FILE NO.: **CUP-08-004/DR2-08-036** **RESOLUTION NO.: 2010-262**
CRITERIA: **Newberg Development Code 151.210, 151.194, 151.196**

VI. ITEMS FROM STAFF
1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: June 10, 2010

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURN

FOR QUESTIONS PLEASE STOP BY, OR CALL (503) 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:
In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please call (503) 554-7793.

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PLANNING COMMISSION MINUTES
April 8, 2010
7:00 p.m. Regular Meeting
Newberg Public Safety Building, 401 E. 3rd Street

TO BE APPROVED AT THE MAY 13, 2010 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Thomas Barnes Matson Haug Cathy Stuhr Lon Wall	Derek Duff Philip Smith, Vice Chair Nick Tri, Chair
Staff Present:	Steve Olson, Associate Planner Luke Pelz, Assistant Planner Tami Bergeron, Recording Secretary	
Others Present:	Karl Birky, Traffic Engineer	

II. OPEN MEETING:

Chair Tri opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Chair Tri entertained a motion to accept the minutes of the March 11, 2010 meeting.

MOTION #1: Smith/Haug to approve the minutes from the Planning Commission Meeting of March 11, 2010. (7 Yes/ 0 No/ 0 Absent) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Tri offered an opportunity for non-agenda items to be brought forth. No topics were brought forward.

V. TRAINING:

Steve Olson introduced Karl Birky, Traffic Engineer for TY Lin International. Matson Haug asked if this training was in preparation for Fred Meyer's traffic study and proposed gas station. Steve suggested that we avoid discussing Fred Meyer as that is scheduled for the next Planning Commission meeting.

Karl Birky stated that he enjoyed traffic engineering and he invited the Planning Commissioners to ask questions of him as he presented. Mr. Birky explained that almost all of engineering is based on probability. For example, there are different building categories for what will fail in the event of earthquakes similar to the probability ratings for traffic studies. He drew a bell curve 67%, 15%, and 18% to explain what percentage of population will speed, etc.

Steve Olson noted that many applicants, such as PCC, ask about the scope of the traffic study – which intersections should be studied. Karl Birky reviewed the sample traffic study by Kittelson & Assoc. (see the Planning Commission packet). The obvious question would be why did they include the roads that they did? Karl and the commissioners interjected various potential reasons. Cathy Stuhr asked for clarification as to what the traffic study should encompass. Cathy said every person comes before the PC saying their project will not create a traffic impact but as a whole, they all contribute something to traffic. Lon Wall said the Planning Commission has seen traffic studies where an intersection is already a problem and the builder does not want to show they add to the problem, as they will be pressed to pay for it to be fixed. Steve Olson mentioned that projects typically improve their streets frontages and any internal streets, and then pay System Development Charges (SDCs) towards their general impact on the system.

Matson Haug asked Karl Birky if the Planning Commission has any recourse if someone completes a traffic study that raises questions. Mr. Birky responded that he has reviewed traffic studies submitted to the City of Stayton and provided a "second opinion" for the city. Lon Wall cited an example of a 300-page traffic study that had been presented to Planning Commission in years past. He said that the study had been skewed based on the fact the study had been done avoiding a peak time of traffic. However, the study was so voluminous, only one commissioner had time to adequately review and question the material. Commission Haug said it made sense that if the traffic engineers are working to complete the studies to benefit their paying clients, the report will be skewed to benefit the client. Steve Olson said that questions about getting second opinions on traffic studies would be policy-type questions, which would be better posed to Barton Brierley than Karl. Karl Birky added that there should be some leniency as to what time of day and days of week traffic studies should be done, based on the hours of peak traffic for that area and that type of business.

Vice Chair Smith asked if a traffic study was done and prompted questions, would it be reasonable for the City to ask that the developer pay for a second opinion of his traffic study? Mr. Birky responded that he believes the developer would be upset about having to pay additional money for a full second traffic study, although a review and second opinion can be done at a lower cost.

7:50 pm

Karl mentioned that the Institute of Traffic Engineers (ITE) Manual, which lists trip generation studies, is constantly updated. The typical trip generation for some uses has changed over time. For example, car dealerships are no longer visited in person as much since many people are shopping via the internet. Steve Olson said there would not be a need to glean a second opinion for every traffic study since the design reviews are routed to many people within the City for review and comment. Planning and Engineering staff know Newberg traffic conditions, and have some experience reviewing traffic studies. Additionally, any project adjacent to a State highway goes to Oregon Department of Transportation for review and comment.

Commissioner Stuhr suggested that if Newberg did not grow at all, traffic on 99W would still get worse due to McMinnville and Sherwood growth. She asked if there were studies showing the impact of traffic resulting from growth of neighboring towns. Mr. Birky responded that background traffic shows the existing traffic and the expected traffic due to future growth. Phil Smith said he hopes all traffic proposals would include impacts by neighboring towns. Steve Olson said that the Transportation System Plan incorporates those neighboring growth factors into the future traffic assumptions.

Chairman Tri suggested a 5-minute break prior to entering the next topic.
Planning Commission reconvened at 8:36 pm.

VI. WORKSHOP:

Staff began the workshop by presenting potential Zoning Map and Comprehensive Plan Map changes within the Urban Growth Boundary - see pages 61 through 76 of the meeting packet. Staff reminded the Commission that this meeting is intended as information only, and no formal recommendations or decisions are required at this time. Potential map changes include upzoning some areas to R-2 or R-3, applying the Community Facility zone to existing parks, and cleaning up areas with inconsistent zoning. The Planning Commission discussed the potential changes in regard to traffic generation, affordable housing needs, property owners' development plans, and potential opposition. Staff stated that the next step would be for Council to initiate map amendments then return to the Planning Commission for consideration. Initiation is at the discretion of Council and no date is set at this time.

VII. ITEMS FROM STAFF:

Update on Council items:
Steve Olson mentioned that the City Council approved the housing element update and sent their thanks to the Planning Commission for the work they did on it.

In general, the affordable housing code amendments are on hold pending the decision by Council on how to arrange the hearings and public input. Cathy said that the Mayor would want Planning Commission input as to how Council should best move forward.

Phil responded that the plan is comprehensive as a proposal, but is modest. It is not going to solve all of the affordable housing needs. Phil said it is designed to be a package that should be viewed all at once knowing that all of the pieces play a role together. Matson Haug thinks Council needs a broad stroke comprehensive summary of what the plan is. The details would need to be fed to Council slowly so that it was not overwhelming.

Other reports, letters, or correspondence:

Steve Olson shared that the Affordable Housing Action Plan had won an award. The Oregon Chapter of the American Planning Association (OAPA) selected the City of Newberg Planning Division as the recipient of the 2010 Betty Niven Award for Distinguished Leadership in Affordable Housing Advocacy.

Steve Olson noted that Oregon State law now requires Planning Commissions to report to the Cemetery Board what the City's regulations are about burials on private property. Commissioner Haug asked if Newberg has regulations about burying on private property. Steve replied that the code did not allow burials on private property, but was generally silent on the topic. The city should probably create code language addressing burials on private land. Steve Olson will investigate and return with more information.

VIII. ITEMS FROM COMMISSIONERS:

None.

IX. ADJOURN:

Chair Tri adjourned the meeting at 9:30 PM.

Approved by the Planning Commission on this 13th day of May, 2010.

AYES:	**NO:**	**ABSENT:** (List Name(s))	**ABSTAIN:** (List Name(s))

Planning Recording Secretary

Planning Commission Chair

TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS[1]

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

3. STAFF REPORT

   A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF

   B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST[2]

4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY")[3] [4]

   A. PROPONENTS (PRINCIPLE PROPONENT/S FIRST, THEN OTHERS OR UNDECIDED)

   B. OPPONENTS AND UNDECIDED

   C. PRINCIPAL PROPONENT REBUTTAL

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE PLANNING COMMISSION DIRECTED THROUGH THE CHAIR

6. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS

7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)

8. FINAL COMMENTS FROM STAFF

9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

10. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

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[1] The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

[2] ORS 197.763(3)(j) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

[3] Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

[4] Questions may be asked by the Commissioners thru the chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.

- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.

- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.

- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.

City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132

City Manager
(503) 538-9421

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Planning and Building Department

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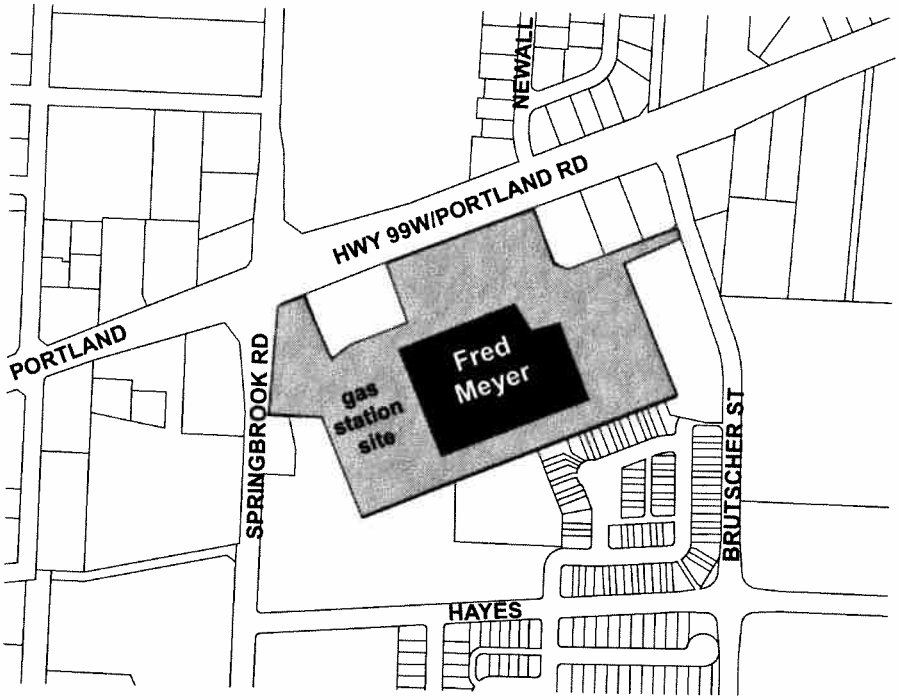
CITY OF NEWBERG
CONDITIONAL USE PERMIT/DESIGN REVIEW
STAFF REPORT

FILE NO:	**CUP-08-004/DR2-08-036**
REQUEST:	Conditional use permit/design review for a gas station on the western portion of the Fred Meyer site.
LOCATION:	3300 Portland Road
TAX LOT:	3216-2004
APPLICANT:	Fred Meyer Stores, Inc c/o Barghausen Consulting Engineers, Inc.
OWNER:	Bank of New York Mellon Trust Co.
ZONE:	C-2 (Community Commercial) with a SC (Stream Corridor) overlay on a portion of the site.
PLAN DESIGNATION:	COM (Commercial)
PREPARED BY:	City of Newberg Planning Staff
HEARING DATE:	May 13, 2010 (continued from February 12, 2009)

ATTACHMENTS:

Resolution 2010-262 with
- Exhibit A: Findings
- Exhibit B: Site Plan
- Exhibit C: Fuel facility site plan
- Exhibit D: West 99W access drive

1. Existing Conditions
2. Entire Site Aerial Photo
3. Zoning map
4. Comments/submittals/ ex-parte contact
5. Minutes from Feb. 12, 2009 meeting
6. March10, 2010 additional submittal by applicant
7. Application with revised traffic study
8. Newberg Comprehensive Plan & Development Code – by reference



A. PROCESS: The applicant's request for approval of a Conditional Use Permit/Design Review has been processed through the provisions of Newberg Development Code § 151.040 as follows:

January 30, 2009	The director determined the application was complete.
January 21, 2009	Public notice was mailed to property owners within 500 feet of the site for comment.
January 28, 2009	Notice was posted in four public locations and published in the *Newberg Graphic*.
January 29, 2009	The site was posted.
February 12, 2009	The Planning Commission held a public hearing, accepted public testimony, and continued the hearing to 2/26/09. This was later extended to 5/14/09 and then to an undetermined date at the applicant's request to allow the applicant time to work with ODOT and allow the applicant and others time to submit additional information. The applicant submitted additional information on March 10, 2010 and the hearing was finally rescheduled for 5/13/2010.
April 19, 2010	Notice was reposted in four public locations.
April 21, 2010	The site was reposted.
April 22, 2010	Public notice was remailed to property owners within 500 feet of the site for comment.
April 28, 2010	Notice was republished in the *Newberg Graphic*.

B. CRITERIA: The Planning staff has determined that the following criteria apply to the subject proposal. Some of the criteria are summarized; the full criteria are listed in the Findings section:

NDC § 151.210 - Conditional Use Permit Criteria That Apply:
The Planning Commission may grant or deny the application, or may require such changes or impose such reasonable conditions as are in their judgment necessary to ensure conformity to the conditional use permit criteria. A conditional use permit may only be granted if the proposal conforms to the following:

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. The proposed development will be consistent with this code.

NDC § 151.194 – Design Review Criteria That Apply (summarized):

(1) Design compatibility.
(2) Parking and on-site circulation.
(3) Setbacks and general requirements.
(4) Landscaping requirements.
(5) Signs.
(6) Manufactured home, mobile home and RV parks.
(7) Zoning district compliance
(8) Sub-district compliance.
(9) Alternative circulation, roadway frontage improvements and utility improvements
(10) Traffic study improvements.

NDC § 151.196 Additional Design Review Criteria That Apply For Development in the C-2 Zoning District (summarized)

(A) Building entrances.
(B) Parking and service drives.
(C) Exceptions.
(D) Building mass.
(E) Corner lots.
(F) Pedestrian-scale building entrances.
(G) Windows.
(H) Design of large-scale buildings and developments

C. SITE INFORMATION:

1. The request is for approval to add a fueling facility to the existing Fred Meyer site. This project requires a design review application. The project is an addition to a large-scale retail building and therefore must address the recently modified large-scale retail standards. The applicant has requested an exception to some of the large-scale retail standards, which requires a conditional use permit application. The fueling facility will consist of a canopy over seven multi-product dispensers (14 vehicle fueling positions) and a cashier's kiosk, with two underground storage tanks. The canopy will be 43 feet by 126 feet, or 5,418 square feet, and the kiosk will be 96 square feet. The facility will be located on the southwest portion of the site near the garden center, and will remove some surplus parking.

2. The site is located at 3300 Portland Road and contains approximately 17.35 acres. The site is zoned C-2 (Community Commercial), with a COM (Commercial) comprehensive plan designation. There is a SC (Stream Corridor) overlay west of the proposed fueling facility site. The topography of the site is level, with a slight slope to the stream corridor on the west. The site contains existing parking lot landscaping with a landscape buffers north and west of the parking area. The stream corridor just west of the site contains several mature trees. The site contains a large Fred Meyer retail store, several small retail stores, and large parking areas.

3. The property is adjacent to and takes access from Springbrook Road, Portland Road, and Brutscher Street. The applicant has applied for and obtained access permits from ODOT for the project. One requirement was to modify the western 99W access drive (a right-in only

access). The modifications would widen the radius of the entrance to better accommodate large vehicles, and would widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive. A second requirement was that the City of Newberg should collect a traffic impact fee towards future improvements at the Springbrook/99W intersection, based on the impact of this project. The revised traffic study recommended changes at the Brutscher/99W intersection but ODOT has commented that they do not support the proposed mitigation and will not require mitigation at that intersection. At the conclusion of this project, the following transportation and access improvements will be completed:

- Reconfigure the private walkway and traffic controls north of the fueling facility as proposed on the site plan.
- Add a new private walkway on the southeast portion of the site as proposed on the site plan.
- Freshen pedestrian striping, stopbars, etc. as needed.
- City will collect a traffic impact fee towards future improvements at the Springbrook/99W intersection.
- Widen the radius of the west 99W entrance to better accommodate large vehicles, and widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive.
- Obtain construction permits from ODOT for any work within the right of way.

4. Current and proposed City sewer, water and storm water provisions to the site are shown in the following table:

Utility	Current Provisions	Proposed Provisions
Sanitary Sewer	Main store connected to public line	No change
Water	Main store connected to public line	Extend line to fueling facility
Storm Water	Parking lot catch basins discharge stormwater into a vegetated bioswale located west of the parking lot.	Oil/water separator for drainage under the canopy; drainage will then discharge to existing bioswale.

D. COMMENTS RECEIVED:

Public comments: Many public comments were received prior to the February 12, 2009 hearing, at the hearing, and during the recent comment period before the May 13th hearing. There have also been articles about the project in the *Newberg Graphic*, and other ex-parte contact. The relevant comments are summarized below and are addressed within the Findings. The full text of the comments, submittals, and ex-parte contact is included in Attachment 4.

Brian Francis, 99W Drive-In manager, was concerned about the impact of light trespass on the drive-in movie screen across Springbrook Road from the development site. He asked that

the developer be required to conduct a study of current ambient light levels and that the developer or City describe what steps will be taken to mitigate potential damage to the drive-in. He requested that the canopy lights be flat lens Encore types, which shine down, instead of Focus types, which can be directed at an angle. He requested that additional landscaping be added to the western landscaping buffer to block headlights and gas station lights. He noted that the drive-in operating schedule runs from late March until November on Friday, Saturday and Sunday evenings at dusk, and requested that no construction take place during the hours the drive-in was operating due to the impact from construction lights. He also expressed concern about the placement and illumination of the marquee, and requested light shields on the existing wall mounted lights on the Garden Center.

Joe Stockert, Portland; Leo Smith, Beaverton; Andy Riehle, Portland; Patty Soza, Salem; Trevor Pitchford, West Linn; Jean Snyder, Tualatin; Steve Swanson, Springfield; Camille Rekow, Newberg; J.A. Rekow; Wendy & Aaron Doerr, Newberg; Kaitlyn Clements; Kathy McWilliams; Gary Bishop, Woodburn; Joseph Gruher; Bob Askey, Newberg; Adam Barr, Portland; Mark Macauley; Darlene Sackett, Newberg; Sharil Van Cleave, Newberg; Jennifer Kruggel; Gabe Watts; John Stephen Bock; Dave Ganslein, representing the Outcasts Car Club; and Karen, John & Katie Warton, Portland; Ryan Goosman; Tim Hart, Hillsboro; Stacy Meshishnek, Newberg; Sue Cole; Tammy Rideout; Debby Smith, Portland; Mick Roberts; Joseph Bercier; Sean Abbotts, Beaverton; Heather McDaniel; K.C. Flego; Ang; Mary Jo Chambers; Ryan Weisgerber; Dave and Loretta Johnson; Caitlin Yoder; Wendy Miller; Doug Kempf, Newberg; Lisa Hereford, Newberg; Rachel Erickson, Newberg; Sarah Rossi; Sue Lampson, Newberg; Tracy Adamski, Newberg; Lee Ann Howard, Newberg; Joshua Fender; Hilary Gibbons; Wendy Groeger; Bruce Arnold, Newberg; Michelle Langley; Jenny James; Renee Davis; Brian Ulrich; Sheleen Hogan-Milburn; Myrle U'Ren; Megan Roche, Portland; Katie Casey; Julie Reincke; Frank Purcell; Jody Day; and Nick Bruno were also primarily concerned about the impact of increased ambient light at the drive-in, which would make it difficult for the drive-in to remain viable. There were many passionate and thoughtful emails. They pointed out that the drive-in was a historic landmark, a local icon, one of the few remaining in the state, and a major reason that people traveled to Newberg. Many pointed out that when in Newberg to visit the drive-in they also spent money at local restaurants and stores. They wanted all necessary steps to be taken to control light on the development site if the project was approved. Many were against the proposal even if the applicant took steps to control light trespass. One person commented that the eventual placement of Coyote Place and Crossroads Plaza had turned out to be a blessing in disguise that cut down the ambient light level, but noted that the Fred Meyer lights on the south end of the site were still in the line of sight towards the screen. Three people were in favor of the Fred Meyer gas station but only if they took adequate care to control light trespass from the site. Some thought there were already enough gas stations in Newberg, and that this project would create significant traffic congestion on nearby streets.

Carole Holland, 612 Little Oak Street, Newberg, was against the proposal and was concerned about increased traffic. She felt there was already too much traffic around Fred Meyer cutting through residential neighborhoods, which made it dangerous for children playing outdoors.

Ilet Johnson, 1300 Hadley Road, Newberg, and **Donna Read, 1400 Hadley Road, Newberg**, were against the proposal and concerned about increased traffic congestion on 99W

and Springbrook Road.

Maridine Baird, 2901 E. Second St, #102, Newberg, was in favor of the proposal but thought seven pumps might be too many for that location. She wanted to see the posts removed from the center of Springbrook and have traffic controlled with traffic lights and turn lanes, with possible a wider driveway on Springbrook.

Kathleen McNelis, 3702 Oak Grove St, Newberg, was against the proposal and concerned about increased traffic congestion, the safety of pedestrians and cyclists, increased noise, light and exhaust from the fueling facility, increased garbage and debris, and adverse effects from the exposure of VOCs, MTBEs and Benzene to the air and ground water.

Robert Bernstein, PE, 507 – 18th Ave. E., Seattle, WA, submitted a review of the original traffic study at the February hearing and a follow-up letter. His main points were that the fueling station will add significant congestion at the Springbrook/99W intersection and that the applicant's determination that no mitigation was necessary was inadequate and would not be accepted by ODOT. He also thought that the applicant had not adequately explained how site circulation would work during fuel deliveries.

Jeffrey Kleinman, 1207 SW Sixth Ave, Portland, represented Andy Patel and submitted substantial written comments at the February hearing in opposition to the project. He reminded the Planning Commission that the earlier 2002 application for a fueling facility had been denied. His main point was that the applicant had not met the burden of proof to show compliance with City standards; that the architectural design was not compatible with surrounding properties, that the traffic study was inadequate and did not mitigate the impacts as noted by Mr. Bernstein, and that the application was not complete enough to determine if the operation of the facility would be compatible with surrounding properties.

Samuel Farris, 3625 Oak Hollow Dr, Newberg, was against the proposal and concerned about the noise impact from vehicles cutting behind Fred Meyer to use the fueling facility. He submitted an email from Fred Meyer regarding changes they had made to delivery hours to reduce noise late at night and early in the morning.

Carrie Richter, of Garvey, Schubert, Barer, 121 SW Morrison St, Portland, represented Leathers Oil Co. and was opposed to the application. Her main points were that the application was not complete enough to determine if it met the design review criteria for design compatibility, landscaping in the parking areas, storm water management, site circulation, and off-site traffic impacts.

Andy Patel, Newberg Chevron, submitted a petition signed by 319 people that stated "I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause."

George Johnston, 20915 SW Pacific Hwy, Sherwood, submitted an estimate of the number of new trips he thought the fueling facility would generate. The estimate was based on his experience operating fueling facilities in Newberg and Sherwood. He thought that the number of new trips would increase congestion in front of the main entrance to the store, especially if diesel was sold at the facility due to the impact from trucks.

Kali Patel, Newberg Chevron, was opposed to the project and submitted both written comments and a study that examined how large-scale retail stores with fueling facilities harmed smaller local businesses. His main comments were that the applicant had not shown there was a public need for the facility, that adding additional unneeded gasoline storage tanks was an unnecessary safety hazard, that the facility would increase congestion on 99W, Springbrook Rd, Brutscher St, and Hayes Street, and that it would create blight by putting local gas stations out of business.

Judy Moshberger, 3600 Oak Grove St, Newberg, was concerned about existing noise and traffic issues near Fred Meyer getting worse, and wants the Little Oak driveway entrance to Fred Meyer closed. She noted that traffic already cuts through her neighborhood to get to Fred Meyer, and that the streets are dangerous for children and other pedestrians. She is opposed to the gas station.

Agency comments:
Police: Reviewed, no conflict.
PGE: Reviewed, no conflict.
NW Natural: No conflict with the proposed project. Fred Meyer will need to coordinate with NW Natural for the relocation of the existing gas line as noted in their plans.
Newberg Garbage: See no trash area on plans.
City manager: Reviewed, no comments.
Fire: Construction site cannot hinder fire access to retail building. New fire hydrants may be necessary.
Public Works: All on-site utilities are to be private, constructed per the plumbing code. Provide an oil-water separator for the under canopy drainage area that is in use at all times. The utility plan does not show any water lines, but one will be needed for the water/air service area. This water line must be a private water line. If a fire hydrant is required then the hydrant and line to it will be public, and will need a public utility easement.

ODOT:
The Roadway Engineer's comments on the Fred Meyers right-in approach road improvement schematic are:
The proposed WB-50 should be adequate for the fuel delivery design vehicle.
The consultant's off-tracking design looks adequate.
ODOT will still need to ensure that all work within ODOT right-of-way meets ODOT standards and engineering plans will need to be review and approved by ODOT, therefore our recommend condition remains the same.

- Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

E. ISSUES:

- Parking: The fueling facility will remove a substantial number of parking spaces, but the site will still have surplus parking (more than required by the development code).
- Light impact on drive-in: one of the tall parking lot lights will be removed to create room for the fueling facility. The canopy will have recessed lights on the underside, and will meet the light trespass standard. Fred Meyer has offered to add shields to the

existing wall-mounted lights above the garden center to further reduce the light impact from existing lights. Additional landscaping will be added to the western buffer to reduce the impact of headlights from vehicles using the fueling facility.

- Traffic impact on nearby intersections: Many of the trips to the fueling facility will be internal trips or from drivers already passing by, which helps make the impact on nearby intersections minor. The applicant has applied for and obtained access permits from ODOT for the project. One requirement was to modify the western 99W access drive (a right-in only access). The modifications would widen the radius of the entrance to better accommodate large vehicles, and would widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive. A second requirement was that the City of Newberg should collect a traffic impact fee towards future improvements at the Springbrook/99W intersection, based on the impact of this project. The on-site circulation north of the fueling facility will be reconfigured with added stop bars and crosswalks to improve vehicle flow and pedestrian safety on site. A pedestrian walkway to the main building will be added on the SE corner of the site to improve connectivity to the residential neighborhoods south of Fred Meyer.
- Public need for another gas station: Several of the comments stated that the applicant had not demonstrated that there is a need for another gas station. The city cannot regulate competition between businesses, however, and there is no approval criterion that requires an applicant to prove there is a need for the proposed use (whether it is a gas station, bookstore, or grocery store).

F. PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

- Move to adopt Planning Commission Resolution 2010-262 which approves the requested conditional use permit/design review as conditioned.

PLANNING COMMISSION RESOLUTION NO. 2010-262

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG APPROVING FILE CUP-08-004/DR2-08-036, A CONDITIONAL USE PERMIT/DESIGN REVIEW TO ADD A FUELING FACILITY TO THE FRED MEYER PROPERTY LOCATED AT 3300 PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-2004

1. On January 9, 2009 an application was submitted by Fred Meyer Stores, Inc. requesting a conditional use permit and design review approval for a new fueling facility at the Fred Meyer property located at 3300 Portland Road.

2. On January 21, 2009, notice of this proposed conditional use permit/design review was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet. The site was posted on January 29, 2009.

3. On January 28, 2009, notice was published in the *Newberg Graphic* newspaper, which is at least ten days prior to the public hearing before the Planning Commission on February 12, 2009, and notice of the Planning Commission hearing was posted at four public places to comply with Oregon Revised Statute requirements.

4. On February 12, 2009, a hearing was held by the Newberg Planning Commission and public testimony was accepted. The hearing was continued to February 26, 2009. This was later extended to May 14, 2009 and then to an undetermined date at the applicant's request to allow the applicant time to work with ODOT and allow the applicant and others time to submit additional information. The applicant submitted additional information on March 10, 2010 and the hearing was finally rescheduled for May 13, 2010.

5. On April 21, 2010, notice signs were posted on site. On April 22, 2010, notice of this proposed conditional use permit/design review was re-mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.

6. On April 28, 2010, notice was published in the *Newberg Graphic* newspaper, which is at least ten days prior to the public hearing before the Planning Commission on May 13, 2010, and on April 19, 2010, notice of the Planning Commission hearing was posted at four public places to comply with Oregon Revised Statute requirements.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it approves the requested conditional use permit/design review for a gas station at Fred Meyer as conditioned. This decision is based on the staff report, findings and testimony.

APPROVED by the Planning Commission on this 13th day of May, 2010.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

_____ _____

Planning Commission Secretary Planning Commission Chair

Exhibits:
A: Findings
B: Overall site plan
C: Fuel facility site plan
D: West 99W access drive

EXHIBIT A: CONDITIONAL USE PERMIT/DESIGN REVIEW FINDINGS
CUP-08-004/DR2-08-036
Fred Meyer gas station

I. Design Review Criteria That Apply - Newberg Development Code § 151.194:

(1) ***Design compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.***

Finding: The project will consist of a simple canopy over seven fuel dispensers, with a small cashier's kiosk. The canopy will be 18 feet tall, flat-roofed, and 43 feet wide by 126 feet long (5,418 square feet). The cashier's kiosk is a small simple box structure (96 square feet). The canopy and kiosk will be painted beige and light brown, which are similar to colors used on the existing main store building. The existing Fred Meyer store is a large simple box structure with a flat roof. It has a flat masonry wall along most of the western side and a garden center at the southwest corner. The bank building north of the proposed site has a modern design, with a similar simple canopy structure over its drive-up ATMs. As proposed, the Fred Meyer gas station canopy structure is compatible with structures in the immediate vicinity. The structure has been designed to match the existing Fred Meyer building in style and color. Storm run-off from the roofs will be required to be directed into the storm drain system as required by building codes. Exterior lights will be directed onto the site so as to not adversely affect the adjoining properties. The overall design will blend with the surrounding area by the use of landscaping buffering and screening.

(2) ***Parking and on-site circulation. Parking areas shall meet the requirements of § 151.610. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in § 151.610. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.***

Finding: The site includes the main Fred Meyer store, the proposed fueling facility, an in-store bank, a beauty shop, a print shop, and a key shop. The parking requirements are calculated below:

USE (square feet)	**PARKING STANDARD**	**SPACES REQUIRED**
Existing F.M. store (143,181 s.f.)	1 space per 300 s.f.	477.3
Fueling facility kiosk (96 s.f.)	1 space per 300 s.f.	0.32
Bank (736 s.f.)	1 space per 400 s.f.	1.84
Beauty shop (1,500 s.f.)	1 space per 75 s.f.	20
Key shop (288 s.f.)	1 space per 300 s.f.	0.96
Print shop (1,500 s.f.)	1 space per 300 s.f.	5
Total required parking		**506**
Parking available after project completed		**666**
Surplus parking		**160**

The minimum number of required parking spaces for the site is 506. The proposed fueling facility and southeast pedestrian walkway will remove approximately 60 spaces, leaving a total of 666 spaces. The site will still have 160 more parking spaces than required. The reduction of surplus parking is a positive step and makes more efficient use of the site.

The surplus parking spaces near the garden center are lightly used by customers most of the year. One question that was asked at the February hearing was how the fueling facility would affect the garden center during the times when the garden center was active (typically spring and summer weekends). Staff has observed that the garden center is currently open on the weekends, and a recent visit on a Saturday afternoon showed that approx. 1/3 of the nearby parking was being used. While this was not a thorough parking study, it did not appear that adding a fueling facility near the garden center would create a parking conflict. The applicant does not expect parking conflicts to occur during peak garden center use.

One concern raised at the hearing was that there were many storage containers on the south and west portions of the site. Fred Meyer has offered to remove all storage containers from the site. Storage containers should not be placed in the parking areas, even though the applicant has surplus parking. Storage containers can reasonably be left for a time in the loading area south of the building. The applicant is therefore conditioned to remove storage containers from the parking areas, and only place storage containers in the loading area on the south side of the building.

The driveway access on Springbrook Road was changed to right-in/right-out approximately two years ago, and should limit the amount of traffic that travels south on Springbrook Road to reach the gas station.

As part of this project, the applicant will widen the radius of the west 99W entrance to better accommodate large vehicles, and widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive. These changes should improve the flow of traffic turning right at the access drive to reach the gas station, and keep traffic from backing up onto 99W. The applicant supplied a drawing showing the travel path of a semi-truck (type WB-50, approx. 50 feet long) using the redesigned west access drive. The consultant also furnished a drawing showing how fuel delivery vehicles would access the site from Springbrook Road, and commented that while the delivery truck is at the fuel facility, only the two southernmost pumps will be blocked. Fred Meyer has committed to limiting fuel deliveries to off-peak times.

ODOT reviewed the revised access plan and fuel delivery vehicle drawings in the March 10, 2010 submittal. The Roadway Engineer's comments on the Fred Meyers right-in approach road improvement schematic are:
The proposed WB-50 should be adequate for the fuel delivery design vehicle.
The consultant's off-tracking design looks adequate.
ODOT will still need to ensure that all work within ODOT right-of-way meets ODOT standards and engineering plans will need to be review and approved by ODOT, therefore our recommend condition remains the same.

- Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

The applicant has proposed changes to the on-site pedestrian circulation. The current pedestrian walkway from the NW corner of the Fred Meyer store to the U.S. Bank building is a long diagonal path. The fueling facility is expected to increase the amount of vehicle traffic near the bank driveway, so the diagonal walkway has been changed to two shorter walkways at right angles to vehicle traffic. The total walking distance is longer but should be safer. Stop bars have been added to improve the control of vehicle traffic between Fred Meyer and the bank building. The applicant has also proposed adding another pedestrian walkway at the southeast corner of the site. This SE walkway will help the existing building better meet the pedestrian connectivity standards in the Newberg Development Code.

Following completion of design review conditions, the parking lot design will enable improved and more efficient use of the existing parking area and will also provide an internal pedestrian connection with adjacent property.

(3) Setbacks and general requirements. The proposal shall comply with §§ 151.535 through 151.540 dealing with height restrictions and public access; and §§ 151.550 through 151.568 dealing with setbacks, coverage, vision clearance, and yard requirements.

Exterior Lighting: *151.588 REQUIREMENTS.*

(A) General requirements: All zoning districts.

(1) Low level light fixtures include exterior lights which are installed between ground level and six feet tall. Low level light fixtures are considered non-intrusive and are unrestricted by this code.

(2) Medium level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium level light fixtures must either comply with the shielding requirements of division (B) below, or the applicant shall show that light trespass from a property has been designed not to exceed 0.5 foot-candle at the property line.

(3) High level light fixtures include exterior lights which are installed 15 feet or more above ground level. High level light fixtures must comply with the shielding requirements of (B) below, and light trespass from a property may not to exceed 0.5 foot-candle at the property line.

(B) Table of shielding requirements

Fixture Lamp Type	*Shielded*
Low/High Pressure Sodium, Mercury Vapor, Metal Halide and Fluorescent over 50 watts	*Fully*
Incandescent over 160 watts	*Fully*
Incandescent 160 watts or less	*None*
Fossil fuel	*None*
Any light source of 50 watts or less	*None*
Other sources	*As approved by § 151.587*

Note: Incandescent includes tungsten-halogen (quartz) lamps

Finding: The proposed canopy is 18 feet tall, setback over 70 feet from any property line, and does not create any corner vision clearance problems. The proposed freestanding sign on Springbrook Road is close to the vision clearance area; the applicant will need to confirm at the building permit stage that the sign is outside the vision clearance setback. The C-2 zone does not have a set height limit, and only requires a 10 foot setback from the front property line. The site has public access. Following compliance with design review conditions, the

proposed project will meet the height restrictions and public access requirements, setback, coverage, vision clearance and yard requirements of the Code.

The applicant's photometric plan shows that the proposed lighting for the fueling facility can meet the light trespass standard (maximum 0.5 foot-candles) at the property lines. The canopy lights are all located under the canopy, and do not project on the sides of the canopy. The western side of the canopy only has an internally illuminated logo sign. The underside canopy lights are required to be fully shielded, and therefore should all be recessed lights. The recessed lights will control light more effectively than the flat Encore or movable Focus light fixtures. The applicant has also offered to add shields to the existing wall-mounted lights above the garden center, which will further reduce the light impact.

Many public comments were concerned about the impact of increased ambient light on the drive-in theater to the west. This is a concern that the City shares, and is an example of why light-trespass standards were added to the Development Code in the past. The applicant is removing one tall parking lot lighting standard from the site, and will provide recessed lighting under the canopy to ensure that it does not exceed the light trespass standard. As conditioned, this may actually reduced the amount of ambient light that currently comes from the site. One other light source that should be considered are the headlights of vehicles using the gas station. Some of these headlights will point west in the general direction of the theater. This impact can be controlled by a dense landscape buffer along the western edge of the site. The existing western landscape buffer is quite dense and largely meets the need for a light barrier. There are a few gaps in the buffer that should be filled in with additional evergreen trees. The applicant will also need to ensure that construction lights are not pointed towards the drive-in during times when movies will be shown. If all of the previously mentioned conditions are required then a light study done in the field does not seem necessary. It should be noted that the proposed development site is approximately 950 feet from the drive-in screen, which will further diminish any light impact from the site. As conditioned, the proposed fueling facility will meet the light trespass standard and control the impact of lights from the facility.

(4) Landscaping requirements. The proposal shall comply with § 151.580 dealing with landscape requirements and landscape screening.

Finding: The proposed fueling facility will remove some parking lot landscape islands and reconfigure a few others. The overall amount of landscaping coverage on site will decrease slightly to 15.47%. This exceeds the 15% minimum landscape requirement. As noted above, the western landscape buffer is in good condition and will be an effective buffer against headlights once the few gaps are filled in. The gaps without evergreen trees should be planted with evergreens similar to the existing trees. The applicant intends to plant the reconfigured parking lot landscape islands with trees and shrubs similar to the existing landscape islands in the parking lot. The landscape plan should include replacement trees along the reconfigured western 99W access drive. The existing parking lot islands elsewhere on the site should be inspected; any missing or damaged parking lot trees should be replaced. The code also requires that a parking or loading area must have at least 25 square feet of landscaping per parking space. As proposed, the site will have 666 parking spaces, which requires at least 16,650 square feet of landscaping. The site has approx. 116,970 square feet of landscaping overall, and over 23,000 square feet of landscaping in the parking area, which exceeds the

standard. Following compliance with design review conditions, the landscape plan and parking lot complies with § 151.580. All areas subject to the final design review plan and not otherwise improved are landscaped.

(5) ***Signs. Signs shall comply with § 151.590 et seq. dealing with signs.***

Finding: The existing freestanding sign on Portland Road is just under 20 feet tall, setback 25 feet from the front property line, and has 119 square feet of signage. This sign meets the height and setback requirements and is allowed to have up to 200 square feet of signage because the site is larger than 10 acres and has over 200 feet of frontage on Portland Road. The applicant is proposing to remove one panel from the sign and replace it with price signs for the fueling station. This will meet the code standards as long as the sign remains under 200 square feet in area.

The applicant is also proposing a new freestanding sign on Springbrook Road that will be 9'6" tall, setback approximately 12 feet from the front property line, and have 40 square feet of signage. The applicant will need to move the sign location slightly so that it is setback at least 15 feet from the front property line, and verify that it meets the vision clearance setback at the corner.

The canopy will have attached signs on each side. There will be a 26 square foot logo and Fred Meyer sign on each side, and an additional 60 square foot sign on the east side facing the store. The proposed signs are under the maximum size for the canopy (43 square feet on the short sides, and 126 square feet on the long sides) and are allowed.

Following compliance with design review conditions, the proposed signage complies with § 151.590.

(6) ***Manufactured home, mobile home and RV parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in §§ 151.655 et seq., in addition to the other criteria listed in this section.***

Finding: Not applicable - not a manufactured home, mobile home or RV park.

(7) ***Zoning district compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in §§ 151.280 through 151.438. Through this site review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.***

Finding: The site is zoned C-2 Community Commercial. A service station is a permitted use in the C-2 zone.

(8) ***Sub-district compliance. Properties located within sub-districts shall comply with the provisions of those sub-districts located in §§ 151.450 through 151.526.***

Finding: A portion of the Fred Meyer site has a Stream Corridor overlay on it. The Stream Corridor is west of the proposed fueling facility, and no development will take place within the overlay area. Erosion control measures will be required as necessary to ensure that demolition and construction will not create any short-term impacts on the stream. Following compliance with

design review conditions, the project meets the provisions of §§ 151.450 through 151.526.

9) ***Alternative circulation, roadway frontage improvements and utility improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.***

Finding: The proposed development will be within the existing Fred Meyer site and will use existing driveway accesses and drive aisles. The applicant has applied for and obtained access permits from ODOT for the project. One requirement was to modify the western 99W access drive (a right-in only access). The modifications would widen the radius of the entrance to better accommodate large vehicles, and would widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive. No modifications were required at the eastern right-in/right-out 99W access drive.

No other major roadway, driveway, or utility improvements are proposed. The pedestrian walkways and traffic controls in the drive aisle north of the site will be reconfigured to make pedestrian crossings safer (at right angles to traffic) and change the vehicle flow so that it will be easier to access the fuel facility area of the site. The pedestrian walkway in the SE area will improve pedestrian access to the site for the Springbrook Oaks neighborhood. Following compliance with design review conditions, the new development will meet the standards contained within the Transportation Plan. All utilities, including telephone, cable and power, are required to be placed underground.

The Fire Department commented that the construction site cannot hinder fire access to the main building. New fire hydrants may be necessary.
The existing parking lot catch basins discharge stormwater into a vegetated bioswale located west of the parking lot. Public Works commented that all on-site utilities are to be private, constructed per the plumbing code. Provide an oil-water separator for the under canopy drainage area that is in use at all times. The utility plan does not show any water lines, but one will be needed for the water/air service area. This water line must be a private water line. If a fire hydrant is required then the hydrant and line to it will be public, and will need a public utility easement.

(10) ***Traffic study improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Director.***

Finding: A traffic impact study was prepared for the proposed development by Group Mackenzie, a professional engineering firm. ODOT required that the applicant change how they performed the peak hour factor analysis, queuing analysis, and TIS capacity analysis. Group Mackenzie revised the traffic study and submitted it to the city and ODOT.
The study reviewed the impact of the fuel facility development on the driveways and surrounding intersections. The study also looked at the crash history in the area, completed a

site distance review, and considered the queuing impact at the entrances. The review projected the traffic impact in 2009 as well as in 2025, both with and without the bypass. The study also reviewed the on-site circulation, and recommended that the traffic controls in the drive aisle north of the fuel facility be changed to an all-way stop, as mentioned above, which will both better control vehicle traffic and improve the safety of pedestrian crossings.

The study concluded that the site distances at the existing driveways exceeded AASHTO (American Association of State and Highway Transportation Officials) standards and did not require any improvements. The crash history of nearby intersections and the queuing analysis also did not indicate a need for any improvements. The queuing analysis indicates that vehicles on Springbrook may spill back to the Fred Meyer access under existing conditions, and this would continue with the addition of fuel facility trips. This does not pose a safety problem, as the Fred Meyer driveway is limited to right turns. Vehicles entering Springbrook from the Fred Meyer driveway would simply need to wait for the queue to clear before entering the roadway. This only occurs occasionally during peak times.

The trip generation study used standard ITE (Institute of Transportation Engineers) trip generation estimates, which assume that approximately 20% of the trips to the fuel facility would be internal trips or shared trips. This is probably a conservative estimate, as Fred Meyer surveys at other stores have shown that approx. 70% of the fuel customers also had Reward cards and had shopped at the store at least once in the previous month. The actual percentage of shared or internal trips may be as high as 30 or 40%. Using the conservative 20% internal trip assumption, the study estimated that the fuel facility would generate 74 new trips in the PM peak hour. These trips were assigned to nearby intersections and their impact was analyzed. The study concluded that the impact was minor and no mitigating improvements were required to meet city standards. The nearby intersections will meet City level of service standards in 2009. The Springbrook and Brutscher intersections on 99W, however, are above ODOT's desired v/c (volume to capacity ratio) of 0.75 already, and the addition of traffic from this development has some impact on intersection capacity (increases the v/c ratio by 0.01). ODOT required the applicant to propose mitigation to address the v/c increase in the revised traffic study.

The study determined that modifying the existing Springbrook lane configurations could improve the v/c ratio from 0.84 to 0.81 but would create other issues. The overall intersection performance would not improve, and the study did not recommend making these changes. Any significant mitigation would require widening and redesign of the intersection. ODOT commented that they did not support the mitigation as it would not improve the overall intersection operation, and agreed that any significant mitigation would require widening and redesign of this intersection. The study found that the 99W/Brutscher intersection could be mitigated to reduce the v/c ratio from 0.86 to 0.80 by switching the signal from a northbound/southbound common green to split phases, and changing the northbound lane configurations to a left turn only and shared left/through/right turn. ODOT has commented that they do not support the mitigation, due to expected increase in property damage crashes caused by shared left/through/right lanes and increased delays on 99W due to split-phasing the traffic lights.

ODOT commented that if the city places a condition requiring the developer to contribute towards future improvements at the Springbrook/99W intersection then that will satisfy ODOT's concerns regarding impacts from this development at those intersections. The city

will require a traffic impact fee for future improvements at the Springbrook/99W intersection, as ODOT requested, based on the impact from this development. The traffic study estimated that this project would add 45 trips during the PM peak hour to the Springbrook/99W intersection. This is approximately 8/10 of 1% of the total trips through the intersection in the peak hour. The estimated cost of a future intersection improvement is $1,500,000.00, so the applicant's impact fee will be $12,400.00. These funds would be used to either improve the intersection directly or indirectly by providing alternate improvements that would reduce volumes through the intersection.

The applicant has applied for and obtained access permits from ODOT for the project. One requirement was to modify the western 99W access drive (a right-in only access). The modifications would widen the radius of the entrance to better accommodate large vehicles, and would widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive. ODOT's specific comments in the access permit were:

1. The two lane right-in only approach shall be constructed so that it is long enough to unsure that traffic going to the fueling station in the right lane is not blocked by traffic turning left to go to the store. If necessary to correct any problems caused by queuing, an all-way stop shall be added to the main aisle later if it is needed.
2. The radius of the right-in approach shall be constructed in such a way that it can accommodate large vehicles without being damaged. Fred Meyer shall be required to obtain ODOT's approval for a design vehicle and approach design.

ODOT access permit approval letter noted that two conditions would apply:

- If traffic backs up to the property line at any time, ODOT reserves the right to review approval of the right-in only approach.
- If the crash history changes due to the weaving pattern between Springbrook and the right-in only approach, ODOT reserves the right to review approval of the right-in only approach.

ODOT did not require any modifications at the eastern right-in/right-out 99W access drive. The access permit included one condition:

1. If the eastbound traffic queue backing up from the signal at Brutscher begins to block the right-in right-out approach, ODOT reserves the right to review approval of the approach and to require changes.

In the March 10, 2010 submittal the traffic engineer supplied a drawing showing the travel path of a semi-truck (type WB-50, approx. 50 feet long) using the redesigned west access drive. The consultant also furnished a drawing showing how fuel delivery vehicles would access the site from Springbrook Road, and commented that while the delivery truck is at the fuel facility, only the two southernmost pumps will be blocked. Fred Meyer has committed to limiting fuel deliveries to off-peak times. The traffic engineer also addressed comments from Robert Bernstein about the impact at the Springbrook/99W intersection and the utilization factors in the analysis. The traffic engineer summarized that the utilization factors are appropriate, consistent with ODOT standards, and that the project will add only slight delays at the intersection, not significant congestion.

ODOT reviewed the March 10, 2010 submittal, including the revised access plan and fuel delivery vehicle drawings. The Roadway Engineer's comments on the Fred Meyer right-in

approach road improvement schematic are:

The proposed WB-50 should be adequate for the fuel delivery design vehicle.
The consultant's off-tracking design looks adequate.
ODOT will still need to ensure that all work within ODOT right-of-way meets ODOT standards and engineering plans will need to be review and approved by ODOT, therefore our recommend condition remains the same.

- Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

The applicant also submitted an analysis of the traffic impacts if the gas station was located on the eastern side of Fred Meyer, near the bottle return. The net result was a decrease in traffic at the Springbrook and 99W driveways, and an increase in traffic at the Brutscher driveways. This would also put the gas station farther from the drive-in and reduce the potential light impact. Staff would not recommend approving the eastern location, however, due to the increase in traffic at a busy part of the Fred Meyer site, and the potential for negative impacts on the residential properties to the south.

At the conclusion of this project, the following transportation and access improvements will be completed:

- Reconfigure the private walkway and traffic controls north of the fueling facility as proposed on the site plan.
- Add a new private walkway on the southeast portion of the site as proposed on the site plan.
- Freshen pedestrian striping, stopbars, etc. as needed.
- City will collect a traffic impact fee towards future improvements at the Springbrook/99W intersection.
- Widen the radius of the west 99W entrance to better accommodate large vehicles, and widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive.
- Obtain construction permits from ODOT for any work within the right of way.

Several public comments were concerned about the proposal increasing the amount of traffic in the area, especially cutting through residential neighborhoods south of the site and making it more dangerous for children playing outside. The traffic study determined that this proposal would only generate a small increase in trips to the Fred Meyer site, which would be split between all of the Fred Meyer driveways. The traffic engineer also thought that most trips to the fuel facility from the residential area south of the site would travel west on Hayes Street and then north on Springbrook, which would be faster than driving through the Fred Meyer site to reach the fuel facility. If traffic could be discouraged from cutting through behind Fred Meyer then that would probably reduce the amount of traffic that cuts through the neighborhood. One condition of this project should be a requirement to post the loading area behind the store "No through traffic – delivery trucks only."

II. § 151.196 ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE C-2 ZONING DISTRICT.

The purpose of this section is to ensure that development in the C-2 Zoning District is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 Zoning District, which is subject to the Site Design Review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

(A) Building entrances. Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. "Oriented to a street" means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. "Primary street" means the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50% or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

Finding: The fueling facility is an unusual addition in that it does not have a pedestrian entrance. There is a pedestrian connection to the main store via internal walkways to Springbrook Road and Portland Road. Almost all customers to the fueling facility, however, will naturally be in vehicles. The only pedestrians on the site will typically be the station attendants. The applicant needs an exception to this requirement. The main Fred Meyer building does have a main entrance that faces Portland Road.

(B) Parking and service drives. No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of the primary street, as defined in division (A) above, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50% or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.

Finding: The existing site does have parking between the west side of the main building and Springbrook Road. This fueling facility will remove some of this parking and bring the site closer to meeting this standard.

(C) Exceptions. The review body may approve exceptions to the above provided there are no reasonable alternatives that would allow access to or parking on the lot.

Finding: The applicant has requested an exception to the pedestrian entrance requirement, as noted above. The exception should be approved because there is no reasonable alternative to the proposed design.

(D) Building mass. Where building elevations are oriented to the street in conformance with (A) above, architectural features such as windows, pedestrian entrances, building

off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

Finding: The proposed building is a canopy and has very little mass. No architectural detailing or off-sets are needed to break up the mass of the building.

(E) Corner lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 40 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.

Finding: This standard does not apply, as the fueling facility is not near a corner. The corner of the lot at Springbrook/99W is dedicated to a stormwater detention pond.

(F) Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

Finding: The building does not have a pedestrian entrance, so this standard does not apply.

(G) Windows.

(1) On commercial building facades facing a public street, windows shall comprise a minimum of 40% of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) below, windows shall comprise a minimum of 20% of the ground floor façade.

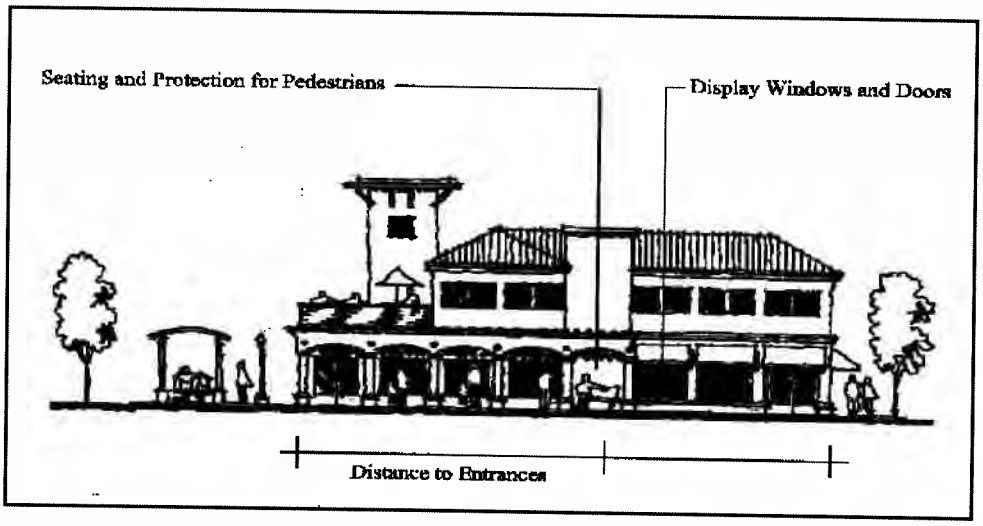
(2) For large-scale buildings and developments meeting the standards under subsection (H) below, 50% of all required window area shall allow view into an active space. An active space is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at least semi-annually shall be considered an active space. Examples of areas that are considered non-active spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

Finding: The canopy does not have any walls and therefore cannot have any windows. The cashier's kiosk is a small building that is not open to the public. It does have windows, and its interior is an active space. The area under the canopy can also be considered an active space. The nature of the structure does not allow the canopy to meet this window standard, but it meets the intent of not allowing a large blank wall on a structure. The fueling facility helps the main building come closer to meeting this standard by adding activity to a side of the building that is largely a blank wall.

(H) Design of large-scale buildings and developments. All buildings on a development site shall conform to the design standards included under § 151.196 (H) where the total square footage of one commercial building exceeds 30,000 square feet of total ground floor area or all commercial buildings exceed 50,000 square feet of total ground floor area. Deviations from these standards may be approved, where appropriate, through the conditional use permit process.

(1) Façade articulation. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting); and similar features. At least five of the following elements shall be included along each 100 feet of building frontage facing a street:

(a) A building offset or projection of at least 6 feet depth and width.
(b) An awning or roof sheltering a pedestrian walkway or seating area.
(c) A building façade shall be comprised of at least two building materials, with the lesser comprising not less than 10% of the total façade.
(d) Contrasting brick, stone, or natural wood trim.
(e) Pitched roofs or gable-end roofs.
(f) Curved arches or roof line features.
(g) A tower, spire, or cupola.
(h) A cornice.
(i) Second story windows that comprise a minimum of 10 percent of the second floor façade.
[Note: the example shown here is meant to illustrate these building design elements, and should not be interpreted as a required architectural style.]



Finding: The canopy structure does not lend itself readily to an articulated façade. The applicant is requesting an exception to this standard, which requires a conditional use permit application. The canopy is not a massive structure that needs to be articulated. The canopy will help make the flat western wall of the main Fred Meyer building less visible.

(2) Pedestrian entrance. Every building elevation facing a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance no more than 100 from another entrance or end-wall; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all

entrances to the street right-of-way.

Finding: The fueling facility does not have a pedestrian entrance and requests an exception to this requirement.

(3) Building facades not fronting a street. For all ground floor facades that do not face a public street, windows shall comprise a minimum of 20 % of the ground floor façade or a landscape strip shall be provided adjacent to the building. The landscape strip shall be a minimum of 5 feet in width and include a combination of trees, shrubs, and groundcover or grass. Plant material shall be selected from at least two of the different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs). The type of tree selected shall have a crown of less than 15 feet at maturity. Exceptions to this standard include building facades that abut outdoor storage areas, loading docks, and mechanical equipment areas.

Finding: The canopy structure does not have walls or windows, and needs vehicle access on the east and west sides. The north and south sides will have landscape buffers nearby, but the applicant needs an exception to this standard.

(4) Building orientation. All buildings shall be oriented to a primary street as defined in division (A) or oriented to a plaza or open space within the development site that connects to the primary street. "Oriented to a plaza or open space" means that the building entrance faces the plaza, open space, shared parking area or is connected to the plaza by a direct and convenient pathway not exceeding 60 feet in length.

Finding: The nature of the fueling facility makes it difficult to meet this requirement. The applicant requests an exception to this standard.

(5) On-site landscaping and screening.

(a) A continuous landscape strip, with a five foot minimum width, shall be located perpendicular to groups of 2 or more parking stalls. Within the landscape strip, at a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. The type of tree shall be chosen from the City of Newberg Preferred Street Tree List and have a minimum crown spread of 25 feet. This standard shall apply unless otherwise approved by the Director based on the following alternative standards:

1. ***No more than seven parking stalls shall be grouped together without a landscape island. The landscape island shall have a width and depth no less than 5 feet and contain no less than one deciduous shade tree.***

or

2. ***Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, with a maximum of 75 feet, within areas proposed for grouped parking. For every 7 planting landscape islands, 1 shall be no less than 500 square feet in size.***

Finding: Most of the existing parking lot has mature landscaping. The new parking lot landscaping islands will be designed to match the existing landscaping. The western landscape buffer will have a few gaps filled in to complete a dense landscape buffer along that edge.

(b) At a minimum 50 percent of the parking area shall drain to a storm water mitigation area. The mitigation area shall be designed using best management storm water practices including, but not limited to, bio-swales, rain gardens, or similar design intended to reduce storm water flow and improve storm water quality.

Finding: No new parking areas are being created, so this criterion does not directly apply. The fuel facility will actually remove approximately 60 parking spaces. There will be a slight increase in impervious surface from this project (approx. 900 square feet). The City Engineering Division has reviewed the application and determined that no stormwater detention is required. The stormwater drainage from the gas station location discharges to an existing vegetated bioswale that runs along the western edge of the parking lot. The applicant will add an oil/water separator to treat the stormwater collected under the canopy before it is discharged to the bioswale. The applicant needs an exception to this mitigation standard, however, as there is not enough room on the site to make half of the entire existing Fred Meyer parking lot drain to a storm water mitigation area.

(c) A 20-foot wide landscaped buffer shall be provided between the development and any adjoining residential district. The buffer shall include a continuous 6-foot high sight-obscuring fence or wall, a continuous hedge and/or berm designed to achieve a height of 6-feet upon maturity, a row of trees not more than 35 feet on-center, and shrubs or living groundcover.

Finding: The site has an existing landscape buffer along most of the southern edge of the site adjacent to the residential area. The buffer includes many mature trees. The western part of the southern border only has grass, however, and is adjacent to a multifamily residential site. The applicant should add trees to this southwest buffer similar to the existing trees to the east, spaced not more than 35 feet on-center.

(d) Outdoor storage areas, loading docks, and mechanical equipment areas shall be fenced with 75% opaque site obscuring fencing or screened with landscaping between the area and public streets.

Finding: This requirement is not applicable to the fueling facility. The site is elevated above the closest streets and has landscape buffers, however, so much of the lower part of the facility will not be visible from adjoining public streets.

(e) One square foot of interior open space or plaza space shall be required for every 5 square feet of gross floor area. The following features shall be included in the open space or plaza area:

1. ***One linear foot of seating space shall be required for every 30 square feet of open space or plaza space.***
2. ***One tree shall be provided for every 800 square feet of plaza space or open space.***
3. ***Pedestrian scale lighting according to subsection §151.196(H)(7).***

Finding: The fueling facility has only one small cashier's kiosk (96 square feet). The applicant requests an exception to this requirement. There is existing pedestrian scale lighting on the western wall of the main Fred Meyer building, which would aid any pedestrians walking from the western parking lot to the main entrance.

(6) Vehicle and pedestrian connectivity.

(a) Public streets may be required to be dedicated where needed to improve internal circulation, to connect to neighboring properties or streets, to break up large blocks, or to reduce travel around a site.

(b) At a minimum, 95% of the parking spaces shall be located within 75 feet of a private walkway or public sidewalk.

Finding: The fueling facility will not create a need to dedicate internal streets. The existing parking areas will come closer to meeting these standards when the new pedestrian walkway in the SE corner of the lot is constructed as part of this project.

(7) Pedestrian-scale lighting. Pedestrian scale lighting shall be located along all internal walkways and provide a minimum illumination of 1 foot candle. Building entrances shall have a minimum illumination of 5 foot candles. Lighting shall be fully shielded so that no light is emitted at an angle above the horizontal plane as illustrated by the lighting plan. The type of features that should be considered, but are not limited to; street lamps, light fixtures attached to buildings, and light bollards. All pedestrian scale light fixtures shall not exceed a maximum height of 15 feet as measured from grade to the fixture lamp. The lens material for all pedestrian scale lighting shall be constructed of acrylic or similar shatter resistant material as determined by the Director. Glass lenses shall not be used for any pedestrian scale lighting.

Finding: There is existing pedestrian scale lighting along the western wall of the main Fred Meyer building.

(8) Parking. The number of parking stalls shall not exceed 125 percent of the minimum number of stalls required. Parking stalls constructed of grass blocks, grasscrete, pervious asphalt or concrete, or similar pervious material shall not be counted in this limit.

Finding: No additional parking is being constructed as part of this project. Approximately 60 parking spaces are being removed by this project, which brings the existing site closer to meeting this standard. The site is required to have at least 506 spaces, so 125% of the minimum would be 633 spaces. The site will have 666 spaces after the completion of this project.

(9) Existing development. Any existing legal conforming site, through future development, exceeds the square footage threshold contained in § 151.196 (H) shall follow the standards contained in § 151.140 NON-CONFORMING USES AND BUILDINGS.

Finding: The existing Fred Meyer store is a preexisting development that does not meet many of these design standards. The new fueling facility will not make the site more non-conforming, however, and will make the site come closer to meeting the maximum parking standard, will remove parking between the building and the street, will help hide the blank western wall of the main building, and will create a better landscape buffer along the western and southern

edges of the site.

III. Conditional Use Permit Criteria That Apply - Newberg Development Code § 151.210.

The Planning Commission may grant or deny the application, or may require such changes or impose such reasonable conditions as are in their judgment necessary to ensure conformity to the conditional use permit criteria. A conditional use permit may only be granted if the proposal conforms to the following:

A. ***The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.***

Finding: The proposed fuel facility is required to apply for a conditional use permit because it has requested exceptions to some of the standards for large-scale retail development. The fuel facility would not require a conditional use permit on any other site in the C-2 zoning district. The scale and bulk of the proposed facility is minor compared to the adjacent main Fred Meyer building. The location of the facility raised concerns that it might increase the level of ambient light that impacts the drive-in theater to the west. The facility will only have recessed lights under the canopy, however, and will improve the landscape buffer along the western edge of the site. As conditioned, the design will mitigate the impact of light from this development. The fuel facility will increase the amount of traffic on the western side of the Fred Meyer site, so the traffic controls and pedestrian walkways in that area will be revised to regulate traffic flow and improve pedestrian safety. A pedestrian walkway from the main building to the SE corner of the site will make the Fred Meyer site more compatible with nearby residential development. The applicant will pay a traffic impact fee towards future improvements at the Springbrook/99W intersection to mitigate the impacts of this development.

The facility will be open from 7 AM – 11 PM, which will match the hours the main store is open. One public comment was concerned that the fueling facility could be operated 24 hours a day, which would increase the noise from the site. The applicant has not applied for permission to do this, but one condition of approval will be that the operating hours are limited to from 7 am to 11 pm. One other public comment mentioned that they had problems with noise from the loading area behind the store, which took some time to get resolved. It should be noted that the Fred Meyer store had been in place for many years before the new housing was built behind the loading area, and that Fred Meyer has taken steps to change delivery hours to reduce noise late at night and early in the morning. Nevertheless, it would aid communication with neighbors if Fred Meyer appointed a contact person to address and resolve neighborhood issues, and posted that person's contact information on the community bulletin board in the store.

Some public comments questioned what would be done in the event of a spill. The applicant has stated that Kroger operates 1,490 fueling stations across the United States and has a standardized safety and training program for fuel station employees. The plan includes detailed information on responding to spills and leaks. The response depends on the size of the spill, ranging from cleanup by onsite employees to complete emergency action with agencies including the Oregon Emergency Response System. Emergency contractors, including ODOT certified vactor trucks, are pre-arranged

as part of the emergency response plan. Employees are also trained to inspect equipment and identify maintenance needs.

Emergency shut-off switches are installed both inside and outside the kiosk as dictated by the fire code. The underground storage tanks will be double-walled fiberglass with leak detection sensors. The tank and piping monitoring system operates at all times and will sound alarms if any part of the system fails. The equipment to be installed will meet all State and Federal environmental standards, including the latest vapor recovery standards for delivery vehicles. The facility will be staffed with full-time attendants and will have closed circuit cameras for additional security, fire extinguishers, emergency shut-off switches and an alarm system. The applicant will submit a spill containment plan for the fuel facility for review and approval before building permits would be issued. There will also be an emergency shut-off valve located immediately downstream of the oil/water separator for stormwater. The valve will be closed during the unlikely event of a spill and during required periodic maintenance.

The operating characteristics of the facility will not create negative impacts on adjacent properties. The design and operating characteristics of the facility as conditioned will make it reasonably compatible with surrounding land uses.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Finding: The fuel facility location on the Fred Meyer site will be convenient for many shoppers who already use the store. The location on the western side of the main building will minimize the impact to on-site circulation, as that is the least used part of the existing site. The traffic controls and pedestrian walkways immediately north of the fuel facility have been redesigned to make the site safer for pedestrians and better regulated for vehicles. The fuel facility will be as attractive as the nature of the facility warrants, and will have extensive nearby landscape buffers that soften the view of the facility from the street.

C. The proposed development will be consistent with this code.

Finding: The preceding design review findings reviewed the development code standards that apply to this project. As conditioned, the proposed development will be consistent with the development code.

IV. CONCLUSION:

Based on the above-mentioned findings, the application meets the required Conditional Use Permit/Design Review criteria within the Newberg Development Code, subject to completion of the attached conditions:

CONDITIONS OF APPROVAL- FILE CUP-08-004/DR2-08-036

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. Permit Submittal: Submit a building permit application, two (2) complete working drawing sets of the proposed project, two (2) complete electrical plans, and two (2) copies of a revised site plan. Show all the features of the plan approved through design review, including the following:
   - Existing and finish grade elevations
   - Existing and proposed sewer, water, and storm sewer connections
   - Fire hydrant locations on and within 250 ft. of the site
   - Landscaping plan including existing and proposed landscaping and method of irrigation
   - Lighting plan
   - O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
   - Plumbing details
   - Sign details
   - Site circulation and parking stall layout
   - Vision clearance areas

2. Conditions of Approval: Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.

3. Utility Plan: Revise the utility plan to show the private water line to the air/water station. All on-site utilities are to be private, constructed per the plumbing code. Provide an oil-water separator for the under canopy drainage area that is in use at all times. All utilities, including power, cable and telephone, are required to be placed underground.

4. Spill containment: Submit a spill containment plan for the fuel facility for review and approval as part of the building permit.

5. Fire hydrants: Show the location of all fire hydrants on and near the site, and show on the drawings that the water system has adequate fire flow. New fire hydrants may be necessary. If a fire hydrant is required then the hydrant and line to it will be public, and will need a public utility easement.

6. Signage: Submit sign details with the building permit which include:
   - Portland Rd existing freestanding sign – show modifications to sign face (must be less than 200 s.f. in total area)
   - Springbrook Rd new freestanding sign – show 15' setback from front property line and compliance with vision clearance setback from corner.

7. Disabled/ADA Requirements: Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

8. Garbage: Provide garbage containers near the fueling station pumps and empty to existing dumpster on site as necessary.

9. Neighborhood contact person: Fred Meyer shall appoint a contact person to address and resolve

neighborhood problems such as noise issues, and post the person's name, phone number and responsibilities on the community bulletin board in the Newberg Fred Meyer store.

10. Landscape Plan: Submit a revised landscape plan, subject to review and approval by the City Planner, with the following additions or modifications:
    - Method of irrigation
    - Western landscape buffer: add evergreen trees where there are gaps without trees (at least two gaps noted). New trees must be large enough for the buffer to be effective when planted. Retain all existing shrubs and trees.
    - Southern landscape buffer: add trees to the western portion of the southern buffer up to the park to match the existing trees to the east, spaced not more than 35 feet on-center.
    - West 99W access drive: replacement plan for any trees removed by widening the drive.
    - Parking lot trees: survey the entire site and replace any damaged or missing parking lot trees (one tree noted in SE corner)

11. Lighting Plan:
    - Canopy lights must be recessed.
    - Fill in gaps in vegetation on western border noted above.
    - Add shields to the existing wall-mounted lights above the garden center.
    - Ensure that construction lights will not point west during times when movies will be shown at the drive-in theater (late March until November on Friday, Saturday and Sunday evenings at dusk).

12. Easements: If a new fire hydrant line is necessary then record a public utility easement over the hydrant and water line and provide a copy of the recorded instrument to the Planning & Building Department. The location and language for any easement must be reviewed and approved by the Planning & Building Director and Public Works Director prior to recordation.

13. Transportation improvements:
    - Post the loading area south of the store "No through traffic – delivery trucks only."
    - Remove any storage containers in parking areas. Storage containers may be kept only in the loading area on the south side of the building.
    - Applicant to pay a traffic impact fee of $12,400.00 towards future improvements at the Springbrook/99W intersection based on this project's impact on the intersection.
    - Widen the radius of the west 99W entrance to better accommodate large vehicles, and widen the one-lane access driveway to provide separate left- and right-turn lanes at the intersection with the Fred Meyer access drive, as shown in Exhibit D. The two lane right-in only approach shall be constructed so that it is long enough to ensure that traffic going to the fueling station in the right lane is not blocked by traffic turning left to go to the store. If necessary to correct any problems caused by queuing, an all-way stop shall be added to the main aisle later if it is needed. The radius of the right-in approach shall be constructed in such a way that it can accommodate large vehicles without being damaged. Fred Meyer shall be required to obtain ODOT's approval for a design vehicle and approach design.
        - ODOT will need to ensure that all work within ODOT right-of-way meets ODOT standards, and engineering plans will need to be reviewed and approved by ODOT. Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY:

1. On-site circulation:
   - Revise the private walkway and traffic controls north of the fueling facility as shown on the site plan.
   - Add a new private walkway on the southeast portion of the site as shown on the site plan.
   - Freshen pedestrian striping, stopbars, etc. on the entire site as needed.

2. Fire Department Requirements: This project is subject to compliance with all Fire Department standards relating to access and fire protection. The construction site cannot hinder fire access to the main building.

3. Design Review Conditions: Contact the Planning Division (503-537-1215) to verify that all design review conditions have been completed.

4. Site Inspection: Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1215) for landscaping final inspections.

C. DEVELOPMENT NOTES:

1. Operating hours for the fueling facility are limited to from 7 am to 11 pm.

2. NW Natural commented that Fred Meyer will need to coordinate with NW Natural for the relocation of the existing gas line as noted on their plans.

3. The design review fee collected for this application was $2,200.00. This fee was based on a total project cost of $366,667.00. If the City determines that the actual project cost exceeds the original estimate, at time of construction of each of the units, there may be additional design review fees collected.

4. Systems development charges will be collected when building permits are issued. For questions regarding SDCs please refer to the attached fee packet and contact the Engineering Division.

5. ODOT's access permit conditions:
   - If traffic backs up to the property line at any time, ODOT reserves the right to review approval of the right-in only approach.
   - If the crash history changes due to the weaving pattern between Springbrook and the right-in only approach, ODOT reserves the right to review approval of the right-in only approach.
   - If the eastbound traffic queue backing up from the signal at Brutscher begins to block the right-in right-out approach, ODOT reserves the right to review approval of the approach and to require changes.

EXHIBIT B: OVERALL SITE PLAN

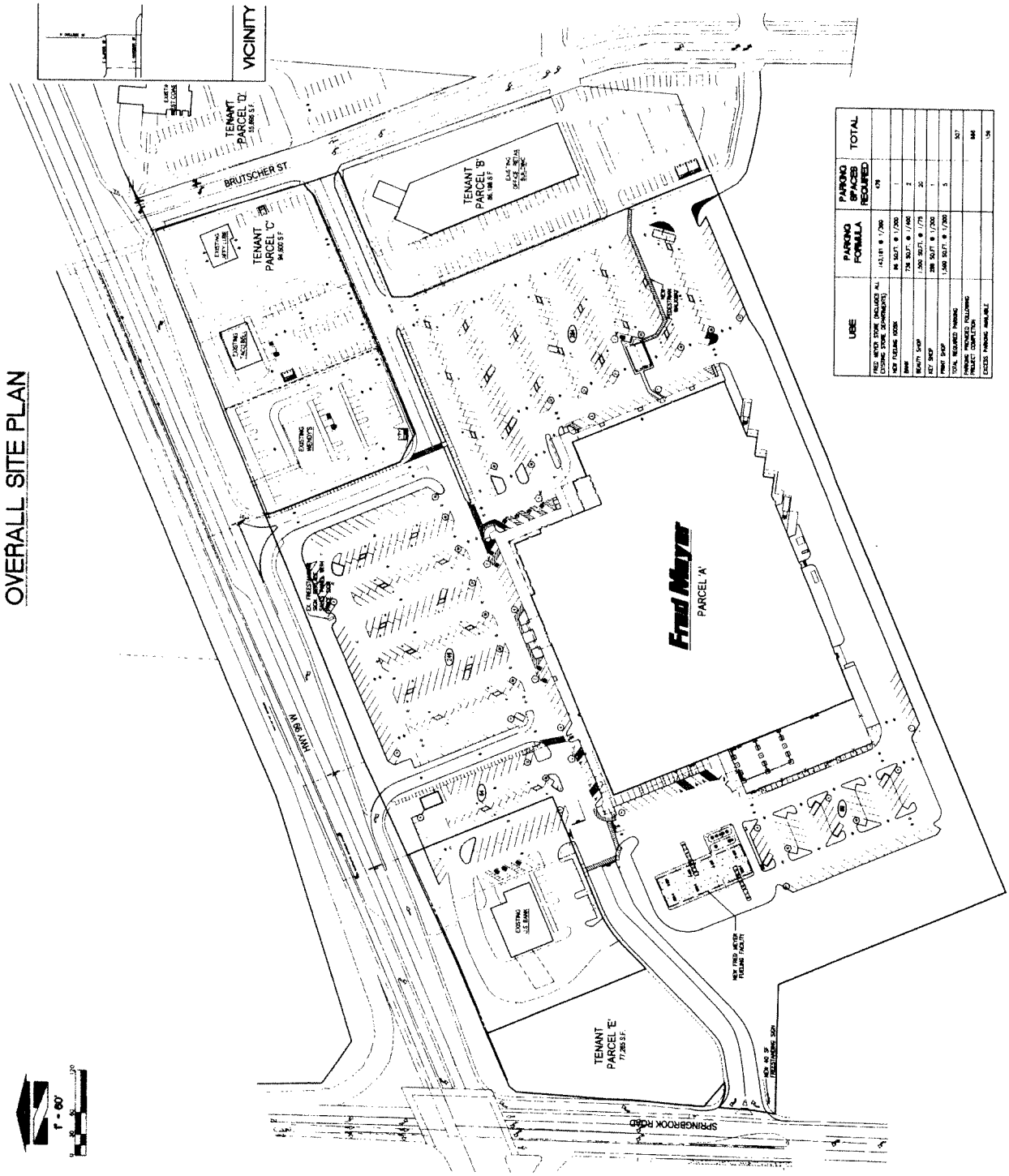


EXHIBIT C: SITE PLAN FOR FUEL FACILITY

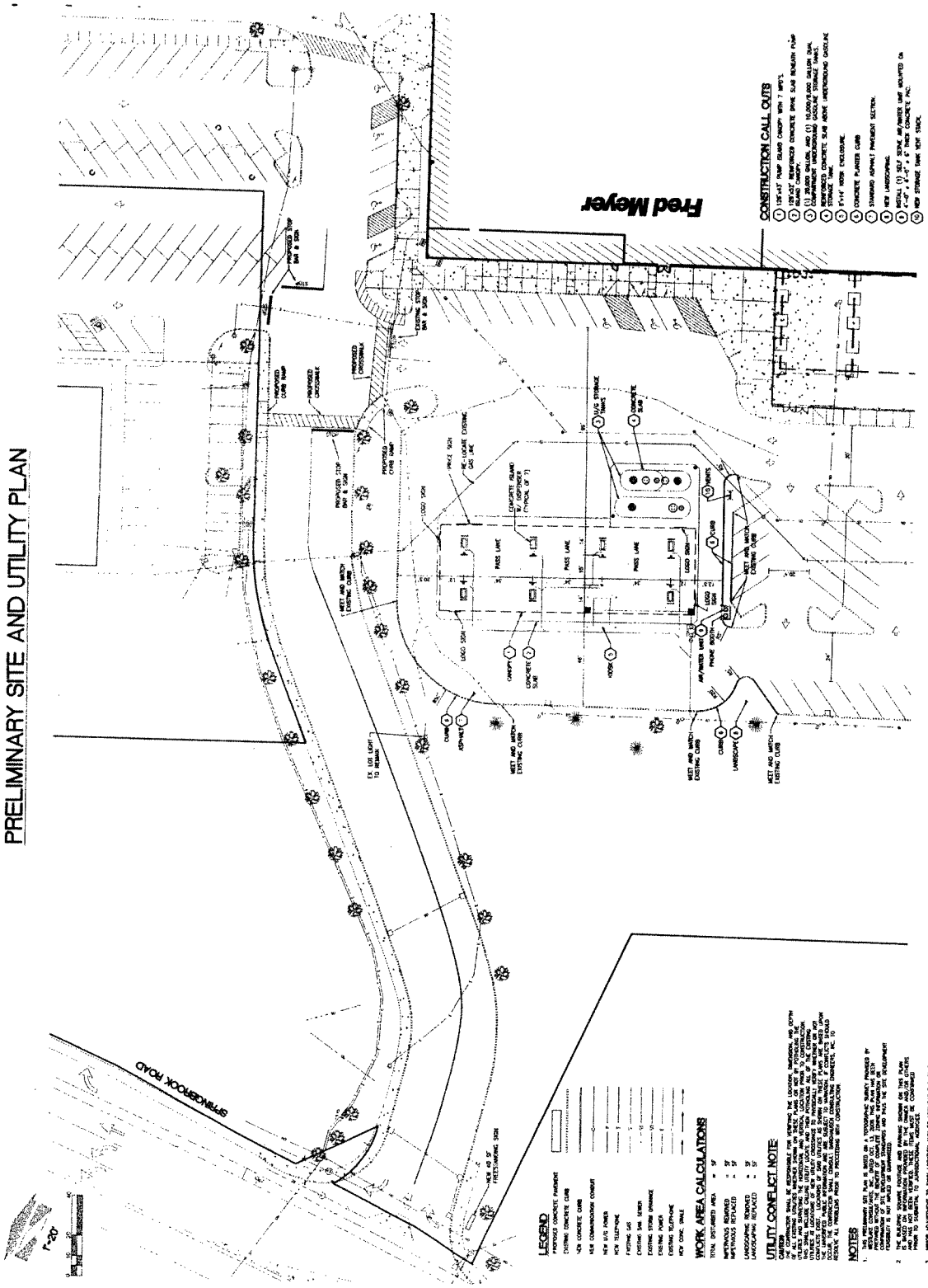


EXHIBIT D: REVISED WEST 99W ACCESS

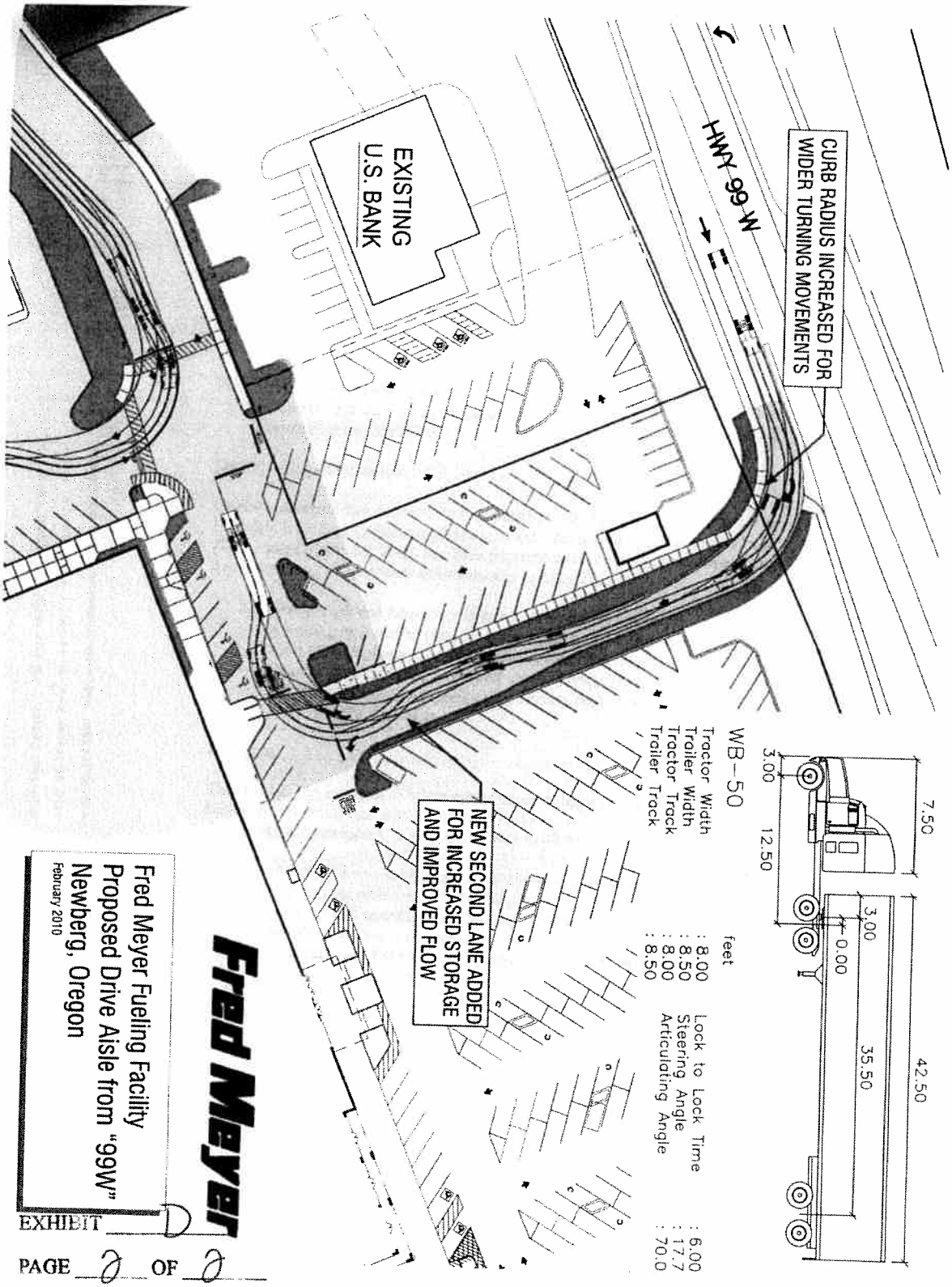
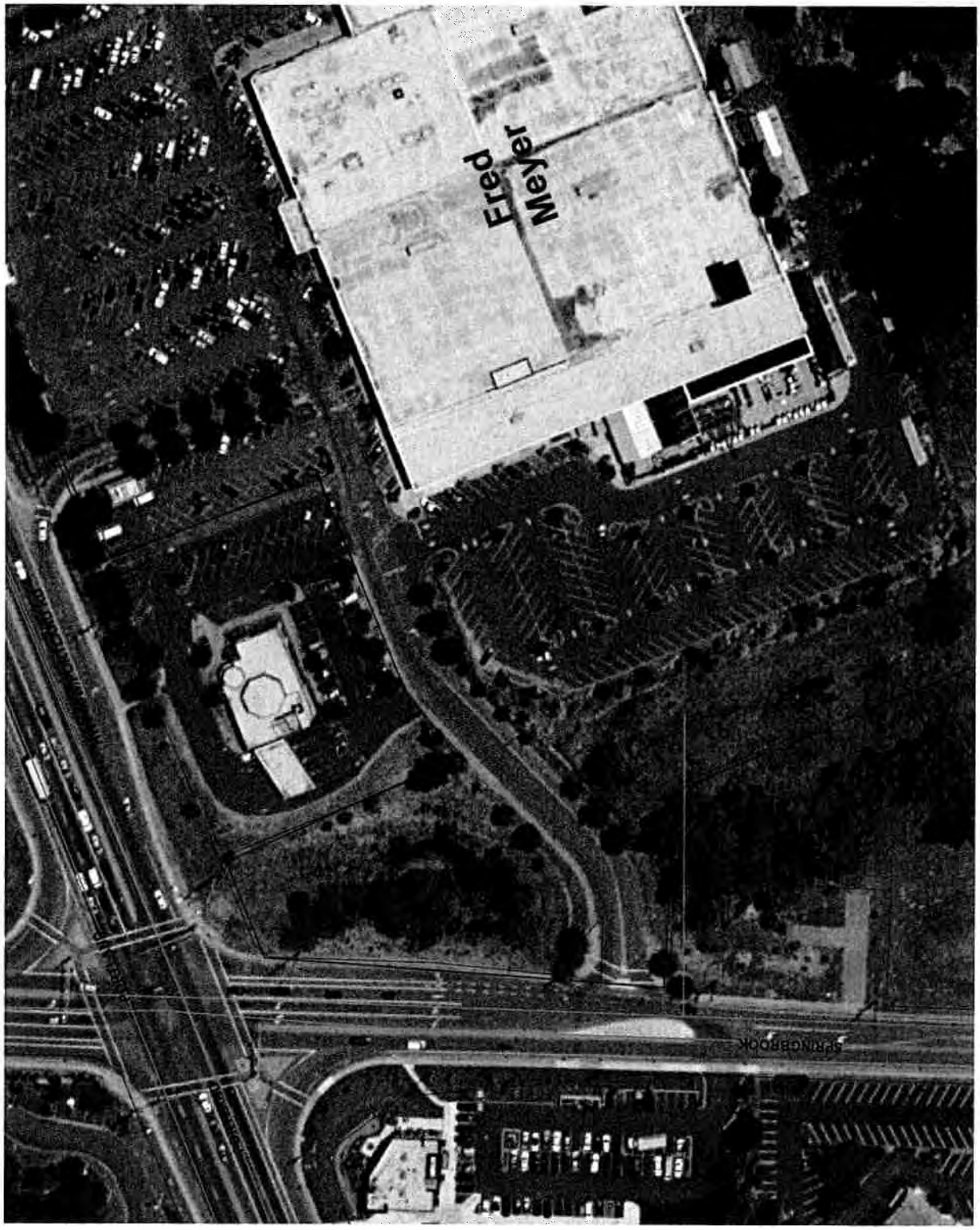


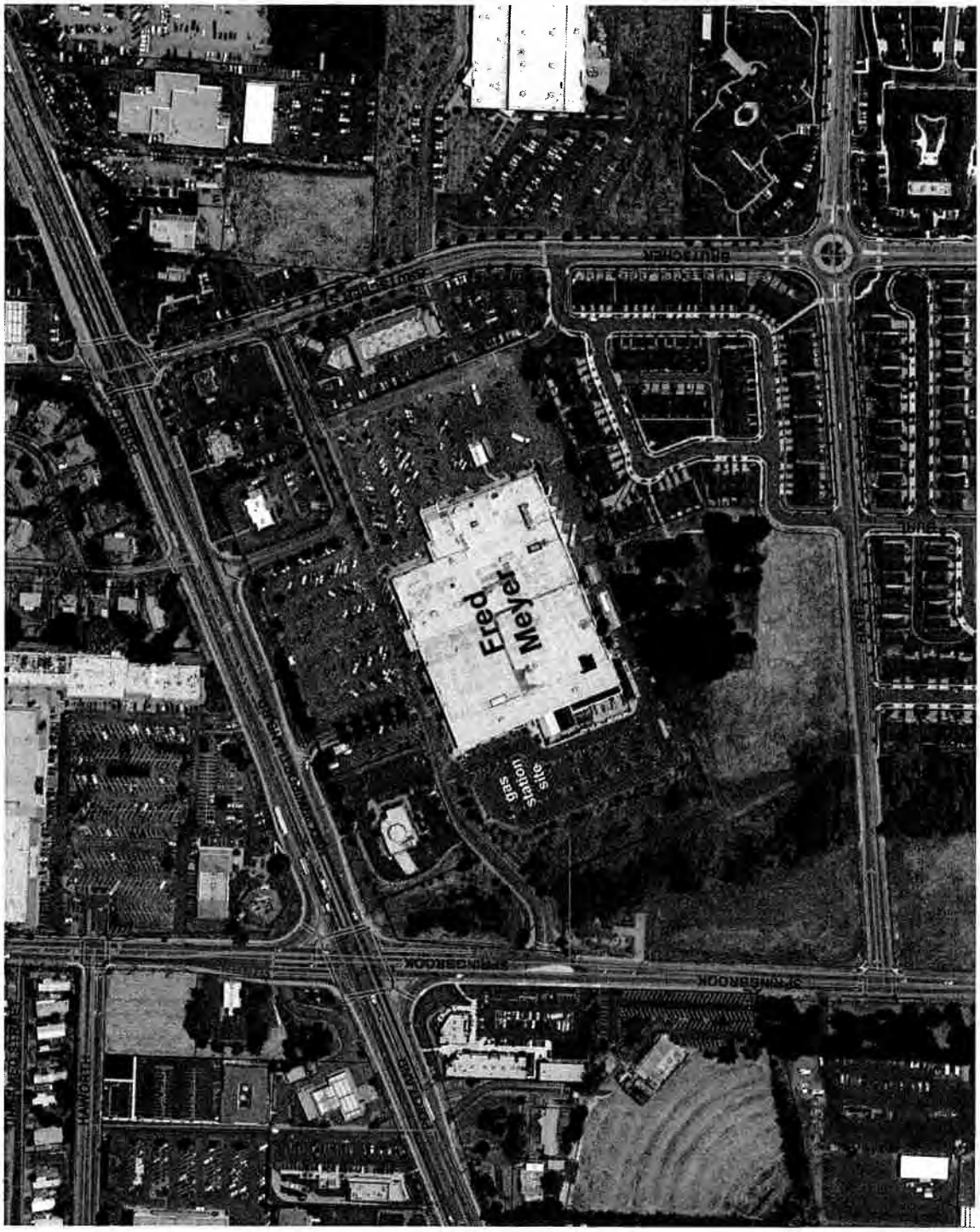
EXHIBIT D

PAGE 2 OF 2

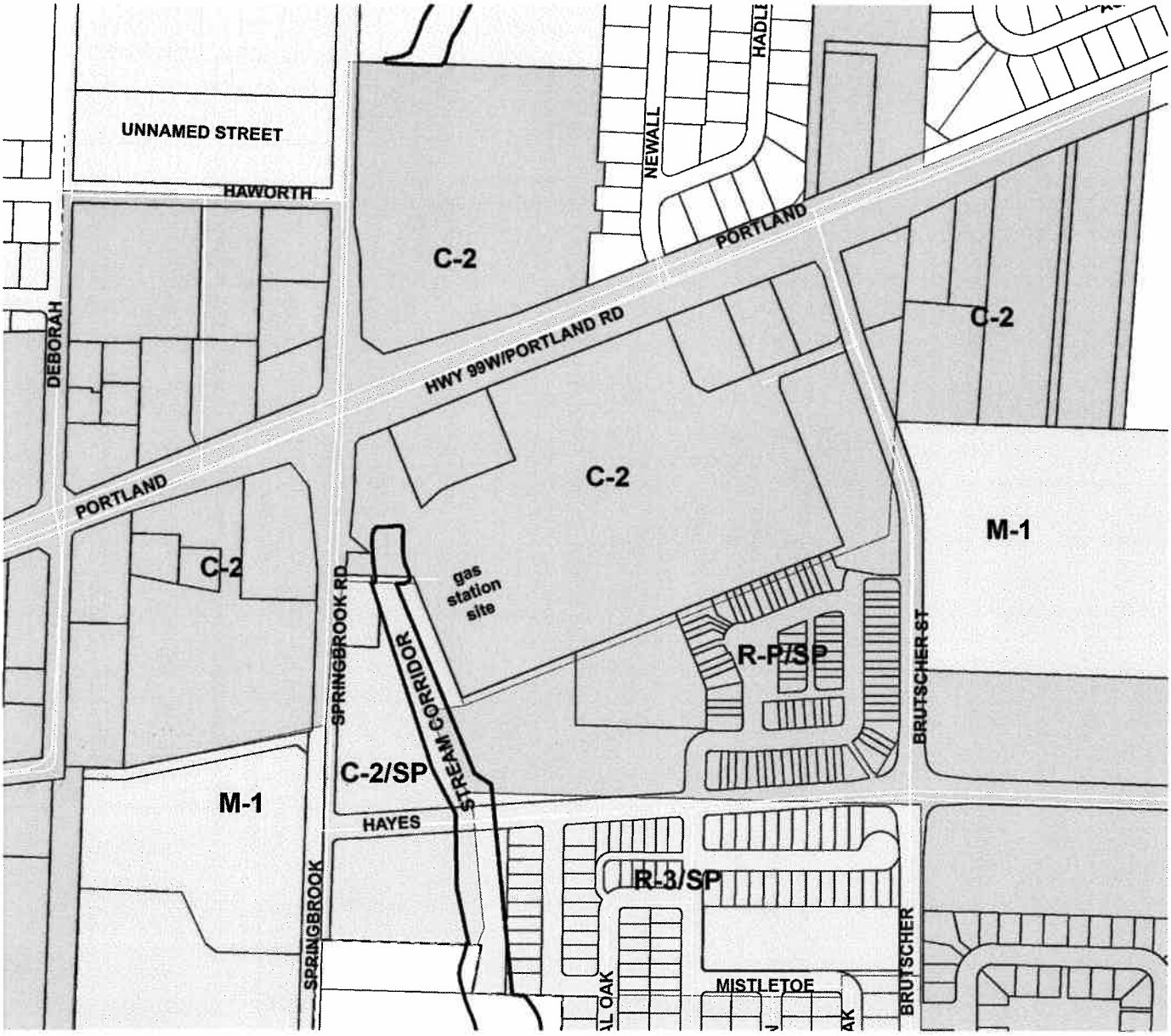
ATTACHMENT 1: EXISTING CONDITIONS



ATTACHMENT 2: ENTIRE SITE AERIAL PHOTO



ATTACHMENT 3: ZONING MAP



Steve Olson

Attachment 4

From: ryan goosmann [ryn_tqs@yahoo.com]
Sent: Wednesday, May 05, 2010 11:28 PM
To: Steve Olson
Subject: Fred Meyer Gas Station...

Why not put the gas station on the bottle return side of the store??? To put into jeopardy the event of any light pollution to disrupt the drive in theater is catastrophic, its bad enough that they put in that stupid photo camera it sucks seeing it flash during a movie. That problem could be solved by putting a timer on the camera and turn it off during movie hours. Do you have the muscle to in force a simple fix to a terrible nuisance as this stupid flash for cash??

Not to mention, has Fred Meyer even thought about how these people wanting gas are going to bottle neck the whole parking lot for the rest of their customers!! There is no way in to their parking lot on that side street that runs on the gas station plan site unless you make a "U-IE" and go back! Think about the future of the drive in and the next generation of kids that might still get the fantastic experience of the DRIVE IN MOVIES with out light pollution interruptions.

Sincerely, Ryan Goosmann

Steve Olson

From: Tim Hart [timhart1991@verizon.net]
Sent: Tuesday, May 04, 2010 9:44 PM
To: Steve Olson

Dear Steve Olson,

My name is Tim Hart and i live in hillsboro not far from newberg. I am 18 years old and think that our community needs to grow and expand. But i think there is a line that cannot be crossed. The Newberg drive in theatre is a piece of history and had been open for decades and has brought enjoyment for families through many generations. Putting a gas station right next to the theatre not only affects the lighting and the visual aspect of the movies, but it also ruins the overall atmosphere of going to the old fashion movies. Even as a teenager i understand the importance of preserving a part of oregons history and making sure that future generations get to enjoy the same experiences i have. Going to the drive in a blast into the past letting oregonians escape to a simpler time and remember things from their childhood and pass onto their kids. The presence of a gas station not only ruins the family atmopshere but it also shows that American busniess men and politicians are more focused on the here and now and not worried about preserving a mom and pop business that continually bring joy to people as well as stimulate the local economy.

Without any hestiation would support a family business over the expansion of a chain franchise. Especially when there are plenty of other local gas stations very nearby and just as assessible that are already in existance. The over development of our comminuty needs to be slowed down and taken a closer look at. this development would be a poor one and i am one citizen that would not support that new business and would be more than willing to advise others to use other resources that are just as readily available.

Thank you for your time and consideration,
Tim Hart

Steve Olson

From: Stacy Meshishnek [stacymesh@gmail.com]
Sent: Tuesday, May 04, 2010 10:08 PM
To: Steve Olson
Subject: Fred Meyer Fueling Station

Hello
I am writing to find out more information about the possible Fred Meyer Fueling station and express my thoughts. With the Newberg Drive-In being one of 4 out of 46 Drive-In's still left in Oregon, the affect of the ambient light exposure would greatly detriment this long time Icon of Newberg, not to mention, hurt the family owned business. People from all over come to Newberg for the Drive-In. Many businesses profit from tourists coming to have dinner before a movie, etc. In this society of "me first" people, it disgusts me to hear that Newberg is considering opening another gas station in a location that would affect a family run, and historic business when other gas stations throughout the small City are sitting empty and closed down. I live in Newberg, and would like to be proud of the fact that they care about their citizens and landmarks, rather than be ashamed and feel that greed has once again taken over.

If there is a meeting in which I can attend to voice my opinions further I would like to know about it. Thank you for your time.

Stacy Meshishnek
210 N. Blaine Street
Newberg, OR 97132

Steve Olson

From: rick & sue cole [srcole65@earthlink.net]
Sent: Wednesday, May 05, 2010 6:54 AM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036

To whom it may concern:

I understand Fred Meyer is considering putting a fueling station up in their lot. My concern is how the lights will effect the drive-in.

Newberg has a unique piece of history and an inexpensive family entertainment business in the form of a drive-in movie theatre. People come from miles away to visit our town and watch a movie, experiencing a bit of nostalgia and history by doing so. The city lights are enough of a distraction as it is.

Furthermore, we already have 6 fuel stations in Newberg. Why do we need one more?

On the other hand, there is only 1 drive-in movie theatre, out of 3 or 4 in Oregon. Businesses are killing our history and our entertainment.

I object to another fueling station being put in town, and I object to the light and traffic pollution that it will bring. Please reconsider so that history can be kept alive in our town.

Very truly yours,

Sue R. Cole
home (503)538-7245
work (503)565-2127

Steve Olson

From: Tammy Rideout [treefrog913@live.com]
Sent: Wednesday, May 05, 2010 1:16 AM
To: Steve Olson
Subject: Newberg 99W Drive-In

Mr Olson,

My name is Tammy Rideout and I am writing with concerns about Fred Meyers adding a fueling station. Newberg currently has many fuel stations just like every other community. However, unlike most other communities Newberg has a drive-in movie theater. This is a dying breed and unfortunately one thing that helps kill them is business expanding around them and crowding them out. The addition of a fueling station at the Fred Meyers approximately one block from the drive-in will decrease the drive-ins quality. The flood lights used at these fueling stations will drown/wash out the screen.

Some things to think about:

In a struggling economy it is great to go to the drive-in and get 4+ hours of entertainment and a snack for around $10!

The drive-in is great for the whole family.

Alcohol is not allowed at the drive-in which results in safer roads during the normal alcohol ridden road times. The drive in gets out anywhere between midnight and 2AM on weekends (depending on length of shows and time of dusk).

The drive-in has no in/out privileges, therefore when your teens go to the drive-in with their friends, you know they will be there the whole time.

The drive-in is a great experience and I often see people that come from Washington just to go to the drive-in. I don't think out - of - staters are going to come here just to gas at Fred Meyers. Let's keep their revenue coming.

Please do not let Fred Meyers ruin our drive in. Say, "NO" to Fred Meyer fueling station.

Thank you,
Tammy Rideout

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. Get busy.

Steve Olson

From: Debby Smith/Rohmbock [totsintow@gmail.com]
Sent: Wednesday, May 05, 2010 12:42 AM
To: Steve Olson
Cc: 99wdrivein@msn.com
Subject: 99W Drive-In

Dear Sir,
I'm sure you are very busy and I appreciate you taking the time to read this.

The Drive In on 99W is a special and remarkable place. It's the only one we have within hundreds (if not thousands) of miles of our home. I can't imagine the sadness I would feel having their ability to show movies ruined by progress. At some point, the encroachment on this community treasure has got to end and that time is now.

Fred Meyer has every right to build their fueling station, but they also have a responsibility to be a respectful neighbor and to make some changes in design to fit in. There are are number of things they could agree to that would help ensure their business didn't put another out. For example, they could shield the lights so there will be no light in the direction of the theater, lower the height of the pole, have the lights switched to dim during show times, pay for an extension wall for the drive in so they can block the light to their satisfaction. The list of posibilities goes on and on.

Please, take the time to consider this and do all you can to make sure the 99W Drive-In isn't compromised.

Sincerely,
Debby Smith
Citizen - Portland, OR 97266

Steve Olson

From: Mick Roberts [mickjroberts@gmail.com]
Sent: Tuesday, May 04, 2010 10:17 PM
To: Steve Olson
Subject: Fred Meyer Fuel Station/99W Drive-In

Mr. Olson,

I recently learned that Fred Meyer is considering putting a filling station near its store in Newberg, and that its light would affect the 99W Drive-In theater's ability to show movies on its screen.

The drive in theater is something that Newberg has that's all its own.
It's been here almost 50 years. We're all very proud of it because it's one of just a handful of drive-in theaters remaining in the Northwest.

People come from all over the area to see movies at the drive-in, and I think that ruining that great landmark would be nothing short of a tragedy. We aren't in despeate need of another gas station here in town, considering that we already have quite a few, and Fred Meyer's prices aren't usually very competitive anyway.

I urge you to do everything within your power to make sure the drive-in theater is protected, which would mean opposing the development of the Fred Meyer fueling station anywhere where it might interfere with the drive-in's ability to operate properly. I feel that Brian Francis should be consulted before any plans are made, and that public input should be invited as well, because I know that support for the theater would be overwhelming.

Thank you,
Mick Roberts

Dundee, OR
503-550-2656

--
Sent from my mobile device

Mick J. Roberts
mickjroberts@gmail.com

Steve Olson

From: Joseph Bercier [jabercier@yahoo.com]
Sent: Tuesday, May 04, 2010 10:16 PM
To: Steve Olson
Subject: newberg drive in

my name is joseph bercier..my wife and i have been going to that drive in since 95, when we first started going out..now 15 years...5 kids later..we enjoy going to the newberg drive in every year...if fred myers put a fueling station there..that will cause problems for the drive in..or even worse..cause it to close...i think fred myers really ... See Moreneeds to think this out...and so does the city..that drive in should be considered a historical landmark...if the city cant support the drive in...i think the people should really RETHINK about who is running the city...and get thim out and have a thorough back ground done on them... WE NEED THE DRIVE IN...NOT ANOTHER EYE SORE FUELING STATION..... ~~UNITED WE STAND~~WE SHALL PREVAIL~~

Steve Olson

From: Sean [bearonautica@gmail.com]
Sent: Tuesday, May 04, 2010 9:59 PM
To: Steve Olson
Subject: Fred Meyer Fueling Station

Dear Sir,

Please don't allow a fueling station to interfere with 99W Drive-in. That is the only drive-in in the area and we drive from Beaverton to see movies there. This would be a travesty to your community as well as the only drive-in left in Oregon. There will be lost revenue to a local, small business as well as other businesses that are around the drive-in. WE DO NOT SUPPORT ANYTHING THAT WILL CAUSE NEGATIVE RESULTS TO 99W DRIVE-IN!!!!

Thank you for your understanding,

Sean Abbotts
9675 'SW Luelling Pl,
Beaverton, OR 97008

Steve Olson

From: Heather McDaniel [record.girl@verizon.net]
Sent: Tuesday, May 04, 2010 9:58 PM
To: Steve Olson
Subject: 99W Drive In

Hi Mr. Olson!
I just wanted to remind you what a valued part of the community the 99W Drive In is. So many communities have lost this great family oriented tradition. Please do not let that happen here in Newberg! Consider how the light will affect the screen before making any further planning decisions please!

Sincerely,
Heather McDaniel
a concerned citizen

Steve Olson

From: K.C. [krazee54@gmail.com]
Sent: Tuesday, May 04, 2010 9:47 PM
To: Steve Olson
Subject: In Reguards to the 99W Drive In

Dear Steve Olson:

I am a patron of the 99W Newberg Drive In and I am concerned about the Fred Meyer Fueling facility proposed. I believe that the drive in should be preserved and no lighting should encroach onto the property. Please protect this historic drive in, there are so very few of them left.

Thank you,

K.C. Flego

Steve Olson

From: Ang [irishhorizon@yahoo.com]
Sent: Tuesday, May 04, 2010 9:27 PM
To: Steve Olson
Subject: I support the Drive-In!

Local voice chiming in to let you know that I support the Newberg Drive-In!

Steve Olson

From: Mary Jo Chambers [busymom11@yahoo.com]
Sent: Tuesday, May 04, 2010 9:10 PM
To: Steve Olson
Subject: 99W Drive-In

The 99W Drive-In is an old family tradition. It would be such a shame for it to be ruined with the Fred Meyer Fuel Station lights. It is a great place to be able to take the children and spend family time. Plus, it is the only Drive-In left in driving distance and a great tradition we love to spend with family. Please, do not let the Drive-In be stopped from playing movies with the fuel station lights.

Steve Olson

From: Gruher, Joseph R [joseph.r.gruher@intel.com]
Sent: Tuesday, April 06, 2010 6:44 PM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036

Steve-

Please help protect the drive-in from the ongoing development around it!

Thanks!

-Joe Gruher

Steve Olson

From: Ryan Weisgerber [processedmeat@ryanweisgerber.com]
Sent: Tuesday, April 06, 2010 6:55 PM
To: Steve Olson
Subject: CUP-08-004/DR2-08-036

I just wanted to write to express my support of the initiative to prevent gas station light spillage from effecting the operation of the 99w drive-in. Drive-ins are a dying breed, and I believe that it's important to do whatever is possible to allow the few remaining establishments to continue providing their services as best as possible.

I sincerely appreciate your time. I love this drive-in, and the idea of the experience being negatively impacted by something that could be avoided is saddening.

-Ryan Weisgerber

Steve Olson

From: Loretta Johnson [lorettamj@onlinemac.com]
Sent: Tuesday, April 06, 2010 7:53 PM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036

Mr. Olson,

I am contacting you regarding the 99W Drive Inn in Newberg and the possibility of interference to its business if a gas station is allowed near it. Please don't allow this to happen. This is such a treasure to our community and so few are left that any possibility of harming their business would be such a disservice to our community. I ask you to please work to protect this business for the sake of those of us who treasure it and have for many years.

Sincerely,

Dave and Loretta Johnson

Steve Olson

From: dave ganslein [daveganslein@hotmail.com]
Sent: Tuesday, April 06, 2010 7:55 PM
To: Steve Olson
Subject: RE: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Steve
As I'm shure you know myself, our car club and many others oppose any development or change in lighting that would interfere with operation of the 99W drive In theater.

We will launch a public awareness campagin to gain support for our cause

Thank you for your help and cooperation

Dave Ganslein
Outcasts Car Club

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

Steve Olson

From: joe stockert [joe8346me@yahoo.com]
Sent: Tuesday, April 06, 2010 8:36 PM
To: Steve Olson
Subject: 99w drive-in

Dear sir,

I am writing you to ask for consideration in the matter of the Kroger development near the 99 West Drive-in Movie theater. 99w is one of the last drive-in movie theaters in Oregon. I drive form Portland many times every year to enjoy one of the few things that still exist from my childhood, and also bring a new generation to experience this style of movie entertainment.
To diminish the experience of this rare movie viewing, would be a travesty to Oregon and all of its residence. To view a drive-in movie I would travel hundreds of miles, but luckily I don't have to.
This Drive-in holds a special place in many of our hearts. its a rare glimpse of when times were better, simpler, and more civil.
I beg you please to protect this landmark, give the next generation the chance to experience this magical movie viewing experience.

Thank you,

Joseph M Stockert
4111 SE 25TH AVE
Portland, OR 97220

(503)841-7010

Steve Olson

From: caitlin yoder [caitliny88@gmail.com]
Sent: Tuesday, April 06, 2010 10:55 PM
To: Steve Olson
Subject: reference File ID CUP-08-004/DR2-08-036

Steve Olson,

I am emailing regarding the Fred Meyer gas station planned to be placed next to the 99w drive-in theatre. While the gas station is convenient for those needing to refuel, the theatre would suffer greatly if simple adjustments were not made to the station so that the light from head-lights as well as the overhead lamps didn't face towards the screen. I would be very disappointed if an effort was not made to preserve one of the few drive-ins left. I'm sure you are well aware of how different and special drive-ins are, and why these considerations would be worth it to your town and community.

Thank-you,
Caitlin

Steve Olson

From: Wendy Miller [bwfka@msn.com]
Sent: Wednesday, April 07, 2010 9:26 AM
To: Steve Olson
Subject: 99W Drive in

Good morning Steve,

I just read about the new development around the drive in theater. I am praying that you are able to find a way to keep our drive in open. As my grandparents took my parents, my parents took us, now I take my kids, it would be a tragedy to lose our summer (not expensive) family time. It is something even in this economy I can afford to do with my kids. Please keep it open for us.

Thank you,
Wendy Miller

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Steve Olson

From: Adam Barr [adamn.barr@gmail.com]
Sent: Thursday, April 08, 2010 8:34 PM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036

To whom it may concern,
I would like to briefly state that I am a massive proponent of the HWY-99 Drive-In and I would like to see them live on into the future as long as possible. I went to that drive-in with my parents during the 80's and it has been a long standing tradition for my friends and I to go every summer. I live about 45 minutes away from the drive-in and I make the trek regularly because I believe in the product and the environment.

In a country where every city has the same shops, malls, stores, and products, it is individuality like this that sets Portland apart. Please do not kill what makes us great.

I love the drive-in and always will.

Cheers
-Adam Barr

Steve Olson

From: Douglas Kempf [p51flyguy@yahoo.com]
Sent: Thursday, April 08, 2010 1:56 PM
To: Steve Olson
Subject: 99w drive in/Fred Meyer

Steve,
I would like to voice my concern regarding the proposed Fred Meyer addition of the operation of a gas station. I am all for the gas station....but I am concerned about the potential light pollution from this station affecting the operation of the 99w drive in theater.
As a citizen that would use both businesses, I would ask that you will consider mitigating the possible damage of light source casting toward the drive in screen when permitting the station design. I would say that if mitigation would somehow not be sufficient, then I would go so far as to say let Fred Meyer find another location for the station, or not build it at all. Considering the historical significance of the 99W, and the current important role it plays with many citizens such as myself, we would not understand the operation of a disconcerned neighbor to the drive in.....
Sincerly,
Doug Kempf

Steve Olson

From: Lisa Hereford [lisahere66@yahoo.com]
Sent: Sunday, April 11, 2010 11:05 AM
To: Steve Olson

Please do not put a gas station in at Fred Meyer.

Lisa Hereford
Newberg, OR

Steve Olson

From: Rachel & Jason Judy [jayrayfamily@gmail.com]
Sent: Wednesday, April 14, 2010 1:25 PM
To: Steve Olson
Subject: Newberg Fred Meyer Gas Station

Dear Sir,

I have been a Newberg resident for 25 years and am saddened by the prospect of our treasured Drive-in being put out of business due to ANOTHER gas station. Please understand the implications this would have on our community, we bring in customers to this drive-in from all over Oregon, it sells out EVERY night, people wait in line for up to 5 hours a night, just to get in. There are other options for the Fred Meyer gas station, put it where the can recycling is. Please help us in saving our rare little piece of a better time in history. Thank you for your time.

Rachel Erickson
Newberg Resident - 33 years old

Steve Olson

From: Sarah Rossi [sarahr@westoregon.org]
Sent: Wednesday, April 14, 2010 8:42 AM
To: Steve Olson
Subject: Fred Meyer fueling station vs Newberg Drive In

Hello Steve,
Our family has enjoyed the drive in for decades, and I can't imagine a summer without being able to go and have fun family time together at the drive in movies.
Please make sure that if Fred Meyers puts in the fueling station that the lighting does not affect the movie screen! As the last of the drive in movie theaters in our area, it is so important that it is protected so future generations will be able to experience going to a drive in movie. There is no better family entertainment value for the money!! It is truly an American tradition, and should be protected!!!!
Thank you for your reading my email, and please add my comments to the file for the 99w Drive In.
Sarah Rossi

Steve Olson

From: Sue Lampson [gslampson@yahoo.com]
Sent: Tuesday, April 13, 2010 8:47 PM
To: Steve Olson
Subject: Re: Newberg/File # CUP-08-004/DR2-08-036

Dear Mr. Olsen:

I am an eight-year resident of the City of Newberg. I am writing to voice my concern over a fueling station at the Fred Meyer store in Newberg which may impact the appeal/effectiveness of Hwy 99W Drive-In Theatre.

99W has been in business for SO many years. It's nostalgic. It's unique. It's becoming one-of-a-kind in the multiplex theater genre we're so used to experiencing. But you go to 99W on a hot summer weekend night and you'll appreciate why this theatre NEEDS to stay afloat and appealing to the audience.

I have visited this place many times. It is unique. It reminds me of when I was a child. I have taken my own little child to this place and hope to continue to take him weather permitting. It's so amazing. There are so many people in this nation who wish they were who we are: able to experience what 99W gives us!

If Fred Meyer builds a large fueling station that will affect the lighting of 99W then you should not approve it. Fred Meyer needs to respect the history and appeal of 99W and keep in mind that it is one of a handful of drive-in theatres that remain in the United States. As long as they're standing and appealing we should do what we can to keep them going. They're a special treasure and I would hate to see it destroyed from the impact of another fueling station in Newberg that may or may not do well... FM can choose another locale in their vast parking lot. If you're set on allowing them on the corner where their lighting will impact 99W then absolutely insist on shielding. It's the right thing to do.

I appreciate your considerations.

Sue Lampson

Steve Olson

From: Tracy [dmpl9902@gmail.com]
Sent: Tuesday, April 13, 2010 7:56 PM
To: Steve Olson
Subject: # CUP-08-004/DR2-08-036

My heart is very heavy at the thought of a gas station taking precedence over our beloved drive-in theatre.

The drive- in theatre is one of very few wholesome family activities we have left in this ever changing world. It is one of the reasons we chose Newberg as our home and have continued to stay. We have family from out of state come down each summer for the sole purpose of giving their children the drive-in movie experience that we are fortunate enough to still have.

Please please consider this when making decisions about allowing the fueling station at Fred Meyer. The location would be incredibly detrimental to the theater and those of us who love it.

Sincerely,

Tracy Adamski

Steve Olson

From: Lee Ann H [lilu4evr@yahoo.com]
Sent: Tuesday, April 13, 2010 7:46 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Mr. Olson,

Why? Why do we need yet another gas station in Newberg? There are eight gas stations in Newberg already, two in the immediate vicinity of Fred Myers! I do not see a need for another gas station. I have never once had to wait in a long line at any gas station in Newberg, and I have bought my gas at many different times of day, in the morning and during rush hour, on a weekday and on a weekend. NEVER have I felt the lines too long, and longed for a different gas station to go to.

Please do not let this gas station come to be!

Other than the pure lack of need, my main reason and concern for writing to you is for the Newberg Drive-In...

The Drive-In is already affected by the new developments that have surrounded it over the last few years...Fred Myers addition of a gas station and all of the direct and indirect lighting, and headlights from the cars fueling can potentially ruin our community's night out at the Drive-In.

15 years ago I had a flashlight and still tripped over bumps to get from my parents car to the bathroom or snack bar. Last summer I took my sons to the snack bar and it seemed like the sun was still setting!

We do not need another gas station!

What has better value to our community? Another gaudy gas station chain. Or a historic landmark that brings this community together! Where families can go and enjoy their summer nights together, outdoors and among their friends and neighbors!

Don't let more and more light continue to destroy my family's summer tradition of going out to the big screen Drive-In!

Thank you,
Lee Ann Howard
A Concerned Newberg Citizen

Personal Note on being a young parent:
Children are truly a wonder and a gift of life. My Children have taught me so much about the world and what type of a person I am. And what type of person I want to be. I want the best for every child around me, not just my own, and I know that they can teach me what they need so I can guide them on the right path to their own adulthood. I just hope I can listen to them hard enough to guide them true.

Steve Olson

From: JOSHUA FENDER [joshfender@msn.com]
Sent: Tuesday, April 13, 2010 7:28 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Hello,
I am concerned about the Fred Meyer gas station having affects on the 99W drive-in movie theater. Even though we moved 2 hours away, we still make the trip several times a year to come to this theater. We want to continue taking our kids to the drive-in movies like we used to do as kids. I understand that that added lights will have a huge impact as well as car headlights. I just want to voice concern on this topic and hope that you will do everything possible to help the 99W Drive-in, Twin Cinema Cameo Theatre. If you have any questions or comments feel free to contact me.
Thank you,
Joshua Fender
(503)504-5220
joshfender@msn.com

Steve Olson

From: Hilary Gibbons [hgibbons79@gmail.com]
Sent: Tuesday, April 13, 2010 6:06 PM
To: Steve Olson
Subject: 99w drive in

Save the drive in...

Steve Olson

From: rwgroeger@comcast.net
Sent: Tuesday, April 13, 2010 5:59 PM
To: Steve Olson
Subject: HWY 99 Drive-In Movie Theater

Steve Olson,

This is the ONLY last Drive-In Movie Theatre in the Portland Metro Area.....I am so sad to hear that a gas station is proposed to go in. And because of the fueling gas station, the movie will be affected by the light going in for the Fueling gas station. There are PLENTY of GAS STATIONS in NEWBERG OREGON. There is only ONE DRIVE-IN left in an entire metro area. This is a family tradition for many! We love having a tradition that was from our generation to now be passed on to our kids generation. It's not just about the movie. It's also about the fun of sitting in the back of your vehicle, the snacks, being with family and friends, and so much more..... Please do not put the Newberg Drive-In out of business.

Sincerely,

Wendy Groeger

Steve Olson

From: Bruce Arnold [brotherbruce@hotmail.com]
Sent: Tuesday, April 13, 2010 5:47 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Hello,

I am a fan of the Newberg Drive-In and would like to register some comments about Fred Meyer's desire to have a gas station. I am not opposed to the idea. I would very much like to see some concerns addressed before it moves forward. Those concerns specifically are:

** Ensuring that no lighting directly shines towards the Drive-In screen. This can be done by angling the light fixtures away from the Drive-In, using shielding on the Drive-In side of a light fixture, or by any other means deemed reasonable. The goal is to have no light bulb visible from the Drive-In.

** Ensuring that traffic flow faces away from the Drive-In. This will keep the vehicle headlights from illuminating the movie screen.

** Ensuring that any offers of light-blocking landscaping be helpful in the immediate future. Trees that grow tall enough to block the light only years after the light forced the Drive-In out of business simply will not be helpful.

Thank you for considering these concerns. I would be willing to discuss this further if needed.

----- Brother Bruce :)

Bruce Arnold
415 N School St
Newberg, OR 97132
503-538-1808

Steve Olson

From: Michelle Langley [chelle1970@live.com]
Sent: Tuesday, April 13, 2010 5:37 PM
To: Steve Olson
Subject: Newberg Movie Theatre

Mr. Olsen,

Having just being informed of the plan to put a Fred Meyer fueling station where the lighting will impact showing movies on this screen, I was extremely appaled. Newberg drive in is the only drive in left in the State. It has great history and significance to those who have spent many summers there. In a town with a population of under 25,000 this is significant. Really, does Newberg need another gas station?? In my opinion, No. But what we do need is to keep the history rich and alive. By placing a Fred Meyer fueling station where it will ahve an impact on theatre, it is killing the uniqueness of Newberg.

Sincerely,

Michelle Langley

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. See how.

Steve Olson

From: jennyjamescm@aol.com
Sent: Tuesday, April 13, 2010 5:20 PM
To: Steve Olson
Subject: Gas station at Fred Meyers

It has been brought to my attention that Fred Meyer would like to put in a gas station and that it will negatively impact the 99 West Drive-In Theater. What a detriment that would be to our community. I cannot believe that the city would risk not only damaging one of Newberg's locally owned businesses, but a local landmark as well. That theater is part of this city's history and a draw to people from all over the state. I certainly hope that the city is not considering putting this business at risk just so the Kroger Corporation can add another gas station to a town that already has more than it's fair share. I am hopeful that the city of Newberg puts the profits of it's locally owned businesses before that of huge nationally owned mega corporations.
Thank you,
Jenny James

Steve Olson

From: Renee and Zach Davis [chozenphew@yahoo.com]
Sent: Tuesday, April 13, 2010 5:11 PM
To: Steve Olson
Subject: drive-in

Please stop the development of a Fred Meyer Fueling Station whose light will impact the ability to show movies on the screen at the Newberg 99w Drive-In. Thank you!

Love in Christ,
Renee

"I can do all things through Christ who gives me strength"
Philippians 4:13
"A friend loves at all times" Proverbs 17:17

Steve Olson

From: Brian Ulrich [hcirlub@yahoo.com]
Sent: Wednesday, April 14, 2010 10:04 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

I am writing to you with regard to the proposed development of the Fred Meyer gas station and it's light pollution impact on the Newberg drive-in. I believe that proper lighting analysis and design can be done so that both parties can coexist. I would hope that whomever is in charge of the planning process will collaborate with all parties involved and hear their concerns.

I believe that the drive-in represents a significant piece of history and could be placed on the historic registry at some point. I would like to think that this would be considered as the city develops around it's historic landmarks.

Thank you for your time,

Brian Ulrich
Newberg Resident for 18 years
Now studying Energy and Lighting Manager in Eugene

Steve Olson

From: sheleen milburn [mspinksweats@gmail.com]
Sent: Thursday, April 15, 2010 9:13 PM
To: Steve Olson
Subject: Drive-in

This is incredibly sad they are considering putting in a gas station instead of keep a great rare, historical, site in proper use. The Drive-in theater is one of two left in the state of Oregon and the city of Newberg wants to "think" about putting in another gas station. Newberg is truly loosing the since of "community" if they honestly think another gas station is what they need.

I grew up in Newberg from 1978-94 and after the bowling alley burnt down, they didn't care about putting up a new one. The drive-in is the only family thing left to do in that town. The meaning of "community" is adults, kids, teens, grandparents, etc. What is left in Newberg to do if incorporate a gas station close by to ruin the lighting for a historical drive-in the stands for "community"!!! It's the one thing that a whole generation of people can enjoy anymore! People drive for miles just to go to one as well. People won't drive for miles just to have Fred Meyer Gasoline.....

Honestly there should be no thought to whether a gas station should go up or not. What does a gas station bring to the town? Nothing, except gas that people can fill their cars with on the way out of town!

Thanks,
Sheleen Hogan-Milburn

Steve Olson

From: Myrle URen [myrleuren@yahoo.com]
Sent: Thursday, April 15, 2010 6:12 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Mr Olson,

I was raised in Newberg and even though I have moved away I return every year to watch movies now with my family at the 99W Drive~In. I went there as a teenager and what memories it brings back to be able to share this with my children. It is the last in our area and should really be treated as a monument to our past. I would hate to see a gas station ruin that for my family and the others who bring theirs to see a movie on the "Big Screen"

There must be some way to preserve the viewing pleasure such as the drive~in and please Fred Meyer's in their ability to add yet another gas station in Newberg. I would hope that what the Drive~In stands for means much more to the City of Newberg and it's citizens that some kind of compromise can be reached.

Sincerely,

Myrle Marie U'Ren

Steve Olson

From: Darlene Sackett [djsgardens@gmail.com]
Sent: Thursday, April 15, 2010 1:42 PM
To: Steve Olson
Subject: Fred Meyer Gas Station

Dear Mr. Olson,

I am writing to show my support for the 99W Drive-In. I believe it would be a shame to lose this piece of our community's history because of a desire to have yet another gas station in our town. The Drive-In theatre is something that is very unique to our community and losing it due to more light interference with the screen would be a great loss.

Thank you for your time,

Darlene Sackett

Steve Olson

From: megntim [megntim@comcast.net]
Sent: Sunday, April 18, 2010 10:23 PM
To: Steve Olson
Subject: Fred Meyer gas station - Newberg/File # CUP-08-004/DR2-08-036

Mr. Olson,

I am a concerned movie-goer who enjoys the 99W Drive-in. I am writing to express my concerns about the proposed Fred Meyer gas station near the drive-in. I am opposed to any development that negatively impacts this business, which directly benefits both Newberg and the surrounding communities. I live in Portland and, with many friends and family, gladly make the commute to Newberg to enjoy this rare delight. Drive-ins have been pushed out of too many communities due to developmental impacts that could have been avoided. Assuming that the City will approve this land use application, I would request that the City's approval be conditioned to mitigate its negative impact on surrounding businesses to the greatest extent possible.

Direct Light: The use of shields on the lights to shield the drive-in property from direct light is crucial. Additionally, the lighting should be directed away from the drive-in property as much as possible.

Ambient/Reflected Light: Ambient light from both the store/pumps and the customers' cars MUST be addressed. The City must include installation and maintenance of mature landscaping as a condition of approval so that little to no ambient and reflected light interferes with the drive-in's business. Another option might be to position the pumps so that the customers' headlights don't shine towards the drive-in property.

I understand that the City must balance the needs of the parties and, with that obligation, I hope that the City appropriately conditions any approval to best protect a thriving business that brings in clients from all over the Willamette Valley. The drive-in is a classic American past-time that is swiftly being ignored and pushed aside for new developments. Please don't let that happen to this American treasure!

Thank you for your time and consideration.

Yours truly,

Megan D. Roche'
7430 SE 50th Avenue
Portland, OR 97206

Steve Olson

From: Mike and Katie Casey [mikenkatie99@msn.com]
Sent: Monday, April 19, 2010 5:25 PM
To: Steve Olson
Subject: FM Fueling Station vs. 99W Drive-In

Dear Mr. Olson,
I was given your name as a contact regarding the possibility of Fred Meyer building a gas station that will destroy the drive-in's ability to show movies due the the ambient light. The 99W Drive-In is a treasure and gas stations are a dime-a-dozen. My husband and I have been frequenting the drive-in for many years and are looking foward to bringing our little daughter there this summer...and many summers to follow. We drive for nearly 1-1/2 hours just to visit the 99W Drive-In because it is so dear to us and such a treat. Please don't let it be squashed by a corporate giant just looking to fatten it's already large bank account.

It's getting harder and harder these days to find good, old-fashioned family fun. Please don't let that go away.

Best Regards,
Katie Casey

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

Steve Olson

From: Julie Reincke [jreincke@gmail.com]
Sent: Thursday, April 22, 2010 11:20 PM
To: Steve Olson
Subject: Newberg Drive-In Theatre

Mr. Olson:

Please accept this email as my concern over building a Fred Meyer gas station near the drive-in that could affect the drive-in business.

I was born and raised in Newberg 43 years ago. My family were friends with the Francis family whom owned the theatres in town. We always patronized their businesses and had the most fun at the drive-in.

As you are probably aware; the drive-in in Newberg is a rarity. There isn't another drive-in theatre for miles and many people, including myself, drive down to Newberg to see movies in this format. While I no longer live in Newberg, I live in Beaverton, I would be impacted by this decision to allow the gas station to be build in the proposed site. I support Fred Meyer and I am sure they will be able to find another spot for their gas station.

Citizens of Newberg need to protect history and the loss of a landmark.

Thank you,

Julie (Worley) Reincke
jreincke@gmail.com

Steve Olson

From: Frank Purcell [fxpurcell@gmail.com]
Sent: Monday, April 26, 2010 11:16 PM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036 (99W Drive-In / Fred Meyer Gas Station)

Hi Steve,

I really hope that the 99w Drive-In is in no way harmed by the additions to Fred Meyer's property. I'd like to stress my support for the 99w Drive-in, and would like to emphasize that the 99w Drive-in is an asset to the community that needs to be protected (even if that means that Fred Meyer cannot build their gas station, or cannot operate their gas station during show times due the threat of light pollution). From memory, I count 6 existing gas stations within 1 mile of Fred Meyer (there's probably twice that amount). I count 3 Drive-in's in the state of Oregon that are still operating. I'm trusting that the city of Newburg recognizes the historical significance of having one the last operational drive-in's in the country, and will work hard to protect that history from the risk of extinction.

Take care,
Frank Purcell

Steve Olson

From: Gary [garybishopisnow@gmail.com]
Sent: Monday, April 26, 2010 9:41 PM
To: Steve Olson
Subject: File ID CUP-08-004/DR2-08-036

Please consider the enjoyment that the drive in theater provides when discussing new construction in the immediate area.

Thank you.

Steve Olson

From: SunyDay76@aol.com
Sent: Monday, April 26, 2010 8:44 PM
To: Steve Olson
Subject: Re: 99W Drive-In Development Alert

Mr. Olson,

I am sure that you are aware of the new development that may effect the 99W Drive In. I wanted to express my concern on this issue because I feel that the 99W Drive In is a very special and unique feature of Newberg. This is the ONLY Drive In in the Portland area and only one of two in Oregon. Please do everything you can to preserve this nostalgic family entertainment. It means so much to all of the families who attend every summer.

Jody Day

Steve Olson

From: Nick Bruno [njbalb@hotmail.com]
Sent: Tuesday, April 27, 2010 12:18 PM
To: Steve Olson
Subject: 99W Drive-in vs. Fred Meyer fueling station

Dear Steve Olson,
I've been made aware of plans to build a Fred Meyer fueling station near the 99W Drive-in in Newberg via the drive-in's Facebook page. My wife & I drive all the way from SE Portland to the drive-in several times a month, bringing business to both it and several local business (grocery stores, gas stations, and restaurants) all during the drive-in movie season every year. The lighting system from the proposed fueling station will severely impact the experience of watching a movie at the 99W Drive-in. To me, if the city favors this new construction project over a long-existing business, it represents a couple of things: 1) a preference towards corporate interests by the city over independently and locally owned businesses. 2) a complete misunderstanding of the historic value that the 99W Drive-in holds to the city of Newberg. As you're probably aware, a functioning drive-in movie theater business is a rare model nowadays, with most of them having been entirely plowed under over the past several decades. Newberg, by having the 99W Drive-in in its city limits, is in possession of a rare jewel of sorts, one that is worth preserving against the kind of homogenized corporate interests that, like the proposed Fred Meyer fueling station, threaten its existence.
Thanks for hearing me out. It is my sincere hope that a compromise can be reached between new construction and preservation of this historic and vital cultural landmark.

Best regards,
Nick Bruno

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. See how.

April 24, 2010

File No. CUP-08-004/DR2-08-036
City of Newberg
Planning and Building Dept.
P.O. Box 970
Newberg, OR. 97132

Dear City Planning Commission,

I am writing in response to a notice I received regarding Fred Meyer's application to add a retail fueling facility on their property. My opinion is a resounding NO!

I currently live in the townhomes behind Fred Meyer and people continually cut through our neighborhood to access the Little Oak St. entrance to the Fred Meyer parking lot. There are major streets such as Brutscher and Hayes that people could use to reach the store, and in probably less time, but they continue to drive cars, trucks, trailers, etc. through our narrow, winding streets to access the Fred Meyer parking lot.

The city has posted the Oak Grove St and Little Oak St. entrances to our neighborhood with 'Local Traffic Only' signs and we have been told by the Newberg Police that 'Local' means just those living in the townhomes but it makes no difference. Drivers continue to cut through our streets and the restriction is not enforced by the local authorities. In fact, one of the signs was stolen after it was installed and had to be replaced.

The addition of a fueling station with 14 fueling positions will compound our traffic problems and increase the risk of someone being hurt. We have several children in the neighborhood who cross the streets and ride their bikes out of driveways. The numerous cars that cut through the neighborhood are often speeding and rarely stop at the stop signs within the neighborhood. Sometimes, backing out of my driveway is a challenge as cars either don't see me or don't care and drive around me as I try to back into the street. This is very frustrating and dangerous so the thought of adding a large fueling station that will surely increase this traffic is upsetting.

There are numerous entrances to the Fred Meyer store on main arterials such as Portland Rd., Brutscher St. and Springbrook Rd. If Fred Meyer would close the Little Oak entrance to their parking lot, it would certainly improve the livability of our neighborhood and direct the additional traffic that will result from adding the proposed fueling facility to streets that are intended to handle high volumes. Without this change in traffic flow, the additional traffic that will result from the facility is totally unacceptable.

Please consider our neighborhood livability,

Judy Moshberger
3600 Oak Grove St.
Newberg, OR. 97132

Steve Olson

From: BUSWELL Cynthia D [Cynthia.D.BUSWELL@odot.state.or.us]
Sent: Tuesday, April 06, 2010 10:56 AM
To: Steve Olson
Cc: FRICKE Daniel L; EARL Robert; SWIFT Timothy E; Brent Ahrend; james.coombes@fredmeyer.com
Subject: RE: Conditional Use Permit & Design Review for Fred Meyer's gas station. CUP 08-004-/DR2-08-036.

Steve, this is a follow up on my 3-25-2010 e-mail regarding CUP 08-004/DR@-08-036.

The Roadway Engineer's comments on the Fred Meyers right-in approach road improvement schematic are:

The proposed WB-50 should be adequate for the fuel delivery design vehicle.
The consultant's off-tracking design looks adequate.

ODOT will still need to ensure that all work within ODOT right-of-way meets ODOT standards and engineering plans will need to be review and approved by ODOT, therefore our recommend condition remains the same.

- Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

Sincerely

Cynthia Buswell-Development Review Coordinator
ODOT Region 2 Planning and Development
455 Airport Road SE, Bldg B, Salem Or 97301-5397
(O)503-986-2654 (F) 503-986-2630

From: BUSWELL Cynthia D
Sent: Thursday, March 25, 2010 2:25 PM
To: 'steve.olson@ci.newberg.or.us'
Cc: FRICKE Daniel L; EARL Robert; SWIFT Timothy E
Subject: Conditional Use Permit & Design Review for Fred Meyer's gas station. CUP 08-004-/DR2-08-036.

Steve,

Thank you for notifying ODOT of the Conditional Use Permit & Design Review for Fred Meyer's gas station. CUP 08-004-/DR2-08-036.

Exhibit C page 4 of 7 lists two conditions of approval for the ODOT right-in only access and it appears that Fred Meyer submitted Exhibit D page 2 of 2 in order to display the required improvements. The exhibit is not detailed enough for any type of design approval and my understanding is that Fred Meyer is not going to submit design plans to ODOT for the required mitigation until they receive land use approval. Therefore ODOT has not reviewed or approved the design vehicle or design plans for the approach mitigation requirements.

The Roadway Engineer who will be reviewing the design plans for the access mitigation requirements is out until March 29th; for that reason I can not confirm that the WB-50 design vehicle is acceptable to ODOT. I will send the land use information to the Roadway Engineer and ask for his comments.

Please note that all work within ODOT right-of-way must meet ODOT standards and engineering plans must be review and approved by ODOT.

ODOT recommends that the City adopt the following condition:

- Prior to the insurance of a building permit for construction, the applicant shall provide evidence that all improvements required by the Oregon Department of Transportation are constructed and provide evidence of valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation.

Sincerely

Cynthia Buswell-Development Review Coordinator
ODOT Region 2 Planning and Development
455 Airport Road SE, Bldg B, Salem Or 97301-5397
(O)503-986-2654 (F) 503-986-2630

* FOR REFERENCE - REPLACED BY 4/6/2010 COMMENTS AND APPROVED ACCESS PERMITS

Oregon
Theodore R. Kulongoski, Governor

Department of Transportation
Region 2
455 Airport Road SE, Bldg. B
Salem, Oregon 97301-5395
Phone: (503)986-2654
Fax: (503)986-2630
Email:
cynthia.d.buswell@odot.state.or.us

FILE CODE:

May 6, 2009 * REPLACED BY 4/6/2010 COMMENTS AND APPROVED ACCESS PERMITS

Steve Olson, Assistant Planner
City of Newberg Planning and Building Department
414 E. First Street
PO Box 970
Newberg, OR 97132

SUBJECT: Newberg Fred Meyers CUP -08-004/DR2-08-036
Conditional Use Permit/Design Review for Fred Meyer gas station

Dear Mr. Olson,

Thank you for providing the Oregon Department of Transportation (ODOT) with notice of the proposed land use action. These comments are submitted to be part of the public hearing record.

In the past, the City has imposed a condition of approval on development in this area requiring contribution toward future improvement at the OR 99W/Springbrook intersection. Placing such a condition on this application for the developer to contribution toward future improvement at the OR 99W/Springbrook intersection will mitigate impacts to OR99W and satisfy ODOT concerns regarding impacts from this development.

ODOT does not support the mitigation to modify the land configurations at OR99W/North Springbrook as listed in the Revised March 17th 2009 TIA. The mitigation may improve the intersection v/c but would increase delay for the southbound through/right and will not improve the overall intersection operations. ODOT agrees that any significant mitigation would require widening and redesign of the intersection.

ODOT does not support the mitigation to modify the land configuration and split phase signal operations at OR99W/Brutscher Street; due to expected increase in property damage crashes caused by shared left/through/right lanes. Split Phasing the signal would result in doubling the delay on 99W which will cause longer queues and a potential increase in rear-end type crashes. The signal timing changes would also result in an increase in congestion,

specifically in the NE bound direction between the two signalized intersections and Fred Meyer's approaches.

The applicant has submitted an 'Application for State Highway Approach' for the current existing accesses

Pacific Highway West (OR99W) in this area is access controlled and access to the highway is only allowed by permit. Under OAR 734-051-0045, 'Change of Use of an Approach'; ODOT has determined that the proposed addition of a gas station meets 'Change of Use' criteria. Therefore the existing permits will need to be evaluated through the application process.

Until the applications have been processed, ODOT can not render a decision on the road approach applications or determine if mitigation will be required.

ODOT recommends the City adopt the following conditions:

1. Prior to the issuance of a building permit for any ground alteration or construction, the applicant shall provide evidence that valid approach road permits to serve the new proposed use have been obtained from the Oregon Department of Transportation

2. Prior to the issuance of a building permit for any ground alteration or construction, the applicant shall provide evidence to the city that a permit for any construction within the OR 99W right-of-way has been obtained from the Oregon Department of Transportation.

3. Prior to the issuance of a certificate of use and occupancy (or the City's equivalent) for the first use on the property, the applicant shall provide evidence to the City that all conditions of the road approach permits have been satisfied and any improvements required by the Oregon Department of Transportation on OR 99W have been completed and accepted.

All work within ODOT right-of-way must meet ODOT standard and engineering plans must be reviewed and approved by ODOT.

Permit application information can be obtained from District 3 Permit Specialist – Robert Earl in Salem at 503-986-2902.

Pease note the following: If the City does not place a condition requiring contribution toward future improvement at the OR 99W/Springbrook intersection, more analysis at the intersection will be required and

- If mitigation is required at the intersection of Springbrook and or Brutscher intersections with OR99W, a road approach application will be needed from the City; the City may allow the developer to prepare the application on the City's behalf. Additionally, most Cities will not accept responsibility for any permit conditions...most maintain that any mitigation required due to development impacts will need to be dealt with by the developer. **The City may want to place a condition that covers this issue.**

ODOT should be considered a party to the land use action and should be notified if new information is submitted, if more hearings are to be held, or if the hearing is extended. Please notify ODOT with a written notice of decision after the decision is made.

Sincerely,

Cynthia Buswell

Cynthia Buswell
Development Review Coordinator

cc: Dan Fricke
Robert Earl

Steve Olson

From: Brian Francis [99wdrivein@msn.com]
Sent: Thursday, May 07, 2009 12:55 AM
To: 'Brian Francis'; Steve Olson; oregon@spinfinder.com; 'Camille Rekow'; 'Megan Crepeau'; tesg@99w.com; 'Dave Ganslein'; 'Stacy L. Rutledge'
Subject: RE: File No. CUP-08-004/DR2-08-036

To the City of Newberg Planning & Building Department

In regards to File No. CUP-08-004/DR2-08-036

This is for the second comment phase ending May 7th.

Here are our comments to the City of Newberg in regards to the proposed Kroger fueling station up for approval which will be situated across the road from the screen tower of the 99W Drive-in.

At the last meeting in February there was some time dedicated to the care and concern about how new lighting emitting from the station could cause harm to our presentation from light pollution. In the building permit being prepared I would expect there to be conditions and criteria to be met involving FLAT LENS ENCORE lighting as opposed to FOCUS fixtures, that the landscaping be adequate to fill all the gaps from not only the new permanent light fixtures but also from the headlights from cars at the station that would face the drive-in screen, and that any construction be conducted during the daytime and end before we run movies on Friday Saturday and Sunday evenings at dusk.

At the February meeting I had asked that there be a study of the current condition of ambient and direct light by taking a light meter reading off of our bare screen and at the perimeter of our property along with a photographic record of the results to keep on file. We ask that the planning commission require the developer to pay for these studies and we also ask to see what step the Developer or the City will take to mitigate potential damages as a contingency to granting the building permit. I hope that this will be added to the building permit.

For this second comment phase I have two new additional comments.

1) To issue a concern about the lighted marquee and it's placement in relation to the drive-in screen. At the first meeting it was not clearly laid out and there could be some light trespass issues to the drive-in Screen as a result of it.

2) that at this time there be light shields installed on the already Existing glaring high illumination light fixtures presently mounted on the Gardening Center building wall facing west that shine directly on our Drive-in Screen so that they only illuminate the Fred Meyer parking lot and do not trespass onto the drive-in screen or the drive-in Twin Cinema property. This suggestion was actually made to me by one of the Fred Meyer developers and it would be a positive step if they would be required to follow up and do that to keep it dark on the drive-in screen.

The consideration of these points will be greatly appreciated in order to allow the drive-in to survive with a respectable picture on the screen. We are looking forward the 2009 season and in the current economy and with our low prices it should be a busy season.

Yours truly,

Brian Francis
503-554-8836
http://www.99w.com

Steve Olson

From: John Stephen Bock [notification+2msrkean@facebookmail.com]
Sent: Wednesday, May 06, 2009 9:24 PM
To: Steve Olson
Subject: 99W Drive-In lighting issue

facebook

John Stephen Bock
9:23pm May 6th

99W Drive-In lighting issue

To steve.olson@ci.newberg.or.us

To Steve Olson and the Newberg Planning and Building Department:

The Newberg 99W Drive-In Theater is not only a long-time business of good standing in the town, whose established rights and interests predate both Fred Meyer and the mini-mall plaza, but it is also an historical landmark. Going to the Drive-In has been a major part of the community's cultural legacy, and as one of the few remaining in the nation, the 99W should be considered an important cultural institution of the area.

Fred Meyer and its parent corporation, The Kroger Company, have a well-regarded and certainly well-earned reputation as concerned and supportive partners in the communities to which their stores belong. The insight and comment by the developer seems a reasonable and responsible answer to at least part of the problem, and one which might not be prohibitively expensive nor limiting to Fred Meyer or its customers.

As a major player in retail services, the management of Fred Meyer surely must be aware that fairness and accountability are touchstones of good business; taking into account the lighting issue, which is inadvertently costing the 99W its very capacity to operate and serve its own community, would appear to be a greatly lauded gesture of community solidarity and recognition of the Drive-In as a beloved cultural institution, as well as a neighboring business establishment.

There will, no doubt, be other issues which will develop; but respect and concern for the fellow businessman who in no way competes for market share and whom is unfairly being debilitated by ambient light pollution resulting in loss of effective practice would seem to be a matter of importance. How many of our cultural icons need disappear before we begin to acknowledge the greater costs of their loss, particularly when doing something relatively minor today can preserve it for our children?

Cordially,

John Stephen Bock

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Facebook's offices are located at 156 University Ave., Palo Alto, CA 94301.

Steve Olson

From: Gabriel Watts [gabehas2manycars@gmail.com]
Sent: Wednesday, May 06, 2009 6:37 PM
To: Steve Olson
Subject: File No. CUP-08-004/DR2-08-036

Dear Mr. Olson,

It recently has come to my attention that a city landmark which is both a local business and friend I take great pride in is once again being threatened by the expansion of another local business. I have enjoyed watching the local businesses in the vicinity of the 99W Drive In being built and operated with care and attention to the impact that they can impose on this local landmark and feel it is ctritical that these measures be taken in regards to this development. This drive-in is one of the few remaining drive-ins in the state and I personally know that people regularly come from as far as Vancouver WA to enjoy an evening in our wonderful town.

I implore you to remember the little guy when these decisions come time to be made and that a Fred Meyer's Filling Station will never be the historical landmark that 99W has been for the last 56 years and deserves our protection.

Gabe Watts

Steve Olson

From: krug_jen@yahoo.com
Sent: Tuesday, May 05, 2009 7:19 PM
To: Steve Olson; AA ME
Subject: CUP-08-004/DR2-08-036

Dear Mr. Olson, May 5, 2009

This letter is in regard to the 99W Drive In.

This theater means so much more than just a place to see the latest movie and this town just can't lose such a historical gathering place of bygone days.
This is only one of a very few Drive in Theaters left in our Nation, and as it is a great source of family entertainment to young and old alike I would like to see it live on for another 56 or more years. I may seem kind of silly to you but when I was as kid the drive in was a place to meet your friends and neighbors, where you could be alone, or not alone at all.

I think it will be a nice addition to the Fred Meyer Store to have a gas station on its property but ONLY as long as they take into consideration the business that has already been in business long before Fred Meyer came to Newberg.
All I am asking is that when they do put up there gas station that they take into consideration the movie goers that also patron there store and live in this community.
I'm not a developer, so I can't tell them how to build there gas station but I pray they would please keep there light shining away from that big old movie screen so we can continue enjoying the fun and history of the "99-W Drive In".

I thank you for you time and consideration in this matter.
sincerely, Jennifer Kruggel

Proud resident and long time patron of the 99-W Theater in Newberg Oregon!

Steve Olson

From: Warton, Karen [WartonK@catlin.edu]
Sent: Tuesday, May 05, 2009 2:02 PM
To: Steve Olson
Cc: John and Karen Warton
Subject: File No. CUP-08-004/DR2-08-036

TO: City of Newberg Planning Department
RE: File No. CUP-08-004/DR2-08-036

We are writing in support of the 99W Drive-In Theater and its efforts to work with its neighbor businesses to prevent light pollution from infringing on the theater. The 99W is a rare and unique establishment, not only as a drive-in theater, but also as a wonderful family destination. Many families drive all the way to your city from Portland and beyond to patronize the 99W and it would be a real loss to us if its ability to operate became diminished or untenable. There is simply no substitute for a family night at the drive-in!

Our firsthand experience is that a relatively small amount of light pollution has a big impact on the quality of the drive-in experience.
Moviegoers wouldn't pay to see movies in a theater where the doors were left open, letting light wash out the image, but that's just what happens when light pollution erodes the picture at a drive-in. Please help the 99W, a local family-owned business, to continue to provide family entertainment by helping the theater protect itself from encroachment.

Thank you very much for your consideration,

Karen, John & Katie Warton
Portland, OR

Steve Olson

From: dave ganslein [daveganslein@hotmail.com]
Sent: Thursday, April 30, 2009 4:22 PM
To: Steve Olson
Cc: Brian Francis
Subject: RE: 99W Drive-in/Fred Meyer gas station comments

To

Mr. Steve Olson and Members of the City of Newberg Planning & Development Committee.

From:
Dave Ganslein
President
Outcasts Car Club

Re:

Development and placement of lighting fixtures at the site of the proposed Fred Meyer Gas Station.

Dear Mr. Olson & Members of the Committee,

After discussion of this matter concerning the threat to continued successful operation of the 99W Drive In Theater, myself and all voting members of the Outcasts Car Club agree unanimously to object to and oppose any or all attempts by any business or individual concern to place lighting fixtures of any type in proximity to the above mentioned theater that would hinder the patrons enjoyment of the facility or detract from it's asthetic qualities.

Thank You

"Diesel" Dave Ganslein
President
Outcasts Car Club

Rediscover Hotmail®: Now available on your iPhone or BlackBerry Check it out.

Steve Olson

From: Sharil.vancleave@Daimler.com
Sent: Wednesday, April 29, 2009 10:18 AM
To: Steve Olson
Cc: 99wdrivein@msn.com; sharil@ipns.com
Subject: File No. CUP-08-004/DR2-08-036 - Proposed Kroger Gas Station

File No. CUP-08-004/DR2-08-036 April 28, 2009

City of Newberg
Planning and Building Department
P.O. Box 970
Newberg, Or 97132

To Whom It May Concern:

Just 20 years ago, there were more than a dozen drive-in theaters in the Greater Portland Area. Today there is just one, the 99W Drive-In here in Newberg. The 99W Drive-In is a unique piece of Americana that helps make Newberg special and sets it apart from other Oregon cities.

Not only does the 99W Drive-In provide reasonably priced first-run movies, but the experience itself is entirely different from going to a traditional movie theater. My family attends the drive-in often, starting in April when it opens, through November when it closes for the winter, and prefers attending the drive-in over other movie theaters.

I personally know many families who come from Portland, Milwaukie, Oregon City, Sherwood, Hillsboro, McMinnville and Beaverton to enjoy seeing movies at the 99W Drive-In. This brings money into the Newberg economy that would otherwise not be spent here. They not only spend money at the drive-in itself, but at other local businesses, such as restaurants, grocery stores, and gas stations.

I am VERY concerned over light pollution from the proposed gas station on the Fred Meyer property adjacent to the drive-in. Adding the kind of lights that accompany a gas station will surely ruin the viewing ability at the drive-in.

There are already at least 6 operating gas stations in Newberg, and one in Dundee. Additionally, there is one recently out-of-business gas station on 1st Street, and another had been where Dutch Bros currently operates on Portland Rd. I am not sure that we actually NEED another gas station in this area.

The proposed site of the Kroger/Fred Meyer gas station is problematic. The only access to the proposed gas station on that side is coming north on Springbrook. Someone who is unfamiliar with the area would instinctively turn south onto Springbrook, expecting to be able to turn into the Fred Meyer parking lot. Since they cannot, they would then have to turn around at the next intersection, or travel through the parking lot of the newly built complex on the opposite corner, causing unwanted traffic congestion in that area.

Would it be possible for Kroger/Fred Meyer to locate their proposed gas station on the other side of the Fred Meyer building, where the pop-can recycling is now located? From that side, there is adequate access from Portland Rd, making for easy entry and egress. This would also mitigate the

light-pollution issue with regards to the drive-in.

Should Kroger/Fred Meyer be given permission to build a gas station at the proposed site off of Springbrook Rd, PLEASE, PLEASE, PLEASE require that they do everything needed to keep light pollution from trespassing onto the drive-in property, and avoid ruining the viewing ability for drive-in patrons.

Please help preserve the 99W Drive-In's ability to continue providing its unique services to its customers.

Sincerely,

Sharil A. Van Cleave
300 S Chehalem St
Newberg, OR 97132
Sharil@ipns.com
503-810-7595

If you are not the intended addressee, please inform us immediately that you have received this e-mail in error, and delete it. We thank you for your cooperation.

Steve Olson

From: Darlene Sackett [djsgardens@gmail.com]
Sent: Wednesday, April 29, 2009 8:22 AM
To: Steve Olson
Subject: 99W Drive In/ Fred Meyer Gas Station

Dear Planning Department,

As a resident of Newberg and fan of the drive in theater I wish to speak my concerns about the proposed gas station going in at the Fred Meyer. The drive in is a very unique entertainment opportunity and draws a great deal of consumership to Newberg. Losing it would be a great loss to the community and there is great concern that the addition of a new gas station on the Fred Meyer property would increase the amount of light reflecting off of the drive in screen.

In addition to the concern I have about the light impact on the drive in, I also do not see the need for another gas station in Newberg. Especially in that vicinity. There are two other gas stations withing a block of the Fred Meyer so I don't believe there is a need to add one more.

Thank you,
Darlene Sackett

Steve Olson

From: MARK MACAULEY [markpeggy@gmail.com]
Sent: Tuesday, April 28, 2009 9:46 PM
To: Steve Olson
Subject: 99W Drive In Theater

Dear Mr. Olson,
I highly value our drive in theater. I think that Newberg is blessed to have one of these remaining treasures. I hope that you and the city can encourage Fred Meyer to be a good neighbor with their lighting.

Thank you,
Mark Macauley

Steve Olson

From: A'damn [adamn@gizmonix.net]
Sent: Tuesday, April 28, 2009 5:03 PM
To: Steve Olson
Subject: Drive-In!

To Steve and anyone else whom it may concern, The 99W drive-in is an amazing relic.
My memories from that place are nothing that can be replaced.
One day I look forward to taking my own children there, as my parents did for me back in the 1980s.

It has been brought to my attention that the theater is in jeopardy.
Light pollution is serious and I would be sad if one of our nations last surviving drive-in theaters was ruined because of development of something as plain and blase as a Fred Meyer.
We have a lot of Fred Meyer's in this town. They are great. I shop at them. But in no way would I ever think that a Fred Meyer is worthy of replacing the drive- in. By losing the drive-in, you'll be losing a massive part of Newberg's spirit and specialness.

Please, don't do that.

I understand that the economy is poor and that development might be good for short-term gains, but the cost of those gains is immeasurable.

I hope that your spring is going splendidly and I hope that the drive- in lasts long into the future.

Cheers
-Adam Barr

503.522.9820

8511 N Peninsular
Portland, OR, 97217

Steve Olson

From: Bob [BobAskey@comcast.net]
Sent: Tuesday, April 28, 2009 1:38 PM
To: Steve Olson
Subject: File No. CUP-08-004/DR2-08-036

City of Newberg Planning Department

Hi,

I really think an effort needs to be made and continued to protect our drive-in theater. The Newberg Drive-In is the last drive in theater in the state, that is what I have read anyway. It would be a shame to ruin the view because of development nearby. City planning and regulations protecting the drive in should be sternly enforced.

Most developers unless forced will spend little time or money in consideration of another property owner.

Fred Meyer also needs to fix the lighting that is shinning out toward the drive in. They can easily direct the light onto their parking area. They need to be a good neighbor and do what is right.

Please make sure to protect the future of our drive in.

Thanks,
Bob Askey
Newberg, Oregon

503-201-5330

Steve Olson

From: Gruher, Joseph R [joseph.r.gruher@intel.com]
Sent: Tuesday, April 28, 2009 2:19 PM
To: Steve Olson
Subject: File No. CUP-08-004/DR2-08-036

To the City of Newberg Planning Department:

I am writing to express my support for the protection of the 99W drive-in from surrounding development, particularly on issues of light pollution/trespass. The 99W drive-in is one of the few remaining drive-in movie theaters in the country and is a valuable cultural institution. Further, it is just plain fun, and my friends and I make a point of traveling down from Portland several times each summer. While in Newburg we visit not only the drive-in but also stores, restaurants and gas stations, bringing money into the city and local businesses. Please, help keep the drive-in viable!

Thanks,
Joe Gruher

April 27, 2009

City of Newberg
Planning and Building Dept.
PO Box 970
Newberg, OR. 97132

RE: File #CUP-08-004/DR2-08-036

Dear Members of the Planning Commission,

I am a homeowner who lives in the Oaks at Springbrook Townhomes behind Fred Meyers and am writing regarding the request from Kroger Company to add a retail fueling facility on their property in Newberg.

Our neighborhood currently struggles with the noise and traffic that results from living near Fred Meyer and have been working with the Newberg police to address some of the issues. I fear the addition of a fueling facility will only make the problem worse.

Our neighborhood is made up of fairly narrow, curving roads and we have continuous traffic that cuts through our neighborhood to get to Fred Meyer rather than use the primary roads such as Hayes, Springbrook or Brutscher. We have posted 'Local Traffic Only' signs at both entries to the Townhomes but so far this has been to no avail.

The addition of a fueling station at Fred Meyer would only compound the problem by generating more traffic and noise. Our neighborhood has several young children who play outside and I fear that one of them will be injured by the increased traffic. In addition, the added traffic noise and bright lights that are associated with filling stations will be disruptive to our ability to sleep or enjoy a pleasant evening in our yards.

We do not need this in Newberg and I ask that you please not approve the Kroger Company request for a fueling facility on their Portland Road property.

Sincerely,

Judy Moshberger
3600 Oak Grove St.
Newberg, OR. 97132

quality; cost $3 per month per household

LAURENT BONCZIJK
Newberg Graphic Reporter
lbonczijk@newberggraphic.com

City officials like to brag about how thrifty they are. There is an official who must do more with less than his colleagues in other cities: Police Chief Brian Casey.

With a staff of 29 officers for a city of 21,675 inhabitants (32 officers and 24,715 people including Dundee), Casey has the smallest staff of any city between 20,000 and 30,000 people in Oregon. And for $3 a month per household he would like to change that.

For that price Casey says he could hire three more officers, which would allow his department to have three officers on patrol duty for every shift of every day. This would allow him to keep his traffic officers regulating traffic, his sergeants supervising and his lieutenants administering.

Right now such is not the case. In the typical department, patrol officers should respond to 90 percent or more of the calls received by the police, Casey said. In 2008, patrol officers responded to 68 percent of calls in Newberg. The other 32 percent of the calls were responded to by sergeants (12 percent), traffic officers (10 percent), reserves (7 percent) and administrators (3 percent).

Normally the traffic unit, comprised of three officers, should handle about 1 percent

Please see OFFICERS, pg. A2

Striving for total policing in Newberg

Newberg's police chief wants to add three more officers. What he wants to do with them is either cutting edge or old-fashioned, depending on one's historical perspective.

Total policing, also known as neighborhood policing or community policing, is a concept that works this way: instead of a single officer answering a call with a 20-minute visit, a team composed of sworn officers and code enforcers is dispatched to a specific neighborhood (a few houses or a few blocks) and systematically ad-

Please see POLICING, pg. A2

Gonzales

when the alleged abuse occurred, according to police reports.

Investigators believe the girl is the only victim. The Newberg-Dundee Police Department was alerted after the girl reported the incident to her mother.

Officers initially believed Sanchez-Gomez might have left the area, likely headed to Portland or Salem.

However, they found his red 1990 Thunderbird abandoned in a south Newberg neighborhood several days ago.

"We watched the car for a while, hoping he would come back," said Sgt. Tim Weaver. The car was impounded and it along with several citizen calls regarding his whereabouts, kept police searching for him.

When officers converged Monday at the house in question, they believed at least one person was inside, but no one would answer their knocks. After waiting for about 30 minutes, they were given access after another resident of the house arrived. Sanchez-Gonzales was found hiding in a room and after a brief struggle, was arrested.

Sanchez-Gonzales was lodged at the Yamhill County jail on $300,000 bail. He will be arraigned in circuit court later this week.

Fred Meyer proposes building gas station

Business — Planning commission hears application for Newberg store; tables discussion to next meeting

DAVID SALE
Newberg Graphic Reporter
dsale@newberggraphic.com

The store that boasts of "one-stop shopping" is considering another product for Newberg shoppers: gasoline.

Fred Meyer Inc. has proposed adding a fuel station to its Newberg store, which would be located near the southwest side of the existing store building, in the present parking lot area.

As proposed at the Feb. 12 meeting of the Newberg Planning Commission, the gas station would have seven fuel pumps (with room for 14 vehicles) and a cashier's station, with a total footprint measuring more than 5,400 square feet.

If constructed, the gas station will remove 60 parking spaces from the Fred Meyer lot, lowering the total number from 772 to 622 spaces; the minimum number required by code is 541 parking spaces.

While the space available is sufficient, planning staff at the city of Newberg were concerned with the station's potential effect on traffic.

A study by the Group Mackenzie engineering firm estimated that a minimum of 20 percent of gas customers would be "internal trips" (store shoppers who also visited the gas station) and about 74 new trips — gas customers not visiting the store — would be generated at evening rush hour each day.

This number is within acceptable impact limits for surrounding streets and no changes to the store parking lot's access roads were deemed necessary by the city.

The Newberg Fred Meyer store originally proposed adding a gas station in 2001, but traffic concerns led to that proposal being squelched, said city planner Steve Olson.

"Basically, the concern was that it would snarl the flow of traffic in the parking lot," he said. "However, that was a different location — they wanted to put it right up near (Highway 99W). This is why they're suggesting putting it near the garden center now — it's not a busy corner of the lot. Also, because the access to Springbrook Road is now right-turn-only to exit

Please see STATION, pg. A9

Page 111 of 730

STATIONS REVERSE COURSE ON DTV

Portland TV stations announce they'll align with rest of country, delay the change to DTV until June: **Page A3**

'TWIG' ABOUT HISTORY

Good review about book that documents Japanese family: **Page A14**

BOATERS BEWARE

Debris leftover from storms pose a hazard on the state's waterways: **Page A6**

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LAURENT BONCZIJK
Newberg Graphic Reporter
lbonczijk@newberggraphic.com

citizen call regarding a late-night party Jan. 31 lted in several arrests and ions by officers answer- the complaint on onville Road.

uinton Parks, 20, of rd was arrested for men- g and second-degree kid- ›ing after he allegedly re- d to let some of the par- ers leave when police ar- l at the residence at 1000 Wilsonville Road #17. s was held on $10,000 at the Yamhill County n McMinnville.

t. Tim Weaver of New- Dundee Police said that officers knocked on the Parks wouldn't let any- out because officers ng into his house would probable cause to enter ›remises and arrest peo- Weaver said that from outside officers recog- l "obvious underage ing." He said that this

NEWBERG-DUNDEE POLICE LOG

Jan. 30

— A 13-year-old Newberg boy was taken into custody for harassment following an investigation into an incident at Mountain View Middle School. He was referred to Yamhill County juvenile authorities and released to his family.

Feb. 4

— A 13-year-old Newberg girl was taken into custody for minor in possession of alcohol following an incident at Chehalem Valley Middle School. She was referred to Yamhill County juvenile authorities and released to her parents.

Feb. 5

— Six Newberg girls, five of them 13-years-old and one 14, were taken into custody for minor in possession of alcohol, following an incident at Chehalem Valley Middle School. One 13-year-old was also cited for furnishing the alcohol. All were referred to Yamhill County juvenile authorities and released to their parents.

Feb. 11

— Rebecca Joyce Brons, 49, 2157 Legacy St., was arrested for driving under the influence of intoxicants. She was cited to appear in Yamhill County Circuit Court and released.

Feb. 12

berg Municipal Court for minor in possession of alcohol.

Feb. 15

— Kimberly Courtland Callis, 42, 10940 N.E. Fox Farm Road, was arrested for third-degree theft resulting from an incident at a local coffee business. He was also charged with violation of a release agreement and held without bail at the county jail.

— Melissa Kay Brooks, 39, of Dayton, was arrested for second-degree theft following an incident at the Newberg Wilco store. She was cited to appear in Newberg Municipal Court and released.

— Onesimo Ponce-Gutierrez, 44, of Lafayette, was arrested for driving under the influence of intoxicants. He was cited to appear in Yamhill County Circuit Court and released.

— Ernesto Alonzo Escorza, 19, 1000 N.E. Wilsonville Road #79, was cited to appear in Newberg Municipal Court for minor in possession of alcohol.

Station: Drive-in owner requests lights be recessed to reduce light spillage

● Continued from page A1

and enter, that will help divide traffic between all the driveways, instead of filling that one."

Another concern was light pollution, especially for fans of the nearby 99W Drive-In. Owner Brian Francis requested that the lighting fixtures for the gas station be recessed into the overhead canopy to reduce light spillage; additional landscaping be added to shield the gas station; and that no night construction take place during the theater's operating season, which begins in late March.

Francis' request was echoed by 10 frequent moviegoers from around the tri-county region, who also submitted written testimony to the commission. The 2001 proposal had also drawn some criticism from competing gas stations, but no comments were received on this application.

Commissioners also heard in person testimony from several neighborhood residents concerned about the gas station's effects. Due to the length of the meeting, a vote on the application was delayed until the commission's next meeting, slated for 7 p.m. Feb. 26 in the Newberg Public Safety Building.

Acceptable sins!? –
the study in the adult Sunday School class at 10:00 a.m.
Morning worship: 11:00 a.m.
Evening service: 6:00 p.m.
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You are invited to attend the Grand Opening of Friendsview's newest senior-living neighborhood
Friendsview
RETIREMENT COMMUNITY

Gary Allen / NEWBERG GRAPHIC

s perfect — Actors (from left) Cyndi Kimmel, Jordan Beanblossom and Jocelyn Parenteau – who play characters Leonide, Harlequin and Corine, e Monday evening for the March 5 debut of 'The Triumph of Love' at George Fox University's Wood-Mar Theater. For the full story, turn to Arts & Leisure edition.

residents are still ed on vehicle testing

laries — New Web site determines whether npt from having their vehicles tested

D SALE
aphic Reporter
rggraphic.com

to renew your ve- on and uncertain o need an Oregon f Environmental s test? You're not

> **"Our argument was that the traffic here comes from Portland, so Portland needed to take the steps to reduce emissions."**
>
> *Leslie Lewis*

ime about because ually violating fed- y standards in the William Knight, the state Depart- ronmental Quality's vehicle testing program.

In order to lower the smog level, the Metro regional council and DEQ pursued a range of strategies, some more successful, such as plastic sleeves on the nozzles of gas pumps, and some less so, such as an attempt by Metro to reduce downtown parking, a move opposed by city residents.

Among these was emissions testing, a strategy also chosen in Medford to deal with smog accumulations in the Rogue Valley. Portland and Medford are presently the only Oregon municipalities to require vehicle emissions testing.

Yamhill and Columbia counties were originally included in the testing area, but voters in both places objected to being brought under

Please see TESTING, pg. A2

Gas station owners protest local Fred Meyer proposal

City planning — Local business owners fear a price war if new station is approved by the city

DAVID SALE
Newberg Graphic Reporter
dsale@newberggraphic.com

As the Newberg Planning Commission considers a conditional use permit application to allow Fred Meyer to build a gas station next its store on Highway 99W, local station owners are asking that the request be denied.

"Newberg does not need any more gas stations," said Andy Patel, who owns the Chevron station on Highway 99W and Brutscher Street. "There are already eight service stations in town. I don't see how building another one in a congested area would support the health and well-being of citizens of Newberg."

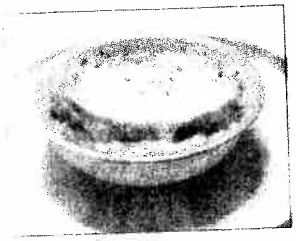
Patel's station is located kitty-corner to the Fred Meyer site, and the owner's worry stems in part from the possibility of traffic congestion in the area. "Since there's no (left-turn) entry to their lot from Springbrook, I expect traffic to back up onto Brutscher," he said. "Anyone who utilizes the Springbrook intersection knows how difficult the congestion can be. Adding trips, as this proposed development will most certainly do, will only serve to further intensify these existing problems."

More to the point, Patel said, is the concern that adding a new gas station to the area will touch off a price war — which may make buyers happy, but would pose a threat to the future of his business.

"I'm definitely worried Fred Meyer would undersell us — it's happened in other cities," he said. "Fred Meyer, and other similarly-sized 'big box' outlets, have the ability to sell motor fuel at a loss. They traditionally absorb this loss by selling gro-

Please see STATION, pg. A2

IMPLE
RECIPE
ought column
ght on cooking
nion soup: **A14**



FIRE HITS DUPLEX

Two-alarm blaze breaks out Sunday on Michelle Court in Newberg: **A7**

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re existence of the docu-
nt is a threat to the value of
property. In addition to fi-
ncial compensation, his suit
mands that the city declare
plan — accidentally ap-
oved and subsequently re-
aled — never legally valid.
While city attorney Harlan
nes characterized Mered-
's latest suit as "essentially
comprehensible" in a Feb. 2
urt document, Meredith's
al appears to be to win
gal recognition for access to
property from Highway
W.
Although Meredith de-
ned to respond to a request
r comment for this article,
has previously announced
intent to construct a drive-
ough restaurant where the
rple house now stands. He
s opposed the Main Street
finement Plan since its in-
ption.
But while having the city's
finement Plan declared null
d void may preserve
eredith's frontage, city at-
neys note that it will not
tablish highway access.
"You are asking that
undee) enter into a stipula-
n beyond its jurisdiction,"
nes wrote in response to
eredith's filing. "The city
s no authority over that ac-
ss. A government cannot
ter into stipulations in mat-
s in which it has no author-
."
While there are curb cuts
ong his property, and
eredith insists that access to
property is grandfathered,
Oregon Department of
ansportation refuses to rec-
nize his claim.
Meredith has also sued
OOT, but that suit was
mptly dismissed. ODOT
ficials successfully argued
t controlling access to and
m state highways was their
le administrative authority,
t subject to judicial review.
date, ODOT has refused to
cognize any legal highway
cess on Meredith's property.

residential areas.

Implementing the deal, however, has been somewhat more problematic.

"It's been a bit of a thorn in our side," Knight said.

County residents outside the testing boundary to stop by and make a donation.

"If your 'check engine' light is on, we'll do a free test," he said.

Station: Owners of other stations argue that Fred Meyer operates its facilities at a loss to bring people in

● Continued from page A1

ceries and other commodities at a higher price. This is a strategy not available to those of us whose primary business is to sell motor fuels."

Fred Meyer representatives did not respond to a request for comment, but a Friday search of the Web site PortlandGasPrices.com showed existing Fred Meyers gas stations around the Portland metro area offering regular gasoline for between $2.01 and $2.07 per gallon.

While only a few cents below Patel's Friday price of $2.09 per gallon (the second-lowest in the Newberg area, according to the site's rankings). Patel argues that those few cents can spell the difference between profit and loss for independent owners. Due to the wholesale cost of fuel, gas stations run on a profit margin narrower than most other retail businesses.

Newberg gas stations also face pressure from competition, Patel said, noting that Sherwood, with 16,000 inhabitants, has only three stations; while Tualatin, with 26,000 residents, has four. At the other end of Highway 99W, McMinnville has seven gas stations to serve 32,000 residents.

"Currently, Newberg, population 23,000, is the home of six existing gas stations, plus one closed station and one cardlock station," Patel said. "Newberg already has double the amount of gas stations in town compared to the population and other surrounding towns. We have a legitimate concern that Fred Meyer will put our and other gas stations in town out of business."

A 2001 proposal by Fred Meyer to open a gas station at their Newberg store was turned down by the city. The planning commission will resume consideration of the current application at its next meeting, at 7 p.m. March 12 in the Public Safety Building.

DEATH NOTICE

Eleanor G. Pratt

Eleanor Grace Pratt of Newberg died Feb. 22. She was 93.

A memorial service will be held at 2 p.m. today (Wednesday) in the Newberg Church of the Nazarene.

A complete obituary will appear in a future issue of The Newberg Graphic.

LEGAL NOTICES

To schedule a Legal Notice in The Newberg Graphic, call 503-538-2181 and ask for Hilary.

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As of Tuesday, 19 letter carriers working four to seven hours in greater Newberg had collected 14,272 pounds of canned goods. That was a gain of 1,300 pounds over last year, said Sue Canfield, a letter carri-

Please see FOOD, pg. A2

A good workout — Letter carrier Willie Groshell hefts the first of many bags of canned food int

Freddy's gas proposal put on hold for now

Land use — Traffic study, highway access to be reviewed by ODOT officials before the question comes before planning commission

DAVID SALE
Newberg Graphic Reporter
dsale@newberggraphic.com

Managers at the Newberg Fred Meyer store have requested postponement of a hearing before the city planning commission on a proposed new gas station, to seek approval from the Oregon Department of Transportation.

"It's a fairly standard procedure," city planner Steve Olson said of the store's submitting an updated highway access permit. "They want a definitive answer from the state before they come back to the planning commission."

> **They want a definitive answer from the state before they come back to the planning commission.**
> *Steve Olson, city planner*

Fred Meyer Stores applied in February for a conditional use permit for construction of a seven-pump station, totaling 5,418 square feet, which would be located at the southwest corner of the store lot near the garden center.

A recent traffic study by engineers Group Mackenzie found no need for changes to the Fred Meyer parking lot access points, following the conversion last year of the Springbrook Road access into a right-turn-only design for entry and exit.

The trip generation study undertaken as part of the traffic study found that at least 20 percent, and likely 30 to 40 percent, of prospective gas station customers would also shop at the store. The amount of new visitors to the gas station was estimated at 74 trips in the

Please see STATION, pg. A2

They are winning the golc

Volunteers — Hearts of Gold awards will honor local couple anc

AMANDA NEWMAN
Newberg Graphic Reporter
anewman@newberggraphic.com

The local organization and individuals recognized this year as Providence Newberg Health Foundation's Hearts of Gold have served in the community in different ways for varying times, but their message is the same: the Newberg/Dundee community is worth volunteering for.

Mike and Amelia Caruso moved to Dundee in 1975, on the day their eldest daughter was born. They thought the house would be their first; it became their "forever home." The couple soon became involved in the community, giving of themselves for decades.

In comparison, Love INC (In the Name of Christ) is a newbie — the organization celebrated five years in the Newberg area March 1.

The Carusos and Love INC will be recognized for their services next month at the annual Hearts of Gold Celebration Luncheon.

Love INC began with a study to find gaps in local ministries, said executive director Polly Siler. The needs were addressed by the creation of "gap ministries" at local churches.

"We help churches help people," Siler explained. "It's exciting to me to see how our community is stepping up and working together."

Working with 42 churches in Newberg and Dundee and scores of agencies and organizations, Love INC has set up 30 gap ministries throughout the area. One church offers meals, another auto repairs, others clothes, transportation and school supplies.

"We're just trying to help people make ends meet," Siler said. "We have a lot of great people in our community who want to help, and we're just giving them the means.

The Carusos are among those "great people." Mike is on the board c Thugz Off D served as co-c Old Fashioned raising commi urer for Ore Cause. A Nev since 2001, h president of tl Club, was sele tary district 2011-2012 an organizers of al serve trip tc

Amelia acc on the Guater ing as an inte

Gary Allen / N

Helping — Mike and Amelia Caruso have volunteere community in a variety of capacities in the schools, throug with Rotary.

SOLV EVENT SET FOR SATURDAY

Annual Down by the Riverside cleanup will center on Hoover Park in Newberg : **Page A3**

CHARANGA MEANS MUSIC

The band will perform May 21 at the Newberg Music Center: **Page A9**

FOR THE LOVE OF LAMB

Food for Thought writer Laurent Bonczijk concocts a lamb recipe: **A & L, A9**

ng GUK\, and tedious book, play, position, or ke.

PUL-kruh-dA\, noun: of appear- pleases the comeliness; veliness.

VID-ee-uhs\, ding to pro- sentment, or ntaining or ight; envious.

ther

Thursday

Mostly Sunny
High: 66
Low: 44

Saturday

Sunny
High: 72
Low: 48

WHO TALK TO

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eaders (potential customers)
and millions more online.
rising – Monty Gant.
Becker. Denise Bellon

r coverage – Scott Anderson

gion, St. Paul Gov't –
t Bonczijk

ndee. – David Sale

ernment – Amanda

Station: ODOT adopts criteria

● Continued from page A1

afternoon rush hour.

While the number of new trips is within city standards, ODOT has stated that Fred Meyer management will be required to resubmit a state highway approach permit for each access point, and construct mitigation features as needed at their own expense.

"ODOT has determined that the proposed addition of a gas station meets 'change of use' criteria," development review coordinator Cynthia Buswell wrote to the Newberg planning department. "Therefore the existing permits will need to be evaluated through the application process."

ODOT officials have also recommended that, as a condition of the city's use permit, Fred Meyer be required to contribute to a fund for future improvements of the Springbrook/99W intersection.

A 2001 proposal by Fred Meyer to open a gas station at the Newberg store was turned down by the city; this application has proven equally controversial among Newberg residents.

Homeowners along Springbrook Road and Brutscher Street have expressed concern over noise and traffic, while 99W Drive-in owner Brian Francis and fans of the outdoor theater have requested that the city take steps to limit the spillover of outdoor lighting from the proposed station.

Other gas station owners have contacted city officials to argue that Fred Meyer management has not demonstrated the need for another gas station. They have also expressed fear that their product will be undersold.

City staff dismissed this issue in their report, stating: "The city cannot regulate competition between businesses ... and there is no approval criterion that requires an applicant to prove there is a need for the proposed use (whether it is a gas station, book store or grocery store)."

Planning commissioners are also expected to discuss applying the city's new design standards for large retail stores to the gas station proposal — including visual screening and light trespass standards for the drive-in and other neighbors.

Food: Donations markedly greater

● Continued from page A1

er and coordinator of the food drive. Additional food was collected in Dundee; Canfield said the organizer there estimated the post office received between 2,000 and 3,000 pounds of food.

Why the increase in donations over last year?

"I attribute it to the economy, generosity and, I guess, publicity," Canfield said. "People in Newberg give a lot because they know it goes to F.I.S.H. If the food went to Mac or Portland I don't think they would give as much."

The beneficiaries of the carriers' hard work were emergency food agencies Newberg F.I.S.H. (Friends In Service to Humanity) and Promise Pantry, a ministry of Promise Church in Dundee.

Canfield, who said the event is the largest one-day food drive in the world, added that postal service personnel on their days off, along with family members, helped collect the food from carriers and deliver it to F.I.S.H. and Promise Pantry.

In 2008, the drive collected 1.65 million pounds of food in Oregon and Southwest Washington; the association's goal this year was to collect 1.75 million pounds. Canfield said it remains to be seen whether the letter carriers met that goal.

Gold: Luncheon June 9 at GFU

● Continued from page A1

eon is a fund-raiser benefiting the Mike Olberding Education Fund, which provides continued education opportunities for nurses, technicians and hospital and service-area employees.

The luncheon, sponsored this year by A-dec Inc., will take place at 11:30 a.m. June 9 in George Fox University's Miller Gymnasium. Marc Willcuts will be the master of ceremonies. Tickets for the two-course meal are $30 per person and can be purchased by calling 503-537-1539.

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Charles Harrell

Sally Robinson

Page 6 of 730

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obituary remarks, fa
• PLAN a time for family
and remember the l

Steve Olson

From: Barton Brierley
Sent: Thursday, February 26, 2009 1:39 PM
To: Steve Olson
Subject: FW: Fred Meyer fueling center
Attachments: phone1 077.jpg; phone1 075.jpg

This should be in the record, too

Barton Brierley, AICP *Planning and Building Director*
City of Newberg *Ph: 503-537-1212*
P.O. Box 970 *Fax: 503-537-1272*
Newberg, OR 97132 *e-mail: barton.brierley@ci.newberg.or.us*

From: Haug, Matson [mailto:matson_haug@mentor.com]
Sent: Sunday, February 15, 2009 4:50 PM
To: Barton Brierley
Subject: Fred Meyer fueling center

Barton,

I wish to share the following experience with the Planning Commission. Today, as I went through the Fred Meyer's grocery check-out, I was offered to apply for a Fred Meyer VISA card, and I was told that they would be giving out double-discounts at the new "fueling center" that was going up here at the Newberg store. This, I thought, was somewhat premature and misleading.

As I left I snapped the two attached pictures from the parking lot by the garden center with my cell-phone. I never noticed before how close the drive-in screen is from this part of the Fred Meyer parking lot.

Please share this, as ex-parte contact, with the Planning Commissioners.

Thank you.

Mat Haug
(w) 503-685-7087
(h) 503-538-1186
(c) 503-550-6093

February 12, 2009

Planning Commission 414 E. First Street, P.O. BOX 970, Newberg, OR 97132

Ref: Conditional Use for Fred Meyer Gas Station CUP 08-004/DR2-08-036

Dear Commissioners:

Due to risks, social costs and community values retail gasoline dispensing facilities are not a favored use by many cities across United States except where only truly necessary. Health, safety and welfare of the public are at issue. Any time storage of 12,000 to 20,000 gallons of flammable liquid is permitted we increase the risk of the community at large, whether by the way of explosion, fire or leakage. There is no purpose in allowing an increased reserve of hazardous liquids given the capacity and location of existing fueling facilities in Newberg.

Applicant has failed to show that any "Public need is best served by allowing the conditional use of this property".

There is no demonstrated public need for yet another gas station in the city of Newberg. First and foremost, existing gasoline dispensing facilities in Newberg have substantial capacity to serve current and any additional retail customers. Fact is Newberg, even today has more gas station than any other near by towns compared to the population.

CITY	*POPULATION*	*NO. OF GAS STATIONS*
McMinnville	**30,000**	**7**
Sherwood	**18,000**	**3**
Tualatin	**26,000**	**4**
Newberg	**22,000**	**7**

Newberg's financial prospects appear so great that Fred Meyer seems to see the need for yet another gas station in town. I believe the application should be denied. I have a lot of trust that your department will be as meticulous as ever in reviewing their application.

The Fred Meyer station will result in Harmful Underutilization of existing capacity.

Newberg's gas stations are not crowded nor do they have any queuing problems. In fact, Newberg's gas stations are operating at levels far below the capacity. The proposed Fred Meyer gas station will simply compound this underutilization problem and will drive smaller gas station retailers out of business by selling the fuel below the costs of average retailer.

It is clear that the city, in imposing a conditional use requirement requires that these types of uses be subject to higher level of scrutiny because of the potential for adverse impact on the surrounding area. This is true with retail gasoline facilities in particular because, once in place, unlike a store front retailer, should the facility be abandoned for any reason, it leaves behind an appearance and condition that is not easily transferable to

other uses, diminishes property values, both financially and aesthetically, and increase costs to the community, including decommissioning of underground storage tanks and removal and reconfiguration of canopies, pumps and islands.

Newberg Municipal Code Section 116. ECONOMIC IMPACT ASSESSMENT FOR LARGE SCALE RETAIL

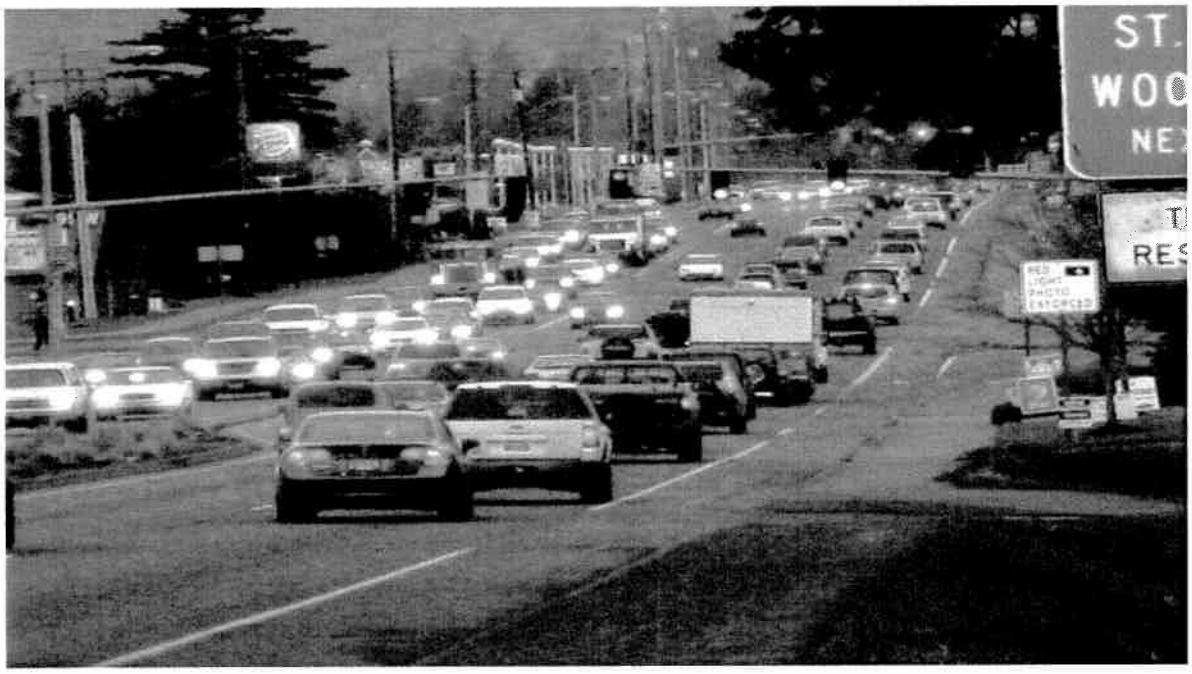
116.01 – The city finds that large scale retail development can have adverse impacts on a local economy such as creating a net loss of employment or wages, or exporting dollars from the local area. Any duplicate services and merchandise can be accommodated within the local economy without adversely affecting existing business in Newberg.

An economic impact assessment report assists the city to identify any adverse economic impacts and subsequently require mitigation measures for a proposed large scale retail development. It is intended as a tool to ensure that new businesses, in conjunction with existing business, provide long term net benefits for the local economy.

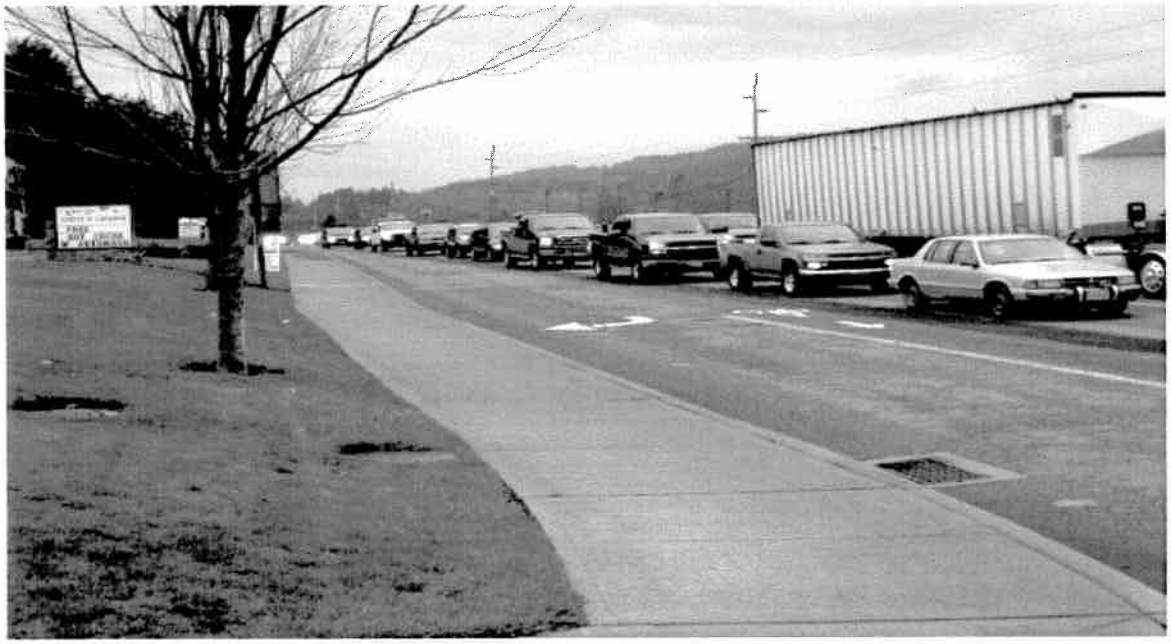
- The gas station will generate too many peak hour trips and adversely impact the surrounding road systems; especially Springbrook Road, Brutscher St. intersections & Hayes Street.

- Newberg is struggling to manage its growth and still maintain its small town community character. This development does not serve the community's best interests.

Traffic on Springbrook Intersection



Traffic Backed up at Brutscher Street



Facts:

(1) In 2004 similar proposal by Safeway in Sherwood was **denied** by their planning commission.. Sherwood has only 3 gas Stations serving the Population of 18,000. The planning commission determined that Safeway Gas Station does not meet overall needs of the community and that there was **no public demonstrated need** for another Gas Station in the City of Sherwood.

(2) **We have a legitimate concern that Fred Meyer will put small independent gas stations in town out of business as they have done in other communities.** Few years ago Safeway in Astoria / Warrington area along Hwy 101 put in a gas station soon followed by Fred Meyer. As a result even today, there are 4 gas stations in that area totally abandon and are a **"Visual Eye Sore"** along Hwy 99 in those cities. (See Pictures)

Fred Meyer and other similar sized "big box" outlets (Hyper Markets), has the ability to sell motor fuel at a loss. They traditionally "absorb" this loss by selling groceries and other commodities at a higher price. This is a strategy not available to those of us whose primary business is to sell motor fuels. The side effect is, along with eliminating us as a business, they will also eliminate the balanced competitive environment already existing in Newberg.

Closed Gas Stations on Hwy 101 in Warrington / Astoria

Visual Eye Soars on Hwy 101 Warrington / Astoria

Visual Eye Soars on Hwy 101 Warrington / Astoria

Anyone utilizes the Springbrook intersection knows how difficult the congestion can be. Unfortunately, the bottleneck only continues inside the Fred Meyer Complex; at times to nightmarish proportions and with little consideration to pedestrian safety. It is obvious that adding trips, at this proposed development will most certainly do, will only serve to further intensify these existing problems.

As we all know, Newberg is struggling to manage its growth and still maintain a small town community character. The proposed development of Kroger Company does not serve the community's best interests. Currently, Newberg is a home of 6 existing gas stations, 1 closed station and 1 cardlock station. These gas stations are evenly dispersed throughout the city along Hwy 99W. Each serves its customers and competes for business among each other. Four out of the seven stations are owned and operated by small, independent family run businesses. These gas stations are evenly dispersed through out the city along Hwy 99W and each serves its customers and competes with the others for business.

Long-range planning by the City determined that gasoline stations were not an outright approved use at this site. This is why Kroger's must file for a Conditional Use Permit. They must prove that there is a need for the additional fueling facility in town to gain approval from the city

These are the reasons why we have decided to actively oppose this development. Simply stated, Fred Meyer development does not conform to current land use regulations. Furthermore, we do not believe The proposed Kroger Company developments meets the requirements of section 151.210 of the Newberg Development Code in that it is reasonably not compatible with the livability of the surrounding neighborhood, it is not in harmony with the density if the surrounding area, nor does it give appropriate consideration to the generation of traffic and the capacity of the surrounding streets.

Kruger Inc. the parent Co. of Fred Meyer with headquarter back east does not care about the welfare of Newberg Citizens nor do they have any interest in the welfare of economic impact on other family owned businesses like Newberg Chevron, Leathers Fuel, Texaco or other gas stations in town. Their primary loyalty is towards their shareholders. After they have exported the dollars from the local economy of Newberg and in the processes destroyed small businesses like ours they will go ahead and do the same thing again in another small town similar to Newberg.

The picture on the last page of a Safeway Gas Station shows what the traffic in Fred Meyer would look like after they have destroyed small gas stations like ours and other similar in town. We are sure that the city does not want visual eye sores similar to Warrington & Astoria on the main stretch of City of Newberg. The traffic will be so nightmarish inside the Fred Meyer parking lot that it will jeopardize the safety and well being of citizens of Newberg.

Thanks

Newberg Chevron,
Leathers Fuel,
AMR LLC (76)
Newberg Gas (Texaco)
Jackson Shell,

28 0

February 24, 2009

Planning Commission 414 E. First Street, P.O. BOX 970, Newberg, OR 97132

Ref: Conditional Use for Fred Meyer Gas Station CUP 08-004/DR2-08-036

Dear Commissioners:

The attached survey by department of economics, University of Arizona clearly outlines how **"Big (Hyper marts') are Driving out Small Retailers"**

- Hyper marts have pushed traditional retailers, out of the market and in to **bankruptcy.**
- Hyper marts tend to locate in more populated areas and attempt to use gasoline sales as a mechanism to **generate traffic into their store and subsequently increase store revenue.**
- In essence, by lowering its price of gas, the hyper mart trades-off profits at a gas station for more profits elsewhere in the store. Traditional retailers do not have this same spillover and thus are at a **competitive disadvantage.**
- The results show that if a gas station is located within 2 miles of a hyper mart its price is depressed by about 1.5 to 2.0 cents. **A price impact plus the share of volume** would cut a gas station's profit in half and make it a virtual break-even gas station.
- In short entry of Hyper Mart like Fred Meyer will place substantial pressure on the traditional retailers like us and **will force many of us to exit the market and possibly into bankruptcy,** leaving behind visual eye sores in the city of Newberg.

If Fred Meyer (Hyper Mart) is allowed to enter gasoline market in the City of Newberg the **economic impact** will be of a great magnitude for our business and our employee's survival.

It is just baffling that Fred Meyer wants to put in a gas station in the worst economic times. I feel that if Fred Meyer is allowed to pursue this development it will **dominate** the gasoline market in the City of Newberg and put many of us out of business.

As such with the current economy, unemployment on the rise and credit freeze we are just trying to survive and keep our heads above water. If Fred Meyer is allowed to put in a gas station it will simply take a large chunk of our volume and eventually drive us into bankruptcy. This will also **set a president** that any "Big Box" companies similar to Fred Meyer can come in and **destroy** other variety of small businesses in the City of Newberg.

We believe the application should be denied. We have a lot of trust that your department will be as meticulous as ever in reviewing their application and will keep in mind the economic impact of a "Big Box" outfit on small retailers like us and others in town.

Thanks

Kali Patel
3745 Portland Road, Newberg, OR 97132 Tel: (503)-476-5358

Big Driving out Small: 'Hypermarts' and the Retail Gasoline Industry

Jedidiah Brewer
Department of Economics
University of Arizona

Current Draft:
August, 2007

Acknowledgements: Support for this research was provided by National Science Foundation Grant 355770. Valuable data collection assistance was provided by Jordan Brewer and Adam Baker, and research assistance was afforded by Joseph Cullen. Helpful comments were provided by Todd Sorensen, Price Fishback, Greg Crawford, Kei Hirano, David Reiley, Tim Davies, and seminar participants at the University of Arizona, the Western Economic Association International, the Midwest Economic Association, and the Southern Economic Association.

Abstract

The last half-century has seen the emergence of big-box stores, supermarkets, discount stores, and mass-merchandisers. Wal-Mart is the most notable. The growth of firms such as Wal-Mart has been met with much controversy as smaller, often more nostalgic competitors have faded away. Over the last decade, Wal-Mart and others have entered the US retail gasoline industry. They have been termed by industry players as hypermarts. This paper adds to the literature on big-box stores by analyzing the effect of hypermart entry on traditional gasoline retailers. The retail gasoline industry is ideal to identify the impact because gasoline is a relatively homogeneous good and is sold in very localized markets. I first develop a discrete-choice, random utility model to motivate the incentives for hypermarts to sell gasoline. I then estimate the price impact that hypermarts have on traditional gasoline retailers in two geographically diverse cities. I also examine the entry of The Home Depot into the retail gasoline market in Nashville, TN. I find that hypermarts do in fact place statistically and economically significant downward pressure on the prices of nearby gas stations. The magnitude of the price impact implies the entrance of a hypermart into a local market will cut an average gas station's profit in half. The findings reaffirm others who have noted the sizable impact large, low-priced firms have on their smaller competitors.

SECTION 1: Introduction

The latter part of the twentieth and the early years of the twenty-first centuries have seen the emergence of big-box retailers, discount stores, supermarkets, and mass-merchandisers. These large retailers have exploited economies of scale and scope in an effort to provide consumers with the lowest possible prices and the convenience of one-stop-shopping; yet the emergence of these retailers has come with much controversy. Wal-Mart is perhaps the most notable example of these types of stores, the escalating trend of industry concentration, and the controversy that surrounds it. Hausman and Leibtag (2005) examined the increased compensating variation that has arisen from Wal-Mart's expansion and find it to be so large that they conclude the entry of Wal-Mart into a local market likely generates a substantial overall benefit to consumers.[1] Even still, a negative perception of the company strongly permeates modern society and culture. Labor unions protest proposed Wal-Mart entries; competitors publicly vocalize derisive opposition to the store; and local officials have been known to attempt to deter its entry through zoning restrictions. A major reason that Wal-Mart's success has been so controversial is that fact that its rapid entry has pushed traditional retailers, such as the popular and nostalgic Mom-and-Pop stores, out of the market and into bankruptcy. Jia (2006) finds that the entrance of Wal-Mart alone explains 37% to 55% of the net change in the number of small retailers in medium-sized counties from the late 1980's to the late '90's.

Like the Mom-and-Pop stores of the 1970's and '80's, gasoline retailers are now feeling the pressures of Wal-Mart and others. Only a decade ago, virtually all gasoline

[1] Hausman and Leibtag (2005) studied the entry of Wal-Mart Supercenters. Wal-Mart Supercenters sell a vast assortment of groceries as well as the typical retail products associated with the discount retailer.

was sold in a convenience store setting, such as a Chevron station or Shell station. Today, however, non-traditional, high-volume retailers like Wal-Mart have added a new product line – gasoline. These large stores offer low prices and few of the amenities that are typically associated with more traditional gas stations/convenience stores. Common examples of these low pricing, high-volume gasoline retailers, in addition to Wal-Mart, are Costco, Sam's Club, Safeway, and Kroger. Discount, big-box, or grocery stores selling gasoline have been termed in the retail gasoline industry as 'hypermarts' or 'hypermarkets.' Hypermarts tend to locate in more populated areas[2] and attempt to use gasoline sales as a mechanism to generate traffic into their store and subsequently increase store revenue.

As happened with Mom-and-Pop stores decades ago when Wal-Mart entered their markets, several gasoline industry players fear that the traditional gasoline retailer can no longer compete. Many retail gasoline station owners claim that their margins are being squeezed due to the low gasoline prices offered by hypermarts. These claims have led to widespread trepidation amongst station owners that the future of their business is in jeopardy. A small minority of industry players are even concerned that there will be a radical reshaping of the industry; one in which hypermarts command the majority of the market share and traditional retailers are left with a relatively small number of consumers who demand the convenience and setting of the gas station as we now know it.

The intent of this paper is to complement the expanding literature on big-box stores, such as Wal-Mart,[3] by quantifying the price impact of these discount stores on

[2] Hypermarts rarely tend to locate in extremely densely populated areas, such as downtowns of major cities, however. Rents on large pieces of land in these areas are too expensive.
[3] Stone (1995) was the first to examine the impact of Wal-Mart on traditional retailers. He has been followed by Basker (2005a); Basker (2005b); Holmes (2005); Neumark, Zhang, and Ciccarella (2005); and Zhu and Singh (2007); in addition to the papers noted above.

smaller competitors. I have the advantage of measuring the price impact of stores like Wal-Mart on gasoline retailer who sell a relatively homogeneous good in very localized markets. This paper is the first academic research investigating the effects that these hypermarts have on traditional gasoline retailers.

I first develop a discrete-choice, random utility model of consumer behavior to motivate the incentives for big-box and grocery stores to enter the retail gasoline market. The hypermart has an intrinsic spillover in its profit function between gasoline sales and in-store sales. If the spillover is sufficiently large, it is optimal for the hypermart to price its gas lower than the gas station. This is the case because when lowering its price of gasoline, it not only increases its market share of gasoline sales, it also increases its market share of in-store sales. In essence, by lowering its price of gas, the hypermart trades-off profits at the gas station for more profits elsewhere in the store. Traditional gasoline retailers do not have this same spillover and thus are at a competitive disadvantage.[4]

The paper then uses two unique, comprehensive datasets from two geographically diverse cities: Tucson, AZ and Nashville, TN. In both cities I examine the cross-sectional impact of hypermarts on competitors' prices. I find that hypermarts do in fact place statistically significant and economically significant downward pressure on the prices of nearby gas stations. The results show that if a gas station is located within 2 miles of a hypermart its price is depressed by about 1.5 cents, all else equal. From industry data on firm profitability, I conclude a price impact of this magnitude would cut a gas station's profit in half. Moreover, if a station is located within 2 miles of

[4] Most gas stations do have convenience stores attached. However, the spillover between a gas station and its convenience store is drastically less than for a hypermart's gas station and its in-store sales. According to FRMC, Inc., gasoline sales account for about 70% of a traditional gasoline retailer's total sales. On the other hand, gas accounts for less than 5-10% of total sales for hypermarts.

two hypermarts, the effect is doubled. The result is consistent across the two cities and much larger than the effect a traditional retailer has on its competitors. I also examine station prices in Nashville before and after The Home Depot entered the retail gasoline market there by opening two new gas stations as a corporate experiment. Here, results are mixed as prices are depressed in one local market in consistence with the cross-sectional findings, but increased in the other. Overall, given the magnitude of the price impact, it appears the fears of some traditional retailers, like Mom-and-Pop stores before, are being realized. The impact of big-box stores, discount stores, and mass-merchandisers on smaller competitors is remarkable.

The rest of the paper is organized as follows. Section 2 develops a model to motivate the incentives hypermarts have to price their gasoline lower than traditional gasoline retailers. Section 3 provides a brief overview of the retail gasoline industry and describes the recent and rapid emergence of hypermarts into the industry. Sections 4 and 5 discuss the data and empirical results from Tucson, AZ and Nashville, TN, respectively. Section 6 reports findings from the entrance of The Home Depot into the retail gasoline market in Nashville. Section 7 puts the findings of the paper into a greater context by emphasizing the economic significance of the price impact. And finally Section 7 concludes with a brief discussion of how the new developments in the retail gasoline industry mirror a larger societal trend of big driving out small.

SECTION 2: The Model

This section develops a simple discrete-choice, random utility model of consumer behavior and firm responses to that behavior. I compare a multi-product firm to a single-product firm. One may ask why or when a multi-product hypermart would have

incentive to price one of its goods lower than its single-product competitor. The purpose of the model is to help answer that by demonstrating the endemic spillover between a hypermart's gasoline sales and its in-store sales. It is due to this spillover that it can be profit-maximizing for a hypermart like Wal-Mart to price its gas lower than what is best for a traditional gas station. In a spatially differentiated product market like retail gasoline, this finding would imply that, in equilibrium, nearby gas stations would be forced to respond to the low pricing ability of the hypermart by lowering their prices, making the local market more competitive. Initially I will characterize the first order conditions for profit-maximization when consumers have a limited set of alternatives. I will then expand the model to completely capture the choice set of consumers.

To start, assume there are N consumers indexed by $i=1,\ldots,N$. Also assume there are three firms in the market: i) a gas station ii) a supermarket where one can shop for groceries and other items and iii) a hypermart where one can both buy gas *and* shop for groceries and other items. For simplicity, assume each individual has two choices in a given time period. One, they can choose to buy gas at the gas station and shop at the supermarket; or two, they can choose to purchase gas and do their shopping all in one place at the hypermart. Assuming that individuals who buy gas at the hypermart also shop there and vice versa is equivalent to assuming perfect spillovers between gas and shopping for the hypermart. For each i, the utilities of the respective choices can be given by:

Choice 1: $u_{igs} = f(q_g, q_s) - P_g q_g - P_s q_s - t_g - t_s + \varepsilon_{igs}$
Choice 2: $u_{ihh} = f(q_g, q_s) - P_{gh} q_g - P_{sh} q_s - t_h + \varepsilon_{ihh}$

where u_{igs} is the utility individual i receives from buying gas at the gas station and shopping at the supermarket, u_{ihh} is the utility individual i receives from buying gas at the hypermart and shopping at the hypermart,[5] $f(.)$ is some function that characterizes the benefit received from buying gas and shopping, q_g is the average quantity of gas purchased by an individual, q_s is the average quantity of shopping by an individual, P_g is the price of gas at the gas station, P_s is the price of shopping at the supermarket, P_{gh} is the price of gas at the hypermart, P_{sh} is the price of shopping at the hypermart, t_g is the transportation cost associated with getting to the gas station, t_s is the transportation cost associated with getting to the supermarket, t_h is the transportation cost associated with getting to the hypermart, and ε_i is an consumer differentiation parameter for each of the two choices. Generally one would assume that the transportation cost of getting gas at the gas station *and* shopping at the supermarket is greater than the transportation cost of getting both at the hypermart (i.e. $t_g + t_s > t_h$). Notice, the utility functions are the net benefit of each of the two choices.

Further assume that each individual chooses the option that provides him or her with the highest utility. In other words, i chooses choice j if the utility form choice j is greater than the utility from all other potential choices. If we assume that ε_i has a

[5] The first subscript on u indicates the consumer. The second subscript indicates where consumer i buys gasoline (g for the gas station or h for the hypermart), and the third subscript indicates where consumer i shops (s for the supermarket or h for the hypermart).

logistic distribution, McFadden (1974) shows that the market shares for each of the two choices are:

$$MS_{gs}(P_g, P_s, P_{gh}, P_{sh}) = \frac{\exp(v_{gs})}{\exp(v_{gs}) + \exp(v_{hh})}$$

$$MS_{hh}(P_g, P_s, P_{gh}, P_{sh}) = \frac{\exp(v_{hh})}{\exp(v_{gs}) + \exp(v_{hh})}$$

where $v_{gs} = f(q_g, q_s) - P_g q_q - P_s q_s - t_g - t_s$ and $v_{hh} = f(q_g, q_s) - P_{gh} q_q - P_{sh} q_s - t_h$.

It is the case that $MS_{gs} + MS_{hh} = 1$.

These market shares are of interest because one can do comparative statics on them and see how they change when P_{gh} changes. First, note that the

$$\frac{\partial MS_{gs}}{\partial P_{gh}} = MS_{gs} MS_{hh} q_g > 0.$$

This says that less people buy gas at the gas station and shop at the supermarket when the hypermart lowers its price of gas. Second, notice the

$$\frac{\partial MS_{hh}}{\partial P_{gh}} = (MS_{hh} - 1) MS_{hh} q_g \leq 0 \text{ as } MS_{hh} \leq 1.$$

This suggests that as the hypermart lowers P_{gh} the market share of the hypermart increases. Intrinsically, the structure of the market shares creates a spillover between buying gas and shopping at the hypermart. Decreasing the price of gasoline the hypermart charges not only increases its share of gasoline, but also its share of shopping.

But what P_{gh} should the hypermart set? Is it optimal to set P_{gh} lower or higher than P_g, the price of gas the gas station sets? One can see the answer to these questions by analyzing the gas station's and the hypermart's respective profit functions. It will be

helpful to first determine the optimal price of gas for the gas station and then compare that to the optimal price of gas for the hypermart.

Define Q_g as the total quantity of gasoline purchased by consumers. Then the quantity of gas that the gas station sells is equal to $Q_g MS_{gs}$. The gas station thus chooses P_g to maximize

$$\pi_{gas} = (P_g - c_g)Q_g MS_{gs}(P_g, P_s, P_{gh}, P_{sh}),$$

where c_g is the constant marginal cost of gasoline for the gas station. The first order condition for profit maximization for the gas station is:

$$(1) \qquad \frac{\partial \pi_{gas}}{\partial P_g} = MS_{gs}[1 + q_g(P_g - c_g)(MS_{gs} - 1)] = 0.$$

Equation (1), which is an implicit function of P_g, gives the optimal price of gas, P_g^*, the gas station should set.

The hypermart's profit function is slightly different than the gas station because the hypermart sells both gasoline and shopping. The hypermart chooses P_{gh} and P_{sh} to maximize

$$\pi_{hyper} = (P_{gh} - c_{gh})Q_g MS_{hh}(P_g, P_s, P_{gh}, P_{sh}) + (P_{sh} - c_{sh})Q_s MS_{hh}(P_g, P_s, P_{gh}, P_{sh})$$

where c_{gh} and c_{sh} are the constant marginal costs of gasoline and shopping for the hypermart, respectively, and Q_s is the total quantity of shopping consumed by consumers in the market. The first order conditions for profit maximization for the hypermart are:

$$(2) \qquad \frac{\partial \pi_{hyper}}{\partial P_{gh}} = MS_{hh}[1 + q_g(P_{gh} - c_{gh})(MS_{hh} - 1) + (P_{sh} - c_{sh})(MS_{hh} - 1)] = 0$$

$$(3) \qquad \frac{\partial \pi_{hyper}}{\partial P_{sh}} = MS_{hh}[1 + q_s(P_{sh} - c_{sh})(MS_{hh} - 1) + (P_{gh} - c_{gh})(MS_{hh} - 1)] = 0.$$

Solving equations (2) and (3) simultaneously would give the optimal prices of gas, P^*_{gh}, and shopping, P^*_{sh}, for the hypermart.

Interestingly, we can compare equations (1) and (2) directly to see how P^*_g compares to P^*_{gh}. Assume for a moment that the gas station and the hypermart have equivalent cost functions, so that $c_g = c_{gh}$, and equivalent market shares, so that $MS_{gs} = MS_{hh}$. Suppose the hypermart set its price of gas, P_{gh}, at the price of gas that maximizes the gas station's profit (i.e. at P^*_g). Then from equation (2), the

$$(4) \qquad \left.\frac{\partial \pi_{hyper}}{\partial P_{gh}}\right|_{P^*_g} = MS_{hh}(P_{sh} - c_{sh})(MS_{hh} - 1) < 0.$$

In other words, evaluating equation (2) at the optimal price of gas for the gas station is not profit-maximizing for the hypermart. In fact, the derivative is less than zero implying that the hypermart can increase profit by decreasing its price below P^*_g.

In this simplistic model, where consumers choose between either shopping and buying gas at the hypermart or shopping and buying gas not at the hypermart, it can be shown that the hypermart should always set its price of gas lower than the price of gas the gas station sets. Intuitively, this is the case because by lowering its price of gas, the hypermart can increase the number of people that shop inside the hypermart, thus trading-

off profits at the pump for profits in the store. The gas station does not have this same spillover and consequently cannot match the low price of the hypermart.

A more complete model would allow nine choices for each consumer. These choices are displayed in Table 1. For example, a consumer could choose to buy gas at a gas station and not shop anywhere (Choice 1). Perhaps this consumer eats out exclusively during the time period. Or for instance, a consumer could perhaps not purchase gas at either a gas station or a hypermart but the consumer chooses to shop at the supermarket (Choice 2). Choice 9 in the table is the outside alternative of purchasing neither gas nor shopping. In reality, most individuals purchase gas and shop regularly so we'd expect the market shares on choices 1, 2, 5, 7, and 9 to be small if not zero.

Table 1

Consumer Choices		
Choice	**Buy Gas**	**Shop**
1	Gas Station	--
2	--	Supermarket
3	Gas Station	Supermarket
4	Hypermart	Supermarket
5	Hypermart	--
6	Hypermart	Hypermart
7	--	Hypermart
8	Gas Station	Hypermart
9	--	--

In this framework, consumers generate utility from the nine alternatives. The utilities for each *i* are:

Choice 1: $u_{ig0} = f(q_g, 0) - P_g q_g - t_g + \varepsilon_{ig0}$

Choice 2: $u_{i0s} = f(0, q_s) - P_s q_s - t_s + \varepsilon_{i0s}$

Choice 3: $u_{igs} = f(q_g, q_s) - P_g q_g - P_s q_s - t_g - t_s + \varepsilon_{igs}$

Choice 4: $u_{ihs} = f(q_g, q_s) - P_{gh} q_g - P_s q_s - t_h - t_s + \varepsilon_{ihs}$

Choice 5: $u_{ih0} = f(q_g, 0) - P_{gh} q_g - t_h + \varepsilon_{ih0}$

Choice 6: $u_{ihh} = f(q_g, q_s) - P_{gh} q_g - P_{sh} q_s - t_h + \varepsilon_{ihh}$

Choice 7: $u_{i0h} = f(0, q_s) - P_{sh}q_s - t_h + \varepsilon_{i0h}$
Choice 8: $u_{igh} = f(q_g, q_s) - P_g q_g - P_{sh}q_s - t_g - t_h + \varepsilon_{igh}$
Choice 9: $u_{i00} = 0 + \varepsilon_{i00}$

As before, the first subscript on u indicates the consumer; the second subscript indicates where the consumer purchases gasoline (g for the gas station, h for the hypermart, or 0 for nowhere); and the third subscript indicates where the consumer shops (s for the supermarket, h for the hypermart, or 0 for nowhere). Utility on the outside alternative is normalized to zero with an idiosyncratic disturbance term.

As above each individual chooses the option that provides him or her with the highest utility. In other words, i chooses choice j if the utility from choice j is greater than the utility from any of the other eight choices. Assuming ε_i has a logistic distribution, the market share for the jth choice is:

$$MS_j(P_g, P_s, P_{gh}, P_{sh}) = \frac{\exp(v_j)}{\sum_{l=1}^{9} \exp(v_l)},$$

where v is the non-stochastic part of the utility function for the jth choice.

In this context the gas station's profit equation will be a function of three shares of consumers: people who buy gas at the gas station only, people who buy gas at the gas station and shop the supermarket, and people who buy gas at the gas station and shop at the hypermart. Hence,

$$\pi_{gas} = (P_g - c_g)Q_g(MS_{g0} + MS_{gs} + MS_{gh}).$$

The gas station chooses P_g to maximize its profit. The first order condition for profit maximization is:

$$(5) \qquad \frac{\partial \pi_{gas}}{\partial P_g} = (MS_{g0} + MS_{gs} + MS_{gh})(1 + (P_g - c_g)q_g[(MS_{g0} + MS_{gs} + MS_{gh}) - 1]) = 0$$

Similarly the hypermart maximizes its profit equation, which is a function of the people who purchase gasoline at the hypermarket and the people who shop there.

$$\pi_{hyper} = (P_{gh} - c_{gh})Q_g(MS_{h0} + MS_{hs} + MS_{hh}) + (P_{sh} - c_{sh})Q_s(MS_{0h} + MS_{gh} + MS_{hh})$$

As opposed to the simpler example where consumers had only two choices, notice here the share of people who purchase gas at the hypermart does not have to and likely will not equal the share of people who shop at the hypermart. The hypermart's first order condition with respect to P_{gh} is:

$$(6) \qquad \frac{\partial \pi_{hyper}}{\partial P_{gh}} = (MS_{h0} + MS_{hs} + MS_{hh})(1 + (P_{gh} - c_{gh})q_g[(MS_{h0} + MS_{hs} + MS_{hh}) - 1])$$
$$+ (P_{sh} - c_{sh})q_g[(MS_{0h} + MS_{gh} + MS_{hh})(MS_{h0} + MS_{hs} + MS_{hh}) - MS_{hh}] = 0.$$

Here, if we assume the gas station is identical to the hypermart (meaning equal gasoline market shares and costs), the

$$(7) \qquad \left.\frac{\partial \pi_{hyper}}{\partial P_{gh}}\right|_{P_g^*} = (P_{sh} - c_{sh})q_g[(MS_{0h} + MS_{gh} + MS_{hh})(MS_{h0} + MS_{hs} + MS_{hh}) - MS_{hh}]$$

In equation (4) in the simpler model this derivate evaluated at P_g^* was always negative, meaning the hypermart would always price lower than the gas station. Here, the sign of the derivative is indefinite. The sign, however, will depend on the sign of the terms in the brackets. Technically speaking the terms in the brackets would be negative if the percent of people that buy gas at the hypermart times the percent of people that shop at the hypermart is less than the percent of people that buy both gas and shop at the hypermart (the spillover term). If we had perfect spillovers as in the simpler model all

the other market shares besides MS_{hh} would be zero and the brackets would be negative. An implication is that if the percent of people that buy one but not both products at the hypermart is sufficiently small compared to the percent of people that buy both products there, then the terms in the brackets will be negative and it will be profit-maximizing for the hypermart to price its gas lower than what is optimal for the gas station. On the other hand, if the spillover is weak (i.e. not many people who buy gasoline at the hypermart also shop at the hypermart), then the hypermart would not have profit incentives to price its gas low. Overall, the ability of the hypermart to profitably price low is intrinsically tied to the relative size of the spillover between gasoline sales and in-store sales. Again, gas stations do not have this same spillover and consequently are not able to profitably match the low prices of the hypermarts. As Section 3 will explain in more detail, it is due to this competitive difference, coupled with the increasing presence of hypermarts in the industry, that many traditional gasoline retailers are so fearful of the future viability of their stations as Mom-and-Pop stores were in the past.

SECTION 3: Industry Overview

The goal of this section is to provide a basic background covering the recent increase in hypermart presence across the US. The effort here is to illuminate the model in Section 2 by i) providing quantitative evidence suggesting hypermarts have a substantial and increasing presence in the retail gasoline industry and ii) providing quantitative and additional qualitative evidence why hypermarts are willing to sell gas at lower prices than traditional gas stations. The following statistics demonstrate that hypermarts will have a substantial long-run impact within the retail gasoline industry.

Table 2 shows the retail gasoline industry has been experiencing contraction. In 2000, there were nearly 176,000 outlets selling gasoline in the US. This number has fallen nearly 5% to approximately 167,500 outlets in 2006. It is during this time of reduction, though, that hypermarts have experienced expansion. Hypermarts' growth has been recent and rapid. In the year 2000, there were 1,140 hypermarts in the US. In 2002, the number grew to 2,434, a 113% increase. In 2006, the number had risen to over 4,000 locations, a total increase of over 250% from 2000. The general trend of industry contraction combined with rapid hypermart entry suggests traditional retailers have had a particularly difficult start to the new millennium. Traditional retailers experienced a decrease of almost 11,500 stations at the same time hypermarts were growing.

Table 2

US Gasoline Retailers Declining, Hypermarts Increasing			
	Total # of Gasoline Retailers	# of Traditional Retailers	# of Hypermarts
2000	175,941	174,801	1,140
2002	170,016	167,582	2,434
2005	168,987	165,469	3,518
2006	167,476	163,423	4,053

Source: Total Number of Gasoline Retailers: *National Petroleum News*[6]
Number of Hypermarts: *EAI, Inc.*

Each hypermart location is consequential in terms of the volume of gasoline it sells. In 2006, the typical hypermart location sold over 250 thousand gallons per month.[7] This volume is in stark contrast to traditional retailers who, as estimated by the National Association of Convenience Stores (NACS), sold only 110 thousand gallons per month on average in that same year. Table 3 breaks out the number of hypermarts by type (e.g.

[6] Estimating the number of gasoline retailers is a little tricky. The National Petroleum News estimate includes all outlets that sold gas to the public. This includes very low-volume retailers such as marinas. According to the National Association of Convenience Stores (NACS) there were approximately 112,000 convenience stores selling gasoline in 2006. A convenience store is more what one typically thinks of when they think of a gas station. However, there are many 'traditional' gas stations that do not have convenience stores and thus would not be included in NACS' count.
[7] Estimate according to EAI, Inc.

grocery store, discount store, or mass-merchandiser/club store) and compares these stores to convenience stores in terms of volume for 2006. The table shows that most hypermarts are grocery stores, such as Kroger and Safeway. The biggest hypermarts, though, in terms of average volume sold per station per month are the mass-merchandisers or club stores like Costco and Sam's Club. Of note, Wal-Mart was responsible for over 1,300 of the hypermarts in 2006 contributing to all three hypermart store types between its Wal-Mart stores, Neighborhood Markets, and Sam's Clubs. Given that an average hypermart location sells two to three times the quantity of gasoline that a gas station does, hypermarts compose a meaningful percentage of the retail gasoline industry market share even though they are few in number.

Table 3

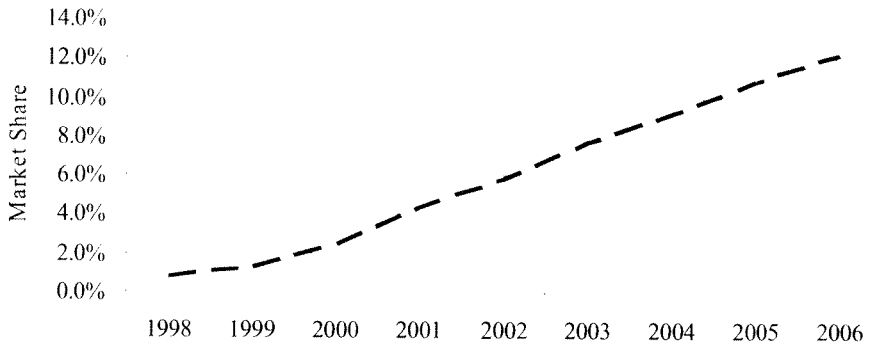
Hypermarts by Store Type: 2006		
Store Type	**Number**	**Mean Gallons Sold/ Store/Month (000's)**
Grocery Stores	2,164	197,000
Discount Stores	1,045	238,000
Mass-Merchandisers/Clubs	844	430,000
All Hypermarts	4,053	253,000
Convenience Stores	112,000	108,000

Source: Hypermarts: *EAI, Inc.*
Convenience Stores: *NACS*

Figure 1 illustrates the increasing market power of hypermarts over time. In 1998, hypermarts were virtually non-existent, accounting for less than 1% of the industry market share. By 2002 hypermart market share had risen to 5.8% and continued rising to 12.2% in 2006 in an almost linear fashion. Hypermart market share has increased an average of 1.4 percentage points per year with the largest increase from 2002 to 2003 when it rose by 1.9 percentage points.

Figure 1

Hypermart Retail Gasoline Market Share



Source: *The NPD Group/Motor Fuels Index*

As the model in Section 2 suggests can be the case, hypermarts do price lower than traditional gas stations. Industry studies by EAI, Inc. have found that hypermarts sell gas at prices that are three to ten cents less per gallon.[8] This ability to price low is an important benefit because consumers are shown to be sensitive to price differentials across stations. A consumer survey conducted by NACS in 2007 indicated that 47% of consumers said they would be willing to make a left-hand turn across a busy street to save 3 cents per gallon; 35% said they would drive five minutes out of their way to save the same amount; 25% said they would drive ten minutes to save 3 cents; and an astonishing 11% said they would drive ten minutes out of their way to save only one penny per gallon.[9] Accordingly, when hypermarts price only a few cents lower then their competition, they are able to attract a meaningful percentage of new customers.

An important thrust of this paper is the assertion that hypermarts are less interested in profiting directly from gasoline sales than is a traditional gas station. If direct gasoline profits are not the incentive for selling gasoline, then what is? The

[8] I provide similar evidence for the Tucson and Nashville markets later in the paper.
[9] See NACS 2007 Consumer Fuels Report. NACS followed up the survey to see if people were actually as price sensitive as they claimed. NACS concluded that people were less sensitive. The survey data suggest at least that people perceive themselves to be extremely sensitive to differentials in gasoline prices.

contention made here, as suggested in the model, is that hypermarts can increase in-store traffic and entire store profits[10] by selling gas at lower prices than their competitors.

Joseph Leto, a respected industry leader and president of Energy Analysts International (EAI), spoke of these spillover incentives in *Supermarket News* saying that grocery stores can increase in-store sales by as much as 20% by selling gasoline outside their store. Certainly a 20% increase in in-store sales is an upper bound that most grocery stores cannot expect to achieve; but nonetheless, these comments provide evidence that selling gas outside of one's store can have substantial impacts on in-store sales.

As further motivation for big-box stores, grocery stores, and mass-merchandisers to cross over into the gasoline industry, an EAI report prepared for the California Energy Commission suggests that selling gasoline can increase trip frequency and cross traffic to one's store. For example, before selling gas, a typical family may have frequented a hypermart only once every two weeks. After selling gas, that same family may frequent the same store once a week. On top of an increase in trip frequency, EAI's findings assert gasoline is able to draw more traffic to stores than offering traditional discounts on individual supermarket items. Therefore, offering gasoline as another product not only increases the number of trips an existing customer makes, but it also increases the number of new customers that visit the store.[11]

As final motivation, and perhaps an often overlooked fact, selling gasoline allows hypermarts to maximize the value of underutilized land. Real estate expenses are a large fixed cost incurred by a store and generally the majority of a store's land is allocated to

[10] Entire store profits are defined as the sum of profits from in-store sales and gasoline sales.
[11] See *EAI, Inc.*, U.S. Hypermart Petroleum Market Outlook: Emergence Of The New Competitive Arena, July 11, 2003.

parking. Being able to convert a few dozen parking spaces that are rarely used into a rent generating activity is an appealing option for a store.

Given the reality of nationally increasing hypermart market share, much angst has been building among gas station owners. Gas station owners contend that they are already operating on extremely small margins and any additional market pressures will force some stations out of business. Table 4 details the average gas station's profitability for 2001-2006.[12] In recent years, gas stations have made only about 1% of sales in pretax profit and about $30,000 in pretax profit per station per year.[13] Given both the small profit margins and dollars earned in the industry, significant downward pressure on gas station prices as a result of hypermart presence could noticeably alter the retail gasoline industry make-up in a similar way the entrance of Wal-Mart altered the discount retailing industry in the 1980's and '90's. The threat of shake-up in the industry has led to considerable trepidation among gas station owners and other industry players as they plan the future course of their businesses in a more competitive environment.

Table 4

Mean Gas Station Profitability		
	Pretax Profit Margin (percent of total sales)	**Pretax Profit per Station**
2001	1.00%	$24,240
2002	1.12	28,500
2003	1.05	29,928
2004	0.91	29,280
2005	1.29	54,996
2006	0.76	34,944

Source: *FRMC, Inc.*

[12] Data were provided by FRMC, Inc. FRMC is an independent consulting firm to retail gasoline stations. FRMC computes industry benchmarks for various financial ratios.

[13] The abnormally large profit margin and pretax profit dollars in 2005 were primarily a result of supply disruptions and unusual market conditions driven by hurricanes Katrina and Rita in the latter part of the year.

Section 4: Tucson Market

The next aim of this paper is to analyze the effect of hypermart entry on traditional gas station prices. The findings here will be of significant interest to industry players as well as provide further insights into both the nature of competition within the retail gasoline industry and the impact big-box stores like Wal-Mart have on smaller competition. An ideal experiment to estimate the impact of big-box, grocery, and discount stores on retail gasoline competitors would be to collect data on prices for every gas station in the US and then see how proximity to hypermarts affects price. Of course this is an infeasible task. Therefore, I followed in the footsteps of others in the literature (e.g. Barron, Taylor, and Umbeck (2000) and (2004), Shepard (2003), Johnson and Romeo (2000)) and collected gasoline data for a city. I actually collected data from two regionally diverse cities: Tucson, AZ and Nashville, TN. I will address the results from Nashville in Section V.

Data

The greater Tucson area has a population of just over 900,000 residents with a geographical area covering 600 square miles and 29 zip codes.[14] A comprehensive dataset of prices, characteristics, and locations were collected for every gas station in the city of Tucson.[15] In 2005, there were 227 gas stations and eight hypermarts for a total of 235 observations.

[14] These estimates were obtained from the US Census Bureau.

[15] Station prices and characteristics were recorded within a 14 hour period on March 12, 2005. It was important to gather prices on the same day to account for fluctuations in input prices. If station prices were gathered over time, it is likely to be the case that station A's price differs from station B's price simply because they have different marginal costs. It is reasonable to assume that marginal costs are the same for all stations in a particular city on a given day. It would not, however, be reasonable to assume that marginal costs are the same for all stations on a given day when the stations are located in different geographical regions. If the latter is the case, then the researcher would have to control for the regional differentials in marginal cost. Moreover, taxes would also have to be taken into consideration as they differ across cities and states as well.

I have asserted that hypermarts price lower than traditional gas stations in order to attract more customers into their store. Table 5 breaks-out average prices for hypermarts and gas stations in Tucson. The average price for regular gasoline at a hypermart is $1.97. The average price for regular gasoline at a traditional gasoline retailer is $2.01. These statistics are consistent with the EAI study that found most hypermarts price anywhere from three to ten cents below traditional gas stations. Table 5 also differentiates between branded gas stations and unbranded gas stations. There are 111 branded gas stations with an average price of regular gas of $2.03 and there are 116 non-branded stations with an average price of $1.99. These statistics show that hypermarts tend to price the lowest, followed by non-branded stations and then by branded stations.[16]

Table 5

Mean Price of Regular Gasoline: Tucson, AZ					
	Mean	**s.e.**	**95% C.I.**		**Obs**
Hypermarts	$1.973	$0.007	$1.957	$1.988	8
All Gas Stations	2.011	0.003	2.005	2.016	227
Branded	2.029	0.005	2.020	2.038	111
Non-Branded	1.993	0.002	1.988	1.998	116

Table 6 breaks-out station prices by its respective brand. After viewing the table it is clear that some brands price higher than others. The table arranges the brands from the lowest average price on regular fuel to the highest. Arco prices the lowest of all the brands at $1.97. Interestingly, Arco and Diamond Shamrock price slightly lower (a few hundredths of a cent) than the hypermarts according to their unconditional means.[17] On

[16] Branded stations are defined as gas stations associated with a major oil company's brand. Examples would be Shell stations or Exxon stations. Non-branded or unbranded stations are stations unassociated with a major oil company. Many non-branded stations operate dozens to hundreds of stations across the country, while others operate just one. Generally companies operating several non-branded stations are referred to as 'private-branded.' Examples of large private-brands are Sheetz, Wawa, The Pantry, and Quik Trip.

[17] It should be stated that Arco is a unique brand. Its corporate office has made it an explicit objective to have the lowest price. The major reason they are able to achieve this objective is that the majority of their stations do not allow the use of credit cards at their pumps. Of the eleven Arco stations in the Tucson

the other end of Table 6, we see that Chevron is perceived as a premium brand in the Tucson market with an average price of $2.07 per gallon. The Other category includes all the non-branded stations except Circle K. I listed Circle K as itself because it represents over one-third of all gas stations in Tucson. The non-branded stations generally price higher than the hypermarts but lower than most of the major oil company brands.

Table 6

Mean Prices of Regular Gasoline by Brand: Tucson, AZ					
Brand	**Mean**	**s.e.**	**95% C.I.**		**Obs**
Arco	$1.969	$0.003	$1.961	$1.977	11
Diamond Shamrock	1.971	0.001	1.968	1.975	14
Hypermarts	1.973	0.007	1.957	1.988	8
Conoco	1.983	0.008	1.964	2.001	11
Other	1.993	0.005	1.982	2.004	33
Circle K	1.993	0.003	1.988	1.999	83
Citgo	2.030	0.000	2.030	2.030	6
76	2.030	0.012	2.001	2.058	7
Exxon	2.043	0.010	2.021	2.067	8
Mobil	2.043	0.003	2.036	2.051	13
Shell	2.060	0.010	2.040	2.084	10
Texaco	2.060	0.009	2.035	2.085	5
Chevron	2.074	0.010	2.054	2.094	26
All Stations	2.009	0.003	2.004	2.016	235

On the whole, gasoline is a relatively homogeneous good. Price differentials exist across stations in part due to differences in perceived quality and brand loyalty. Another main reason price differentials are observed is that gasoline stations are spatially differentiated. A spatially differentiated products model suggests a competitor is forced to respond to the presence of competition, such as a hypermart, by reducing its price. A testable implication is that a station's price should be lower when there are more competing gas stations around it. Thus, to capture the price pressure placed on a station

dataset, only one permits the use of credit cards.

by a hypermart, it is important to control for the presence of other traditional retailers in order to disentangle the two confounding effects.

A common way in the literature to capture the effect of competition from nearby gas stations is to count the number of gas stations within a pre-specified Euclidean radius of a particular station (see Barron, Taylor, and Umbeck (2000), (2004)). I argue that this may not be the best measure. For one, using a Euclidean radius measure doesn't take waterways, freeways, or other impediments into account. For example, one gas station may be located on one side of a river and another gas station may be located on the other side of a river. If the nearest crossing of the river is two miles away, it is unreasonable to assume that the two stations are heavily competing even though they are reasonably close in a line-of-sight direction. As a result, I use road distance[18] as a more appropriate measure.[19] Proximity to other gas station competition is defined as the number of gas stations within a pre-specified driving distance of particular station. For estimation, I separately counted the number of stations within one-half of a road mile, the number between one-half and one-and-a-half road miles, and the number between one-and-a-half and two-and-a-half road miles.

Next, I counted the number of hypermarts within one-half of a road mile, the number between one-half and one-and-a-half road miles, the number between one-and-a-half and two-and-a-half road miles, and the number between two-and-a-half and three-and-a-half road miles, of a particular gas station and used these as a measure of proximity to hypermarts. These are the key variables of interest. I use a larger range (up to three-and-a-half road miles as compared to up to two-and-a-half miles) when calculating

[18] Hastings (2004) also used road distances.
[19] I was able to collect the specific location of each station. I then used the mapping function on *mapquest* to calculate the distance from each station to every other.

proximity to hypermarts than when calculating proximity to other gas stations. The reason for this is two-fold. First, it was reported earlier that the average hypermart sells over two times the volume of gasoline as does a traditional store. Hence, a hypermart is attracting a larger customer base. Second, the key business strategy of a hypermart is the bundling of a large retail store and gasoline. People who frequent hypermarts often are there not just to buy gas, but also to go to the store. Hypermarts provide customers with the ability to economize on trips. It is reasonable that a typical person is willing to drive a farther distance to a supermarket or mass-merchandiser than to a gas station. When faced with the option of getting gas at a cheaper price and at the same time being able to get some shopping done, I argue that a typical consumer is going to be more willing to drive the extra distance.

Table 7 lists the summary statistics of the competition measures listed above and of the other control variables. I would expect to observe the greatest price pressure when two stations are located very close to one another. On average, there are 0.68 gas stations within one-half road mile of a particular gas station. The most a station ever has is four gas stations within one-half road miles while other stations have zero competitors within that distance. As we expand the distance band, more competitors are present because each band has a greater area. The average distance to the nearest gas station is 0.57 road miles. Turning to hypermarts, there are on average 0.03 hypermarts within one-half road miles of a given retail location and the average distance to the nearest hypermart is 4.68 road miles. These statistics show that the majority of gas stations in Tucson are not close to hypermarts.

Table 7

Summary Statistics of Control Variables: # of Obs. = 235				
Variable	**Mean**	**s.e.**	**Min**	**Max**
# Gas Stations < 0.5 mile	0.68	0.050	0	4
# Gas Stations 0.5 - 1.5 miles	3.61	0.159	0	11
# Gas Stations 1.5 - 2.5 miles	7.63	0.266	0	17
# Hypermarts < 0.5 mile	0.03	0.011	0	1
# Hypermarts 0.5 - 1.5 miles	0.14	0.025	0	2
# Hypermarts 1.5 - 2.5 miles	0.32	0.039	0	3
# Hypermarts 2.5 - 3.5 miles	0.39	0.040	0	3
Convenience Store	0.89	0.021	0	1
Franchise Food	0.08	0.017	0	1
Car Wash	0.06	0.016	0	1
Repair Shop	0.08	0.018	0	1
# of Pumps	8.26	0.237	2	20
Median Income (thousands of dollars)	35.67	0.805	19.34	78.03
Population Density (thousands of people)	2.61	0.016	0.02	5.38
Traffic Flow (thousands of cars per day)	46.52	1.594	3.1	107.25

Despite collecting data on locations, nearby competition, and specific brands of stations, I also collected other station characteristics. Dummy variables were constructed if a store had a convenience store, a franchise food establishment,[20] a car wash, or a repair shop. The summary statistics for these variables can also be seen in Table 7. Of the 235 gasoline outlets in Tucson, 209 had a convenience store, 18 had a franchise food establishment, 14 had car washes, and 19 had repair shops. The mean number of pumps at each station was just over eight.

Relevant demand side variables were also calculated using data from the US Census Bureau at the zip code level. Specifically, median income and population density were taken from the census. The assumption is that wealthier zip codes should have higher gas prices and more densely populated zip codes should have higher prices.[21]

[20] Franchise food establishments are gas stations where the station is physically combined with a franchise store. Common examples of franchise food establishments are Subway, McDonald's, and Dominos Pizza. Gas stations and franchise foods combine together to take advantage of economies of agglomeration.

[21] Measuring demand based on zip code characteristics has some drawbacks. Take median income for example. Suppose a gas station is located near the boundary of a particular zip code. It is likely the case that the neighboring zip code's median income differs meaningfully from the zip code that the gas station is

One other demand side variable was constructed in an attempt to capture the amount of driving that is taking place around a station. I calculated the average 24-hour traffic volume[22] of automobiles on the street that each station is located.[23] This variable improves upon using a dummy variable if the station is located on a "major" street as seen used in the literature.[24] Furthermore, this variable allows each station to have its own unique traffic volume. One would expect that a station located on a street with more traffic flow is more able to sustain higher prices than a station located on a street with low traffic volumes, all else equal.

Estimation

With the data I have collected, I estimate the following equation:

$$p_i = \alpha + K_i\beta + C_i\delta + D_i\gamma + B_i\lambda + \varepsilon_i,$$

where p_i is the price of regular gasoline at each station, K_i is a vector that separately counts the number of gas stations and the number of hypermarts within the respective distance bands of each station,[25] C_i is a vector of each station's characteristics, D_i is a

in. If this is the case, then the zip code measure may not actually represent the true median income of consumers who visit the station. One way to get around this problem is to choose a pre-specified radius around a station and then measure the median income of the population within that radius. This approach has the same drawbacks as mentioned earlier. Often there are rivers, freeways, or other barriers that make it difficult for a consumer to get to a particular gas station even though the consumer resides within the specified radius. Hence, the radius technique is not a perfect measure either. To complicate matters worse, it is quite often the case that a consumer purchases gasoline on the way to or from work or other destinations. If the consumer works a long way from his or her house, then the gas station could be in a very different part of town than where the consumer lives. When this situation applies to a large proportion of the population, neither the zip code measure nor the radius measure will perform well. However, without the luxury of being able to observe the specific characteristics of every individual who frequents a particular gas station, certain simplifications and approximations must be made.

[22] The data was provided by the Pima County Department of Transportation. Tucson is located in Pima County.

[23] If a station was located on a street corner, then the traffic volume for that station is the sum of the traffic volume on the two perpendicular streets.

[24] See Eckert and West (2004), Eckert and West (2005a), and Eckert and West (2005b)

[25] There are seven variables in K: the number of gas stations within 0.5 road miles; 0.5-1.5 road miles; 1.5-2.5 road miles; and the number of hypermarts within 0.5 road miles; 0.5-1.5 road miles; 1.5-2.5 road miles; and 2.5-3.5 road miles.

vector of measures of demand, B_i is a vector of dummy variables indicating the brand for each station, and ε_i is a disturbance term[26].

Table 8 displays the results of the regression for Tucson. The first variables listed in the table are the most important. The coefficient on the number of hypermarts located within one-half road mile of a station is -0.021 and is statistically significant at the 1% level. This means that a station's price is 2.1 cents lower for each hypermart that is located within one-half mile of it. The average price for a gas station in Tucson is $2.01. Therefore, adding a hypermart nearby would reduce the average station's price from $2.01 to less than $1.99. As I will discuss later, this effect is not only statistically significant but it is economically significant.

What's more, the price impact of a hypermart is larger than that of a traditional gasoline retailer. The effect of an additional gasoline retailer within one-half mile reduces a given station's price by 0.4 cents with a p-value of 0.06. I conducted a Wald test to see if the difference between a hypermart's impact on a station were different than a traditional retailer's impact. The difference between the coefficients is statistically significant at the 5% level.[27]

[26] The standard errors have been corrected for arbitrary heteroskedasticity.
[27] The Wald test is a test of linear restrictions. The null hypothesis is that the coefficient of the number of gasoline stations equals the coefficient on the number of hypermarts. In this context, the test statistic has an F-distribution. $F(1,208) = 3.82$ with a corresponding p-value of 0.052.

Table 8

Regression of Regular Price of Gasoline: Tucson, AZ				
Variable	**Coefficient**	**Robust s.e.**	**t-stat**	**p-value**
# Gas Stations < 0.5 mile	-0.0039	0.0021	-1.87	0.064
# Gas Stations 0.5 - 1.5 miles	-0.0015	0.0009	-1.78	0.076
# Gas Stations 1.5 - 2.5 miles	0.0007	0.0006	1.04	0.298
# Hypermarts < 0.5 miles	-0.0211	0.0082	-2.58	0.011
# Hypermarts 0.5 - 1.5 miles	-0.0127	0.0063	-2.00	0.047
# Hypermarts 1.5 - 2.5 miles	-0.0044	0.0041	-1.09	0.279
# Hypermarts 2.5 - 3.5 miles	-0.0038	0.0041	-0.92	0.361
Hypermart	-0.0249	0.0105	-2.38	0.018
Arco	-0.0237	0.0068	-3.50	0.001
Chevron	0.0748	0.0053	14.12	0.000
Conoco	-0.0077	0.0107	-0.72	0.474
Citgo	0.0299	0.0060	4.95	0.000
Diamond Shamrock	-0.0201	0.0063	-3.19	0.002
Exxon	0.0479	0.0103	4.66	0.000
Mobil	0.0440	0.0066	6.68	0.000
Shell	0.0642	0.0108	5.93	0.000
76	0.0244	0.0115	2.13	0.035
Texaco	0.0620	0.0093	6.65	0.000
C-store	-0.0046	0.0081	-0.57	0.572
Franchise Food	0.0111	0.0126	0.89	0.377
Car Wash	0.0033	0.0153	0.22	0.827
Repair Shop	0.0160	0.0072	2.22	0.027
ln(# of pumps)	-0.0031	0.0055	-0.56	0.575
Median Income	0.0003	0.0003	1.10	0.272
Population Density	0.0029	0.0015	1.95	0.052
Traffic Flow	0.0002	0.0002	1	0.178
Constant	1.9831	0.0141	141	0.000
# of Observations	235			
F(26,208)	35.64			
R-square	0.6402			
Root MSE	0.0276			

Since the estimation is non-parametric, one can look farther out than 0.5 road miles to see if there is still a significant effect of having a competitor nearby. According to Table 8 adding a hypermart between 0.5 – 1.5 road miles of a gas station reduces that gas station's price by 1.2 cents, all else equal. In contrast, adding a gas station in that distance band only decreases a station's price by 0.2 cents. The coefficients are statistically significantly different at the 7% level.[28] As one adds a competitor, whether a

[28] The Wald test statistic is F(1,208) = 3.34, with a corresponding p-value of 0.069.

hypermart or a traditional gas station, at a distance greater than 1.5 miles from a competitor, the impact becomes statistically insignificant.

The hypermart dummy is also statistically significantly different from zero. The regression indicates that a hypermart prices 2.5 cents lower than non-branded stations – the baseline. Even more, the hypermart dummy is smaller than both the Arco dummy and the Diamond Shamrock dummy, although not statistically significantly lower. Earlier we saw that Arco and Diamond Shamrock priced lower than the hypermarts in the unconditional mean. This finding is weak evidence that, after controlling for differences in demand and station characteristics, hypermarts price the lowest of all brands and certainly price lower than most brands in Tucson.[29]

Of additional note in the regression, the regression seems to fit the data reasonably well. The R-square is 0.64. Also, having a repair shop increases a station's price by 1.6 cents and being in a more densely populated area increases its price. Most station characteristics are not statistically different from zero, although the signs are reasonable.

Section 5: Nashville

One might look at the analysis done in Tucson and feel the results might be spurious. One might think that Tucson is just one city; perhaps the finding that hypermarts place significantly more downward pressure on competitors prices is driven by something specific to Tucson, such as abnormally high tastes for hypermart gasoline. Further, one might see that there are only eight hypermarts in Tucson and think the findings are being driven by a small sample of hypermarts. I unequivocally do not see

[29] The coefficient on the hypermart dummy is statistically smaller than the coefficients on all other brand dummies except the Conoco dummy.

the latter claim to be the case. While there are only eight hypermarts, I am analyzing the impact on competing station prices and there are several stations located nearby each of the eight hypermarts. The average hypermart has over 8.5 competitors within two road miles of it. Nevertheless, to help diffuse the two contentions above I conduct the same analysis on a separate, geographically diverse, larger city – Nashville, TN.

Data

Prices, brands, locations, and characteristics were collected for approximately 550 gas stations and hypermarts in the greater Nashville area. The greater Nashville area has a population of about 1.5 million. The data set includes Nashville and the suburbs of Antioch, Arrington, Ashland City, Bellevue, Brentwood, Franklin, Gallatin, Goodlettsville, Hendersonville, Hermitage, Joelton, La Vergne, Lebanon, Madison, Millersville, Mount Juliet, Murfreesboro, Nolensville, Old Hickory, Smyrna, and Whites Creek.[30] In addition, I took censuses of all retail gasoline outlets in Nashville at three separate time periods: November 2005, March 2006, and January 2007.[31]

Table 9 lists the number of stations and characteristics of the stations for the three censuses. The total number of stations in Nashville increased slightly over the period studied. The number of traditional gas stations grew by 1.1%; the number of hypermarts grew by 17%. This trend is consistent with the national trend laid out in Section 3 that hypermarts are increasing in presence relative to traditional retailers throughout the US. Hypermarts account for 5-6% of the total number of stations in Nashville. As Section 3 points out, hypermarts tend to sell around 2.5 times the volume that traditional retailers

[30] When collecting a data set that spans geographically, the researcher is always faced with the dilemma of stopping and drawing a line somewhere. I purposefully collected stations until population became sparse and there was no nearby competition outside my sample boundary. Generally the nearest station outside my sample boundary was over 5 miles away. This was in an effort to minimize any biases for stations on the boundary of the data set. The same was true in Tucson.

[31] Prices and characteristics were collected within a 36-hour period for all three censuses.

do. If this is true in Nashville, then hypermarts account for approximately 14-15% of the market share in Nashville, again consistent with the national estimates in Section 3.

Table 9

Market Characteristics: Nashville, TN			
	Census 1 Nov. 2005	**Census 2 Mar. 2006**	**Census 3 Jan. 2007**
Gas Stations	518	526	524
Hypermarts	29	31	34
Total Stations	547	557	558
Convenience Stores	477	487	485
Franchise Food	36	39	39
Car Wash	95	98	96
Repair Shop	36	36	35
Pay at Pump	482	492	496
Avg. # of Pumps	7.93	7.98	8.02

Table 9 also shows that roughly 87% of stations have convenience stores and 88% allow the consumer to pay at the pump as opposed to paying only inside a convenience store or at a kiosk. About 17% of stations have car washes and 7% have repair shops or franchise food establishments. The average station has approximately 8 pumps. Hypermarts tend to have more pumps (9.6 on average) than traditional gas stations (7.9), however, gas stations can be quite large and have many pumps. One gas station in the data set has 24 pumps, while the largest hypermart has only 14 pumps.

Table 10 provides summary statistics for the prices of hypermarts and traditional retailers; they are similar to Tucson. Hypermarts price on average, not controlling for other factors, about seven cents lower than traditional gas stations in Nashville. The result is consistent across the three censuses. These differences in raw averages are statistically significant at any reasonable level of significance.[32] It should be noted that the overall level of prices increased from census 1 to census 2. The overall level of prices

[32] All three censuses have p-values less than 0.000 using a two-tailed difference-in-means test with unequal variances.

fell, though, from census 2 to census 3 with census 3 having the lowest prices overall. These large changes in the overall level of prices for the area are explained predominately by differences in wholesale prices across time, and only marginally, if at all, by differences in the competitive environment in Nashville across time.

Table 10

Mean Price of Regular Gasoline: Nashville, TN			
	Census 1	**Census 2**	**Census 3**
Gas Stations	$2.27 (-0.004)	$2.50 (-0.002)	$2.14 (-0.003)
Hypermarts	2.199 (-0.16)	2.43 (-0.009)	2.072 (-0.012)
All Stations	2.262 (-0.004)	2.498 (-0.002)	2.14 (-0.003)

Note: standard errors in parentheses

Table 11 compares prices of regular gasoline from the first census only by breaking-out the data by brand. Data from the other two censuses provide similar results. The table shows in more detail that hypermarts are pricing the lowest in Nashville. The second lowest pricing group is Other, which consists primarily of independents (i.e. private-branded and unbranded stations[33]). While the mean price of this group is higher than the hypermarts' mean price, it is not statistically significantly higher. Within this group, some independents price quite low. The 5 lowest pricing stations in Nashville at the time of the census were hypermarts, though. Shell is the largest brand in Nashville with 111 stations. It is also the most expensive brand pricing on average ten cents higher than the hypermarts.

[33] There are two major oil company brands within this group: one Conoco station and one 76 station. Since there is only one station of each brand, it did not make sense to separate them into their own groups.

Table 11

Mean Prices of Regular Gasoline by Brand – Census 1: Nashville, TN					
	Mean Price	s.e.	95% C.I.		# of Obs.
Hypermarts	$2.20	$0.02	$2.17	$2.23	29
Other	2.22	0.01	2.20	2.24	75
Marathon	2.24	0.01	2.21	2.27	29
Chevron	2.26	0.03	2.18	2.33	6
Citgo	2.26	0.01	2.24	2.28	74
BP	2.26	0.01	2.24	2.29	53
Phillips	2.27	0.01	2.24	2.29	38
Texaco	2.27	0.02	2.22	2.31	10
Mapco Express	2.27	0.01	2.25	2.28	86
Exxon	2.30	0.01	2.27	2.33	36
Shell	2.30	0.01	2.28	2.31	111
All Stations	2.26	0.00	2.26	2.27	547

Together, Tables 9-11 demonstrate that hypermarts have a substantial market presence in Nashville and that they price lower on average than traditional gas stations.

Estimation

As with Tucson, for each census in Nashville, I run the following regression:

$$p_i = \alpha + K_i\beta + C_i\delta + D_i\gamma + B_i\lambda + \varepsilon_i,$$

where p_i is the price of regular gasoline at each station, K_i is a two-vector that separately counts the number of gas stations within 1 road mile and the number of hypermarts within 2 road miles of each station, C_i is a vector of each station's characteristics, D_i is a vector of measures of demand[34], B_i is a vector of dummy variables indicating the brand for each station, and ε_i is a disturbance term[35]. The regression was run on all stations in the greater Nashville area at the time of the census. There is a difference in how I constructed the distance bands in Nashville as compared to

[34] There are two measures of demand: median income and population density. These variables were obtained from the US Census Bureau and vary at the zip code level.
[35] The standard errors have been corrected for possible heteroskedasticity.

Tucson. In Tucson, I fitted increasing, concentric bands for gas stations and hypermarts. Here, I have only one distance band for gas stations (1 mile) and one for hypermarts (2 miles). These distance band choices better fit the data. Tucson is primarily one city that has sprawled outward from its center. Nashville is quite different. It is a collection of several small towns that have grown together. As a result, gas stations have located in "patches" with substantial space in between, whereas in Tucson stations are more uniformly distributed.

Table 12 presents the complete results of the regression for census 1. The key variables of interest are contained in K_i: the counts of the number of gas stations within 1 road mile and the counts of the number of hypermarts within 2 road miles of each station.[36] The coefficient on the number of hypermarts within 2 road miles is -0.014. This means that adding an additional hypermart within 2 miles of gas station or hypermart decreases that station's price by 1.4 cents, all else equal. This effect is not only statistically significant at the 1% level, but it is economically rather large. As explained in Section 3, net profit margins in the retail gasoline industry are routinely around 1% of sales. As a rough calculation, if the price of gas is $2.50, a gas station only makes 2.5 cents off of each gallon of gas sold. Adding one hypermart nearby the average gas station could reduce the net profit from 2.5 cents per gallon to somewhere around 1 cent a gallon.[37] Even more, some gasoline retailers in Nashville have 2 or 3 hypermarts

[36] Road distances were calculated between each station and every other by creating a program that would link to www.mapquest.com's routing software. A square matrix of over 300,000 distances was created. The matrix is non-symmetrical meaning that the road distance from A to B may be different than the road distance from B to A. An example for the intuition behind this would be two stations on a one-way street where getting from A to B may be easy, but getting from B to A may be quite difficult.

[37] Most gasoline retailers have convenience stores or other revenue generating operations that contribute to their net profit margins. Therefore, one can't simply compute net profit dollars per gallon from the price per gallon of gasoline and the net profit margin. See Section 7 for a more precise description of the economic impact on gasoline retailers.

within 2 road miles. The model implies that having two hypermarts within 2 road miles reduces the competitor's price by 2.8 cents.[38]

Table 12

Regression of Price of Regular Gasoline -- Census 1				
	Coefficient	**Robust s.e.**	**t-stat**	**p-value**
# of Gas Stations w/in 1mi	-0.001	0.001	-0.45	0.652
# of Hypermarts w/in 2mi	-0.014	0.005	-2.83	0.005
Convenience Store	0.004	0.014	0.33	0.745
Franchise Food	-0.027	0.014	-1.90	0.058
Car Wash	0.006	0.011	0.54	0.591
Repair Shop	0.031	0.015	2.04	0.042
Pay at Pump	-0.001	0.012	-0.11	0.912
ln(# of Pumps)	-0.018	0.008	-2.14	0.032
Median Income	0.000	0.000	4.79	0.000
Population Density	0.000	0.000	6.90	0.000
Raceway	-0.073	0.039	-1.89	0.059
Swifty	-0.050	0.033	-1.53	0.126
Kangaroo	-0.047	0.022	-2.11	0.036
Hypermart	-0.033	0.024	-1.39	0.165
Marathon	0.004	0.016	0.22	0.824
Mapco	0.016	0.013	1.20	0.231
Chevron	0.010	0.028	0.35	0.729
Citgo	0.012	0.013	0.92	0.356
Texaco	0.018	0.020	0.91	0.363
Phillips	0.024	0.016	1.54	0.125
BP	0.025	0.015	1.59	0.113
Shell	0.052	0.013	3.94	0.000
Exxon	0.066	0.018	3.74	0.000
Constant	2.200	0.022	99.9	0.000
# of Observations	547			
F(23,523)	8.73			
R-Square	0.26			
Root MSE	0.08			

Table 13 compares the main cross-sectional regression results for each of the three censuses.[39] In Nashville, in contrast to Tucson, the number of gas stations within 1 road mile is not statistically different than zero in any of the regressions. The number of

[38] For both Tucson and Nashville, I initially expected the impact of adding an additional competitor to be diminishing as more competitors are added. For example, I suspected the marginal impact of adding a second competitor would be smaller than the marginal impact of adding the first. The model to me otherwise; it better fit the data when I allowed the marginal competitor to have the same impact as the previous.

[39] For each census I performed the same regression as in Table 12.

hypermarts within 2 road miles becomes stronger (an increase from -0.14 to -0.16) and even more statistically significant in the second and third censuses. The second census contains two new hypermarts, and the third census has three new hypermarts.[40] The hypermart dummy, which was not statistically different than the baseline unbranded stations in census 1, is statistically lower than the unbranded stations in censuses 2 and 3. For all three censuses, the impact of a hypermart on a competitor is statistically significantly different than that of a traditional retailer on a competitor at the 1% level.[41] In sum, the empirical evidence presented in Tucson and Nashville show that i) hypermarts price lower on average than most other stations ii) hypermarts depress prices of nearby competitors substantially more than traditional retailers do and in an economically significant way and iii) the impact of hypermarts on competitors stretches over a farther distance than traditional retailers.

Table 13

Comparison of Key Variables Across Censuses: Nashville, TN				
		Coefficient	**Robust s.e.**	**p-value**
Census 1	**# of Gas Stations w/in 1mi**	-0.001	0.001	0.652
	# of Hypermarts w/in 2mi	-0.014	0.005	0.005
	Hypermart Dummy	-0.033	0.024	0.165
Census 2	**# of Gas Stations w/in 1mi**	0.000	0.001	0.578
	# of Hypermarts w/in 2mi	-0.016	0.003	0.000
	Hypermart Dummy	-0.062	0.014	0.000
Census 3	**# of Gas Stations w/in 1mi**	-0.001	0.001	0.634
	# of Hypermarts w/in 2mi	-0.016	0.004	0.000
	Hypermart Dummy	-0.036	0.017	0.035

Section 6: The Entry of The Home Depot

[40] Two Home Depot gas stations were opened between census 1 and census 2. A Costco and two Krogers built new stores and gas stations between census 2 and census 3.

[41] Wald tests for differences in coefficients for the three censuses follow. Census 1: $F(1,524) = 6.50$, p-value = 0.011; Census 2: $F(1,534) = 32.90$, p-value = 0.000; Census 3: $F(1,535) = 11.26$, p-value = 0.001.

One could argue that the cross-sectional evidence presented above is endogenous. Specifically one could contend that gasoline retailers play a two-stage game. In the first stage retailers choose where to locate and in the second-stage they simultaneously choose prices based off of the first stage location decisions. If this is the case, the impact of another station on a competitor's price could be biased. Following the sequential entry and pricing reasoning, retailers presumably would tend to locate more in areas where prices are higher and are thus more profitable. The two-stage game, therefore, would imply that in areas where we observe more stations we should also observe higher prices. The results presented above, reveal just the opposite. I have found that in areas where there are more competitors, prices are lower, all else equal. If I have omitted important entry variables from my equation, any potential endogeneity would bias the estimated coefficients upward. This would mean that the impact of hypermarts is actually stronger (more negative) than what is presented above.

In an attempt to more rigorously address this possibility, I exploit a natural experiment where The Home Depot entered the retail gasoline industry. The Home Depot recently has realized what other big-box stores, discount stores, and mass-merchandisers like Wal-Mart have – that it potentially can increase total store profit by selling gasoline at relatively low prices outside its stores. Initially The Home Depot ran a corporate experiment at two of its stores' locations in the Nashville, TN area to test the profitability of the gas stations and to determine whether to move more aggressively into the industry. It opened one store in Brentwood, TN and another in Hermitage, TN (both suburbs of Nashville). Since the initial test, and at the time of this writing, The Home Depot has opened two more gas stations in the Atlanta, GA area[42] and one more in the

[42] Atlanta, GA is the corporate headquarters of The Home Depot.

Nashville, TN area suggesting it has found what other hypermarts have found -- that selling gasoline can contribute positively to store profits. If selling gasoline turns out to be a successful venture, The Home Depot thinks at least 300 stores are good candidates to open gas stations at indicating that The Home Depot could be a significant player in the retail gasoline industry in the future as other hypermarts already are.[43]

I am able to use the data set that I collected in Nashville to exploit the entry of the initial two The Home Depot gas stations.[44] [45] This data set is advantageous for several reasons. First, it collects data at three separate time periods: once before the two stores entered, once shortly after the stores entered, and lastly just under a year after the stores entered. Consequently, I observe the market before The Home Depot's entry, the initial response of the market to the entry, and longer-term effects of the entry on the market. Second, the data set is a census of prices and characteristics for the greater Nashville area as opposed to a sample of stations in the larger market. Thirdly, I am able to analyze the entry in a natural experiment setting. The Home Depot used existing stores in established areas of the city to open the gas stations. This is preferable to opening brand-new stores and gas stations in relatively new or expanding areas of town where entry could be more favorable in the short-run (say, as businesses are continuing to be built to service the new population) and potentially confound the analysis. Lastly, the stations were opened in

[43] "Home Depot Begins Selling Gasoline Diesel." *Platts Oilgram Price Report*, February 10, 2006 Friday, Market by Market; Pg. 12, Beth Evans.

[44] At first, The Home Depot announced plans to open four gas stations at existing stores in the greater Nashville area in December 2005. After conducting my first data collection project, The Home Depot announced the stores were being delayed. One was to open in February 2006, another in March 2006, and the other two in June 2006. After opening the first two stations, The Home Depot then announced the two June stations would be opening in the Atlanta, GA area, no longer in Nashville, at a later date. The first of those stores opened in September 2006 in a suburb outside of Atlanta.

[45] Hastings (2004) exploited a natural experiment in a similar manner as I do. She analyzed the acquisition of an independent gasoline retail chain by Arco (a major oil company) and found that local retail gasoline markets became less competitive after the acquisition.

areas where several other gasoline retailers existed nearby, thereby allowing me to analyze the price response of the nearby competition to the entry.

My methodology is to compare the prices of gas stations near where The Home Depot stations entered, both before and after its entry, to the prices of stations farther away. One would expect the prices of the stations nearby to go up less (down more) relative to the stations farther away if the overall level of prices went up (down) in Nashville. Findings of such a result would be strong evidence of the impact big-box stores and mass-merchandisers have on smaller, more traditional gasoline retailers.

I run the following regression:

$$P_{Cen2i} - P_{Cen1i} = \alpha + T_i\beta + \varepsilon_i .$$

In words, I regress each station's price change between census 2 and census 1 on two treatment dummies. The first treatment dummy takes the value of 1 if a station is located within two road miles of The Home Depot gas station that entered in Brentwood, TN and is 0 otherwise. The second treatment dummy is 1 if a station is within two road miles of The Home Depot that entered in Hermitage, TN.[46] Stations that are not within two road miles of either The Home Depot are in the control group. Since the gasoline market is dynamic and constantly changing, there was some entry, exit, rebranding, etc. among other stations in Nashville in the time between the two censuses. Therefore, I limited the control group to only stations that were *not* within two road miles of stations that had some change in characteristics, other than price, (e.g. rebranded, entered, or exited)

[46] I also ran the regression on just one treatment dummy, which equaled 1 if a station was within two road miles of either of the two The Home Depot stations. Breaking the treatment into two dummy variables reveals interesting differences between the effects in the two areas of entry.

between the two censuses.[47] Including these stations in the control could potentially confound my results.

Table 14 presents the results of the regression. This first thing to notice is the large negative coefficient on the Brentwood treatment. The coefficient says the price change for stations near the Brentwood Home Depot gas station was 14 cents lower than the price change for stations in the control. This result is significantly strong both statistically and economically. Fourteen cents is a huge decrease in price for a gas station. It was told earlier that gas stations typically operate on net profit margins of 1% of sales. A sustained price decrease of this magnitude would surely drive not just marginal stations, but average stations far into the red making most stations unprofitable.

Examining the Hermitage treatment dummy yields a strikingly different result, though. The prices of gas stations near the Hermitage Home Depot actually increased relative to the control group between the two censuses (a coefficient of 0.04). This result perplexingly suggests that the entrance of The Home Depot was actually advantageous for the stations nearby as they saw their prices increase by four cents.

Table 14

Regression of Price Change on Home Depot Treatment Dummies -- $P_{Census2} - P_{Census1}$ (n=415)						
	Coefficient	**s.e.**	**t-stat**	**p-value**	**95% C.I.**	
Brentwood HD Treat (n=6)	-0.135	0.034	-3.94	0.000	-0.202	-0.068
Hermitage HD Treat (n=12)	0.043	0.024	1.78	0.076	-0.005	0.091
Constant	0.242	0.004	57.83	0.000	0.233	0.25

As a researcher, I am left with trying to explain the difference in the effects of the two stations' entry. One potential explanation might be found by looking at the time the censuses were taken. The first census was taken in November 2005 before either Home

[47] Of the 544 stations that were operating at the time of both census 1 and 2, 415 stations are in the regression. Six stations are within two road miles of the Brentwood Home Depot, twelve are within two road miles of the Hermitage Home Depot, and 397 are in the control group.

Depot station had entered. The Brentwood Home Depot station entered in early February 2006. The Hermitage Home Depot entered in March and census 2 was taken at the end of March 2006 only a couple of weeks after the Hermitage station entered. Perhaps the census was taken too near to when the Hermitage station opened. Perhaps many consumers didn't yet know about the new station and hadn't began using the station, and subsequently, hadn't yet forced nearby stations to respond. If this is the case, one should be able to look at a later date and would expect to find the price decrease then.

Table 15 presents the results of the regression of the price change between censuses 3 and 2 on the Home Depot treatment dummies. Census 3 was taken in January 2007 about 9 months after the Hermitage Home Depot entered. The control group in this regression is different than the control in the regression in Table 14 because some gas stations have entered, exited, and rebranded elsewhere in the Nashville area between census 2 and census 3. However, the idea is still the same in that the stations in the control are those stations that are *not* within two road miles of a station that had some change, other than price, between the two censuses.[48] Table 15 shows that the stations near the Hermitage Home Depot did not see their prices decline relative to the control. In fact, as seen in Table 15, just the opposite happened. Their prices increased by 5 cents relative to the control. This finding is inconsistent with the explanation that at the time census 2 was taken consumers had not had time to learn about the Hermitage Home Depot's entrance, change their behavior, and subsequently force nearby stations to respond by lowering their prices.

[48] The control group in this regression contains only 263 stations, where the control group for the regression in Table 6 contained 397 stations. There are fewer stations here because Kwik Sak, a local business group, purchased and rebranded 23 Marathon gas stations between censuses 2 and 3. All stations nearby one of these stations are no longer in the control.

Table 15

Regression of Price Change of Home Depot Treatment Dummies -- $P_{Census3}$ - $P_{Census2}$ (n=280)						
	Coefficient	**s.e.**	**t-stat**	**p-value**	**95% C.I.**	
Brentwood HD Treat (n=5)	0.110	0.029	3.75	0.00	0.052	0.167
Hermitage HD Treat (n=12)	0.052	0.020	2.60	0.01	0.013	0.092
Constant	-0.355	0.004	-80.96	0.00	-0.363	-0.346

Of further note, Table 15 reveals that gas station prices increased by 11 cents relative to the control for those stations near the Brentwood Home Depot. Interestingly, one station about ¾ of a mile away from where the Home Depot entered went out of business between censuses 2 and 3. Finding that prices increased between censuses 2 and 3 in Brentwood, therefore, is not too surprising. Initially after Home Depot's entry in Brentwood, station prices fell by 14 cents. These low prices were profitably unsustainable forcing one firm to exit the market. Prices then increased by 11 cents, ultimately resting about 2.5 to 3 cents lower than the control. Two-and-a-half to three cents is a much more reasonable price decrease for the local market and is more consistent with the one-and-a-half to two cent price decreases associated with hypermarts found in the cross-sectional regressions in Tucson and Nashville.

On the whole, results from the natural experiment of The Home Depot's entry are mixed. Brentwood behaves much as would be expected and supports earlier findings; however, Hermitage defies intuition with its large price increases. In order to explain the price increases in Hermitage, one would need to point to a specific factor that changed systematically over time in this local market and not across Nashville in general. This criteria rules out almost all stories that could be attributed to changes in cost. Perhaps there was a large increase in demand in the Hermitage area relative to other areas. This, for sure, is a possibility, but it is difficult to attribute a source to it. Hermitage is a fairly

well-established suburb to the east of Nashville with other suburbs even east of it. Hermitage, and Nashville on the whole, are cities where population has remained fairly constant in recent years unlike some cities in the western US. Further, there does not seem to be a large income increase in the Hermitage market that would not be present in other parts of the city. Another demand-side explanation could be an increase in traffic-flow in the area. I do not have data on traffic-flow in Nashville, but my inclinations from observing the area are that this is unlikely. A final potential explanation, which neither has to do with cost nor demand, could be price cycles such as those found in Eckert (2002) and Noel (2007) in select cities in Canada. If price cycles are present in Nashville, one could rationalize these results. It wouldn't so much be that prices increased in the Hermitage area (or decreased in the Brentwood area for that matter), rather it would be that the censuses were taken at unfortunate times. It may have just been bad coincidence that the first census was taken when the Hermitage area was in the low part of its price cycle, while censuses 2 and 3 were taken when the area was experiencing a high price cycle.

Section 7: Economic Significance of Hypermart Entry

On the whole, all the results presented in this paper from two separate cities suggest that hypermarts decrease the prices of nearby competition by 1.4 to 2.5 cents, with the exception of the Hermitage Home Depot. Indeed, price impacts of this magnitude are economically meaningful to retailers. Data from FRMC show that an average gasoline retail outlet in 2006 sold 1,300,000 gallons of gasoline (about 108,000 gallons per month). On sales of those gallons the typical retail station made $170,500 gross profit dollars (13.12 cents per gallon), which contributed to $35,000 in total station

pretax profit (0.76% of sales). If a hypermart were to open nearby the average gas station, as a lower bound, the results suggest the station's margin would fall by 1.4 cents from 13.12 cents per gallon to 11.72 cents per gallon. This in turn would decrease fuel gross profit dollars to $152,000 and total store pretax profit from $35,000 to $16,800 (0.36% of sales). How meaningful is this? Being forced to compete with a hypermart cuts an average station's profit in half. As an upper bound, a hypermart could reduce a station's margin by 2.5 cents per gallon cutting its margin from 13.12 to 10.62 cents per gallon. This in turn would drop gross profit dollars from fuel sales to $138,000 and pretax profit to only $2,500 (0.01% of sales). In the upper bound case, a hypermart would take an average gasoline station and make it a virtual break-even gas station.

As hypermarts continue to expand and capture more market share, clearly, many retailers will be driven to unprofitable conditions, not just marginal ones. What's more, if a traditional retailer is located near two (three) hypermarts, the downward effect on profit is doubled (tripled). Being located near two or more hypermarts makes it in all manners impossible for an average retailer to remain profitable, even using the lower bound price impact estimate. Being located near more than one hypermart is not an implausible scenario. In Nashville 8.6% of all retailers are located within 2 miles of two or more hypermarts (7.3% are located near two hypermarts and 1.3% near three) and in Tucson 6% of all retailers are located within 2 miles. These firms, undoubtedly, must be much more efficient in their operations than the average station to remain solvent. Taken as a whole, price impacts of this magnitude will place substantial pressure on traditional retailers and will force many to exit the market.

Section 8: Conclusion

This paper examines competition between small firms and large, multi-product firms within the context of the retail gasoline industry. Its adds to the existing literature in two primary ways. First, the paper develops a simple discrete-choice, random utility model. The model shows that there is a spillover in the profit function between the hypermarts' two products' market shares. This spillover is absent in the profit function of the small firm. If the spillover is sufficiently large, it is profit-maximizing for the hypermart to price its gas lower than what is optimal for the gas station. This result is especially useful in explaining why hypermarts price lower than most gas stations in the US. It is also consistent with the literature that shows certain products can be sold as loss-leaders by multi-product firms.[49]

Secondly, this paper analyses the price impact that the recent emergence of big-box, grocery, discount, and club stores selling gasoline (hypermarts) have had on traditional gasoline retailers. The gasoline industry is currently experiencing what many Mom-and-Pop stores experienced with Wal-Mart a few decades ago. Gasoline industry analysts have maintained that hypermarts price low and thereby force nearby gas stations to respond by slashing their prices to unprofitably low levels. The recent and rapid growth of hypermarts has caused considerable trepidation for traditional gasoline station owners as many fear they will be unable to compete in a world where hypermarts command a substantial portion of industry market share.

This paper cross-sectionally examines approximately 235 gas stations in Tucson, AZ and 550 in Nashville, TN. I find that hypermarts do price lower than their counterparts and also find that as the number of hypermarts increase, prices are forced

[49] My model does not require gasoline to be sold below cost. The loss-leader literature typically assumes complementarities between the two goods. I do not make such an assumption here. For representative loss leader articles see Hest and Gerstner (1987); Chevalier, Kashyap, and Rossi (2003); Nevo and Hatzitaskos (2005); and DeGraba (2006).

downward for nearby retailers. Not only is the price depression statistically significant at conventional significance levels, but it is economically significant too. On average, if a gas station is located within 2 road miles of a hypermart, the station's price is pushed down about 1.5 cents cents. This amount is substantially more than a traditional gas station would inflict on other gas stations in the market.

The paper also analyzes the effect of the entry of two The Home Depot gas stations at existing stores in the Nashville area. I find that at one station the prices of nearby competitors are pushed down initially by 13.5 cents relative to the control as the stations compete for market share. One nearby competitor is actually forced to exit the market. Prices then climb back up by 11 cents relative to the control, ultimately resting at 2.5 cents lower than they were before the entry. Results near the other Home Depot entrant are strikingly different. Nearby stations there saw their prices actually increase relative to the control.

Overall, it is estimated that retailers operate on small net profit margins. Therefore, gas stations have very little room for their prices to be pushed down any farther. As hypermarts continue to enter, undoubtedly, some retailers will be forced to exit the market. This occurrence in the retail gasoline industry is representative of a larger trend. Societies globally are experiencing an unprecedented increase in low priced, one-stop-shopping big-box stores and mass-merchandisers. Inevitably along the way, smaller, often more nostalgic firms are left struggling for survival in the wake as they adapt to more competitive business environments. How the retail gasoline industry will continue to evolve in light of hypermart entry is of substantial interest.

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Johnston submittal
2/12/09 hearing

5000 customers
10% increase with gas
5500 customer per day
70%
3850 customers = 70% trips
x10
38,500 gal per day

30% off street.

1650 new trips
x10 gal average fill up
16,500

55,000 gal per day

with 70% fuel customer are from customers you are still generate. 1650 more trips

This does not count the fast food on the same site.

Newberg Planning Committee
Date: 12 FEBRUARY 2009
Re:
No.: CUP-08-004

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	[illegible]	2409 willow DR	Newberg/
2	William E Kyg	25349 SW OLD FRST	Newberg
3	[illegible]	5210 Wedgewood lp	Newberg
4	[illegible]	414 N School St.	Newberg
5	Justin Butler	3010 N. Center St.	Newberg
6	Cheryl Johnson	NE Mt Top Rd	Newberg
7	Delana Fonzi	16260 SW 82nd Ave / Tigard	Newberg
8	[illegible] Lane	1902 S NE Hughes CN	Newberg
9	[illegible]	29830 NE Benjamin RD.	Newberg
10	Miriam Bock	1111 N. College St	Newberg
11	[illegible]	715 Mill St. Dayton	Newberg
12	[illegible]	611 S. Columbia	Newberg
13	Richard [illegible]	2402 E 2nd	Newberg
14	Chris Copeland	1000 Wilsonville rd. #120	Newberg
15	James Copper	2902 E 2nd ST #64	Newberg
16	[illegible]	2E-320 W [illegible]	Newberg
17	LISA FIELDS	256 WhiteOak St.	Newberg
18	[illegible]	3202 Crestview Dr	Newberg
19	[illegible]	1317 Mountain View Dr.	Newberg
20	[illegible]	21045 [illegible]	Newberg
21	[illegible]	34750 NE Corral Creek RD	Newberg
22	Leslie Riley	110 Stanley St Amity or P.O. Box 534	Newberg
23	Cameron Lopez	166 [illegible]	Newberg
24	Cameron Lopez	166 White Oak St.	Newberg
25	Kali Patel.	3745 Portland Road	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Yesenia Vega	414 E 9th St Apt 12	Newberg
2	Armando MTZ	414 E 9 ST APT #12	Newberg
3	Allen Postell	4525 SW Mueller Dr	Newberg
4	Marcus Snyder	2428 Heritage Way	Newberg
5	Joshua Scott	512 S. Springbrook	Newberg
6	Deborah Reid	1401 N Springbrook Rd	Newberg
7	Vince Ford	3736 Newberg OR Grand Oak Dr.	Newberg
8	JILL AUXIER	3005 Dogwood Ave Newberg	Newberg
9	Rich Cavanagh	2809 Zimri dr Newberg	Newberg
10	Deborah Neeley	115 Melody Ln Newberg	Newberg
11	David C. Board	2400 Kaiser Ave. Newberg	Newberg
12	Devon Powell	17670 NE Chehalem Dr Newberg	Newberg
13	Pat Hall	216 Oxford Newberg	Newberg
14	[illegible]	2000 Woodridge Rd. Newberg	Newberg
15	[illegible]	4226 Lucia Ave NE St Paul	Newberg
16	[illegible]	300 OXFORD ST NEWBERG OR	Newberg
17	[illegible]	20200 NE N Valley	Newberg
18	[illegible]	8325 NE Dogridge Rd Newberg, OR	Newberg
19	Terry Nordwig	1504 E. 7th St	Newberg
20	Evan Ebert	32503 NE Haugen Rd	Newberg
21	Holly Otterell	901 Pecan ct #14 Newberg OR 97132	Newberg
22	[illegible]	507 N. Meton Newberg OR 97132	Newberg
23	[illegible]	141 SW Vermont, Dundee	Newberg
24	[illegible]	487 6th St Lafayette 97127	Newberg
25	[illegible]		Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Patty Vancolas	7314 - 58th St NW - Marysville WA	Newberg
2	Dan Styles	32140 N. HWY 99W Newberg OR	Newberg
3	[illegible]	16834 SW Stellar DR Sherwood OR.	Newberg
4	[illegible]	3129 Corral Creek Rd Newberg	Newberg
5	Angela Mathis	1536 E 3rd St #3 Newberg	Newberg
6	[illegible]	2919 Burlington DR.	Newberg
7	Brittney Guenther	1014 N. Sitka Newberg OR	Newberg
8	Cirro Madariaga	216 W. 14TH ST. LAFAYETTE OR.	Newberg
9	[illegible]	21830 Hwy 240 Newberg	Newberg
10	[illegible]	3709 Oak Grove St	Newberg
11	Maeriah Dewitte	2501 E 3rd Street #126	Newberg
12	Stephen Smalley	906 SW Alder #30 Dundee OR	Newberg
13	[illegible]	406 E 9th #A	Newberg
14	[illegible]	1324 Foothills Dr	Newberg
15	Kenny Fitzgerald	607 N. Edwards	Newberg
16	[illegible]	401 S. Main St.	Newberg
17	[illegible]	636 NW 13th Mac, OR	Newberg
18	Frank Viscitelli	112 W. Columbia DR Newberg, OR.	Newberg
19	[illegible]	1404 Libra St Newberg OR	Newberg
20	E. Hardwell	12450 121st Tigard	Newberg
21	[illegible]	22350 NE Hidden Springs Dundee OR	Newberg
22	[illegible]	508 S. Edwards St Newberg, OR	Newberg
23	Jared Davis	23105 NE Hangnail Ln Newberg	Newberg
24	Josh Berg	20	Newberg
25	[illegible]	1000 Remington Ct	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Chris King	1003 S College ST	~~Newberg~~
2	[illegible]	4550 SW MURRAY BLVD	Newberg
3	Carl [illegible]	7848 NW Pilte Rd	~~Newberg~~ Yamhill
4	Robert Hamm	4722 Clubhouse Ln	~~Newberg~~
5	Jose Escobedo	3150 W Sherman	~~Newberg~~
6	Wayne Gannaway	1312 N Klimack Newberg	Newberg
7	[illegible]	2901 E 2nd ST unit 53	Newberg
8	[illegible]	3017 Pinnacle Ct. Newberg	~~Newberg~~
9	Shari Chamomeath	261 Burl St Newberg OR	~~Newberg~~
10	Mark Smith	3212 Cushman Dr	Newberg
11	[illegible]	1571 SW Canyon Wren Way	Newberg
12	[illegible]	623 SE Boysen Ln Dundee OR	Newberg
13	[illegible]	1110A S. Pennington Dr	~~Newberg~~
14	[illegible]	1150 Industrial parkway #101 Newberg	Newberg
15	[illegible]	3109 Edgewood St Newberg OR	Newberg
16	[illegible]	1600 COFFEY CN	Newberg
17	Clifford Martin	10220 Old Hwy 99 Toledo	~~Newberg~~
18	[illegible]	1004 Newall rd.	Newberg
19	[illegible]	3611 Short Oak Dr Newberg 97132	Newberg
20	Jim Forseen	617 Oxford St. Newberg 97132	Newberg
21	[illegible]	26442 SW Lebanon RD 97140	Newberg
22	[illegible]	1000 Stephens St. Newberg	Newberg
23	Cheering Brewer	113 N. 7th Newberg, OR. 97132	Newberg
24	[illegible]	27326 SW Melissa Pl.	Newberg
25	[illegible]	802 E 9th street	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Chris Pack	424 Natalie Dr.	Newberg
2	Rick Jack	PO Box 403 Otis OR 97368	Newberg
3	Karen Becker	601 Andrew St. Newberg, OR 97132	Newberg
4	Riquilda	2400 HANNORTH AVE	Newberg
5	Ralph Coffman	Arbor Grove Rd St Paul	Newberg
6	Ross Wegter	723 Little Oak St.	Newberg
7	[illegible]	1209 E 12th St	Newberg
8	Jerdinn	3007 SW Bell Rd.	Newberg
9	Steven [illegible]	191 Royal Oak	Newberg
10	Lindsay Ferguson	3601 Vittoria Way, Newberg	Newberg
11	Cole Gholzone	97137 Carol Cp. RD.	Newberg
12	Andrew Buerkle	23765 SW Red Fern Dr. Sherwood	Newberg
13	Stephanie [illegible]	23765 SW Redfern Dr. Sherwood	Newberg
14	John O'Neal	25400 NE Ramsey RD	Newberg
15	Brendon Tebo	3513 Madrona Drive	Newberg
16	[illegible]	1221B Hoskins St	Newberg
17	James Gretzman	13771 River Rd.	Newberg
18	David Craps	1795 W 7th St. #43 Dundee	Newberg
19	Ryan Snyder	1903 Maple Dr.	Newberg
20	Michael Plantz	1103 N Springbrook Rd #12	Newberg
21	[illegible]	115 S. [illegible]	Newberg
22	Ryan P Morgan	433 Elm Sheridan	Newberg
23	[illegible]	14986 SE Hickory Mt	Newberg
24	[illegible]	960 SW Red Hill Dr Dundee	Newberg
25	Reg Hanson	3713 Oak Hollow Dr Newberg	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Ted Shoaf	715 MARLEST DAYTON	Newberg/
2	B. Zylkowski	2401 E 8th ST #4 Newberg	Newberg
3	[illegible]	1209 NE Pinnacle Park Rd.	Newberg
4	[illegible]	1701 Cedar St Newberg	Newberg
5	Lisa M. Dehr-Cox	714 S. Meridian St. Newberg	Newberg
6	[illegible]	1212 Alexandria Dr Newberg	Newberg
7	Jon Tran	209 Birch Dr. Newberg	Newberg
8	[illegible]	1500 Gemini St. Newberg	Newberg
9	Tina Curt	675 N First St Carlton.	Newberg
10	[illegible]	27300 NW Parrish Hwy	Newberg
11	[illegible]	1609 Hoskins St.	Newberg
12	[illegible]	3609 VITTORIA LAN	Newberg
13	[illegible]	3201 Partridge LN	Newberg
14	[illegible]	1404 Gemini LANE	Newberg
15	Lou Loeffler	3624 OAKGROVE ST. Newberg	Newberg
16	[illegible]		Newberg
17	Elisha Nichols	3705 N Aspen Way	Newberg
18	Ernest Dean	1500 [illegible]	Newberg
19	Mike Hasbargen	1117 S. Chehalem St. Newberg	Newberg
20	NATHAN OAR	16020 SW LOON DR BVTN	Newberg
21	Lisa Tu	3717 Madrona Dr Newberg	Newberg
22	Jackson Way	170 SW Sunflower Way	Newberg
23	Donald Angelechio	1507 Gemini Street Newberg	Newberg
24	JAMES DICK		Newberg
25	Dianna Canida	1004 Newell Rd.	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Ellie A. Torres Saucedo	2400 Haworth #16 Newberg	Newberg
2	Debby Henning	1815 Portland Rd	Newberg
3	Dean Brown	16175 NE Chehalem DR 97132	Newberg
4	[illegible]	2515 E 3rd St. Newberg	Newberg
5	KAVERI BHAT	2816 Portland Road Newberg	Newberg
6	Theresia Nujena	2901 E 2nd St #4 Newberg	Newberg
7	Jered Ott	14958 SW Kraft Ln.	Newberg
8	Stephanie Baird	2400 Haworth Ave #9 Newberg OR	Newberg
9	[illegible]	905 E 12th St	Newberg
10	[illegible]	150 The greens	Newberg
11	[illegible]	3716 Madrona Dr	Newberg
12	Chelsea Watts	179 SW 9th St, Dundee OR 97115	Newberg
13	Gary [illegible]	3109 Edgewood Ct. Newberg	Newberg
14	Linda Winegarden	319 - Kinger Crest Newberg	Newberg
15	[illegible]	3607 Burr Oak Ct Newberg	Newberg
16	Sean Davenport	3809 Madrona Dr.	Newberg
17	[illegible]	1935 [illegible]	Newberg
18	Jim Mills	1500 S. Sandoz Rd. #17	Newberg
19	Barb Wyrne	4813 E. Portland Rd	Newberg
20	MIKE RASSEKH	6990 SW LOMBARD Beaverton	Newberg
21	Laura Sullenger	2700 Haworth Ave	Newberg
22	P.A. Miller	519 W. Sherman	Newberg
23	Anthony Fellows	3613 Oak hollow DR	Newberg
24	Laura Brown	2308 Oak Dr.	Newberg
25	Scott [illegible]	3716 Grand Oak Dr.	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	[illegible]	[illegible]	Newberg
2	[illegible]	17075 NE Major Ln Yamhill	Newberg
3	[illegible]	PO Box 517 - St. Paul	Newberg
4	[illegible]	900 Hilltop Dr Newberg	Newberg
5	Jeff Arnes	295 crystal lane lafayette	Newberg
6	Roblyn Arnes	601 N. SITKA Newberg	Newberg
7	C. Al Kane	1558 "B" St	Newberg
8	Tim McCarty	Newberg	Newberg
9	Steve Flitcroft	38604 ZN E Old Parrett Mt.	Newberg
10	Jesus Barco	140 37TH AV Salem OR	Newberg
11	Luis Uend	3578 Carmell Ct 97305	Newberg
12	Rafael Cervantes	4351 Center St Salem OR	Newberg
13	Ulises Aviles S	308 E 1st St Apt #5	Newberg
14	Mike Bagley	[illegible] Highland St Yamhill	Newberg
15	Andre Prescott	20750 Ordway Rd	Newberg
16	Frankie Lynn Graham	300 S. Everest Rd. #9	Newberg
17	[illegible]	105 Ashley CT Dayton OR	Newberg
18	[illegible]	28050 NE BELL RD, NEWBERG	Newberg
19	[illegible]	12705 SW Heatherwood Ln Sherwood	Newberg
20	[illegible]	1607 DODGE WAY WEST LINN OR 97068	Newberg
21	Kristin [illegible]	521 S River St Newberg OR	Newberg
22	[illegible]	206 S Irace Amity, Or	Newberg
23	Brett Madsen	1011 12th St. Lafayette, Or	Newberg
24	[illegible]	[illegible]	Newberg
25	Brian Cummings	355 Colorado Rd NW Salem OR	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Suzy Geronimo	717 Oak Hollow Dr. Newberg, OR 97132	Newberg
2	Lisa Clayton	1003 E 3rd St. Newberg	Newberg
3	Alex Christensen	15159 SW Hartley St	Newberg
4	Jennie Nagan	929 S School St	Newberg
5	[illegible]	2700 Haworth Ave #20	Newberg
6	Tammy Spooner	3305 Vittoria Way Apt 18	Newberg
7	Lynn Bily	Newberg	Newberg
8	Fred Vogel	901 N Brutscher St	Newberg
9	Becky S Sweat	1104 Hadley Rd	Newberg
10	Jeremy Hairmoto	16175 SW Baker Way	Newberg
11	Justin Frost	11905 NE Dudley Rd	Newberg
12	[illegible]	13805 NE Lakeshore Dr.	Newberg
13	Nelle Morgan	11407 SW Davis Rd 2010 Beaverton	Newberg Beaverton
14	[illegible]	505 east 3rd street	Newberg
15	Steve Rosen	1401 P.O. Box Hillsboro OR.	Newberg
16	Phil McQueen	23400 NE Hyland Newberg	Newberg
17	Reegan Barney	22846 Forest Creek Sherwood	Newberg
18	Brad Wagner	151 White Oak St Newberg	Newberg
19	Chris Weik	4005 Aquarius Blvd	Newberg
20	Cin Holmes		Newberg
21	Anthony Holmes		Newberg
22	Ann Macy	3535 Newberg Rd Newberg	Newberg
23	[illegible]	1001 S River St	Newberg
24	[illegible]	2401 E 2nd St #141	Newberg
25	[illegible]	684 NE Autumn Ridge Dr.	Newberg

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Margarette Vorson	1907 N. College ST #10	Newberg
2	[illegible]	1907 N College # 9	Newberg
3	Ken Yungst	22180 Fryer Hill rd	Newberg
4	Tim Whitlow	823 S. Center	Newberg
5	Michael Jones	1907 N college St # 9	Newberg
6	RON CHESNEY	21800 SW CAPY RD.	Newberg
7	[illegible] Lamoreaux	806 Hemlock LN New[illegible]	Newberg
8	Stacy Jacobs	516 Dayton Ave Newberg 97132	Newberg
9	Ken Scrokepil	24525 NE North Valley Rd Newberg	Newberg
10	Mikey Burdette	23505 NE Happy Hill Ln	Newberg
11	Muriel J Blum	905 S Blaine St. New	Newberg
12	Verna Lawrence	4155 Three Mile Lane #133, McMinnville	Newberg
13	Jordan Lutz	71575 NE Red Hills LN	Newberg
14	Christy M Sexton	1204 MARGUERITE WAY	Newberg
15	Bonnie Edgehill	209 E Columbia Dr	Newberg
16	Ann Billette	18129 NE Bald Peak Rd	Newberg
17	Michelle L. Weiss	11634 Bunting Lane NE Aurora, OR 97002	Newberg
18	Mike Leland	217 old Hwy 99W #11	Newberg
19	Betty Johnson	21095 S. Old Pacific Hwy Sherwood	Newberg
20	Carl Wallace	115 W. Columbia Newberg OR	Newberg
21	[illegible]	502 EAST FRANKLIN Newberg OR	Newberg
22	K. L. Akers	314 N Main St Newberg OR.	Newberg
23	Dorothy J. Ross	345 W. Oxford ST Newberg, OR	Newberg
24	[illegible] Ross	345 West Oxford St " "	Newberg
25	[illegible]	609 Sorry St Dayton OR	Newberg

Personal information provided here will be used solely to certify your opposition to the Newberg Fred Meyer gas station proposal and will not in any way be used at this time nor in the future, for any other purpose.

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Jana Lester	309 E. Illinois	Newberg
2	Tracy Horton	1208 W. Sheridan	Newberg
3	Darryl Zigler	802 E 4th St	Newberg
4	Kelly McOren	1208 E 10th St	Newberg
5	Simon Overlo	704 Elliott Rd Apt 2	Newberg
6	Sondra Blum	1558 E 3rd St #2	Newberg
7	Brad Ross	2209 Haworth Ave	Newberg
8	Christopher Ross	406 N. Main St	Newberg
9	Linda Walker	501 N Harrison St Newberg	Newberg
10	Nina Smith	2209 N. Aliceway Newberg	Newberg
11	Holli Rew	1829 N. Main St. Newberg OR	Newberg
12	Sean Chere	721 Foothills Dr.	Newberg
13	Anne Whiteley	721 Foothills Dr	Newberg
14	Reg Hanson	3713 Oak Hollow Dr	Newberg
15	Aimee Miller	3713 Oak hollow Dr.	Newberg
16	Jeff Witherspoon	308 Oxford Newberg OR 97132	Newberg
17	Brenda Witherspoon	308 Oxford St Newberg OR	Newberg
18	Deb Sullenger	21675 NE Hwy 240 Newberg, OR	Newberg
19	Shirley Hackenwerth	24015 N.E. Hess Acres Rd Newberg	Newberg
20	Kristine Patnede	23510 NE Hagey Rd Dundee	Newberg
21	Shawna Payne	406 E 9th Apt 25 Newberg	Newberg
22	Michael Payne	406 E 9th Apt 25 Newberg	Newberg
23	Mike Rathy	1313 N Chehalem DR	Newberg
24	George Engle	1215 So College	Newberg
25	Janice Engle	1215 S College Newberg	Newberg

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I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	[illegible]	1017 mill place	Newberg
2	[illegible]	[illegible] 147	Newberg
3	[illegible]	[illegible]	Newberg
4	William X [illegible]		Newberg
5	[illegible]		Newberg
6	[illegible]	505 N. Main	Newberg
7	Mark Thomas	23555 NE Hwy 240	Newberg
8	[illegible]	608 E 9th Newberg	Newberg
9	[illegible]	4227 Stagehollow Rd Sunhill	Newberg
10	Marge Clevenger	748 N.W. Jefferson Mc Minnville 97128	Newberg
11	Tom Walsh	22405 NE Flatern Ln Dundee, Or 97115	Newberg
12	Tim Mason	241 SW walnut Dundee OR 97132	Newberg
13	Kyle Mason	P.O. Box 3292 Newberg OR 97132	Newberg
14	Kaili Mason	1719 Sunset Newberg OR 97132	Newberg
15	Randy Jensen	19275 NE Berry Ln Newberg Or 97132	Newberg
16	Tom Tessman	32170 SW Bell Rd Sherwood Or 97140	Newberg
17	Todd Fox	20805 Hwy 240	Newberg
18	Erin Humph	637 N. Morton St Newberg, OR 97132	Newberg
19	[illegible]	203 E Illinois ST Newberg OR 97132	Newberg
20	Jim Gibian	711 N. DESKINS, ST. NEWBERG, OR 97132	Newberg
21			Newberg
22			Newberg
23			Newberg
24			Newberg
25			Newberg

Personal information provided here will be used solely to certify your opposition to the Newberg Fred Meyer gas station proposal and will not in any way be used at this time nor in the future, for any other purpose.

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Michael O'Neil	P.O. Box 207, Newberg 97132	Newberg
2	Debra Grimm	PO Box 387 Dundee OR 97115	Newberg
3	Karla Thompson	Newberg, OR 97132	Newberg
4	Ann K Brown	PO Box 695 Newberg	Newberg
5	Melanie Roy	304 E. Oxford Newberg OR	Newberg
6	Carl Brandt II	409 Dayton Ave Newberg	Newberg
7	Dan Bechtold	17720 NE Fairview Drive, Dundee	Newberg
8	Brandy Trejo	19800 SW Briedwell McMinnville	Newberg
9	Mark Trejo	19800 SW Briedwell Rd McMinnville	Newberg
10	Jose Montoya	213 SW 1st Dundee, OR 97115	Newberg
11	Kerry Hall	17360 Woodland Lp R Yamhill Ore	Newberg
12	Angel Cardo	204 E Hancock St Newberg OR	Newberg
13	[illegible]	1201 E 11TH ST Newberg OR	Newberg
14	[illegible]	1414 E 7th St Newberg OR	Newberg
15	[illegible]	PO Box 231, Billies, OR 97106	Newberg
16	Jacob Graham	326 Kemper Crest Dr	Newberg
17	WADE WILLIAMS	13621 NE Kinney Rd.	Newberg
18	[illegible]	12808 NE Fircrest Dr.	Newberg
19			Newberg
20			Newberg
21			Newberg
22			Newberg
23			Newberg
24			Newberg
25			Newberg

Personal information provided here will be used solely to certify your opposition to the Newberg Fred Meyer gas station proposal and will not in any way be used at this time nor in the future, for any other purpose.

I am opposed to the Fred Meyer Gas Station because of the adverse traffic, safety impacts and increased congestion this development would cause.

No	NAME	ADDRESS	CITY
1	Matthew Ollin	858 NE Yamhill St, Sheridan, OR	Newberg/
2	Cheryle Simpson	1313 Foothills Dr. Newberg	Newberg
3	Dave Simpson	" " "	Newberg
4	Ed Burkholder	3900 Portland Rd	Newberg
5	Ben Teters	900 East 8th St, Newberg	Newberg
6	[illegible]	33905 NE Kramer Rd	Newberg
7			Newberg
8			Newberg
9			Newberg
10			Newberg
11			Newberg
12			Newberg
13			Newberg
14			Newberg
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24			Newberg
25			Newberg

Newberg Planning Committee
Date: 12 FEB 2009
Re:
No.: CUP-08-004

GSB
GARVEY SCHUBERT BAKER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

PORTLAND OFFICE
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 FAX 503 226 0259

OTHER OFFICES
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seattle, washington
washington, d.c.
GSBLAW.COM

FACSIMILE TRANSMISSION

DATE: February 12, 2009 **CLIENT NO.:** 34752-00100

TO:	FAX NO.
Newberg Planning Commission Newberg Planning Division	(503) 537-1272

FROM:	FAX NO.	PHONE NO.
Carrie A. Richter	(503) 226-0259	(503) 228-3939 x3118

NUMBER OF PAGES, INCLUDING COVER: 4 **ORIGINALS FOLLOW BY MAIL:** No

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02/12/09

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GSBL

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GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to CARRIE A. RICHTER
crichter@gsblaw.com TEL EXT *3118*

February 12, 2009

Via Facsimile

Planning Commission
414 E. First Street
PO Box 970
Newberg, OR 97132

Re: Conditional Use for Fred Meyer Gas Station
CUP 08-004/DR2-08-036

Dear Commissioners:

This firm represents Leathers Oil Co., the owner of the Leathers Fuels station located at 203 E 1st Street in Newberg. Although we will be unable to testify in person during the public hearing on February 12, 2009, we do wish to provide a number of written objections to this proposal. In addition we adopt as our own, all objections identified by the Newberg Chevron, its counsel and consultants. In short, we are opposed to this application. It does not analyze several critical criteria and fails to explain how it meets the criteria it does address. Moreover, the applicant has not shown that it has met the conditional use or design review criteria.

Design Review Criteria

The application and staff report do not analyze the compatibility of design requirements and they fail to identify any design or landscape characteristics of the surrounding area before concluding these standards were met. Further, it is impossible for staff to apply the design review criteria in this case because the applicant has not provided any renderings of what the station canopy or kiosk will look like and how the design will relate to its surroundings. The applicant asserts that the proposed design is compatible with the main store but does not contemplate compatibility of the proposal with the larger surrounding community as required by the standard; this failure is especially problematic as the main store does not comply with current design review requirements. The application and staff report do not respond to the obligation to have "minimal impact on the livability or appropriate development of abutting properties" as required by NDC 151.194(B)(1) and 151.210(A) that would include impacts to operation of the neighboring drive-in theater and may require mitigation measures greater than the pedestrian scale illumination standards set forth in NDC 151.196(H)(7). The applicant seeks an exception

to the C-2 specific design standards arguing that it cannot comply as a gasoline canopy and kiosk but fails to demonstrate compliance with any of the purposes identified for the design standards promoting pedestrian uses, improving aesthetics and compatibility under NDC 151.196.

Conditional Use Criteria

As with the design review criteria, it is impossible for the applicant or staff to determine if the proposal is "compatible with and have a minimal impact" on the surrounding neighborhood without identifying the characteristics of the surrounding uses and area and without also knowing the design details for this proposal. This inquiry is not limited solely to the relation between the proposed structure and the existing Fred Meyer structure.

Landscaping Requirements

Newberg Development Code (NDC) Section 151.580(B) contains detailed landscaping requirements for non-residential properties that apply as both a design review criterion, NDC 151.194(B)(4) but also a conditional use criterion, NDC 151.210(C). The landscaping guidelines include obligations to landscape a minimum of 15% of the *total lot area* and all parking or loading areas containing 10 or more spaces must include at least 25 square feet of landscaped area per parking space. The staff report notes that construction of the fueling station will reduce the amount of landscaped area by 15.47% but fails to calculate how this reduction relates to the overall amount of landscaping on the lot and fails to require replacement of landscaping to retain compliance with the 15% standard. The staff report does not contain any findings regarding the obligation to provide 25 square feet of landscaped area per parking space. This obligation applies to the existing parking lot even though addition of the fueling station will result in a reduction in overall off-street parking spaces. Subsection 4 of that section outlines specific tree types and planting obligations that have not been considered by staff and are not specifically imposed by the proposed conditions of approval. Additionally, as part of the C-2 design standards, NDC 151.196(H)(5)(e) requires one square foot of open space or plaza area for every 5 feet of gross floor area. The applicant and staff fail to require compliance with this standard based on the total 5,418 square feet gross floor area covered by the canopy plus 97 square feet for the kiosk.

Storm Water Management

The applicant and city staff fail to consider how the change in use from a parking lot to an active fueling station could impact and potentially require upgrade or expansion of the existing storm water management system on the property especially given its proximity to the protected stream corridor. NDC 151.196(H)(5)(b) requires use of the best storm water management practices to reduce storm water flows and improve water quality and conditional use criterion NDC 151.210(B) that requires consideration of the impacts from development. The applicant cannot take an exception to the conditional use standards to allow use of same inadequate catch basin system while potentially decreasing water quality from the additional new fueling facility and still failing to meet the minimum treatment standards.

Circulation and Site Access

The applicant has failed to provide a circulation plan to allow the City and ODOT to adequately evaluate whether changes in circulation and access from this new facility could negatively impact the surrounding area.

For these reasons, we ask that you deny this application. We ask that these comments be placed in the record and made part of these proceedings.

Sincerely,

GARVEY SCHUBERT BARER

By

Carrie A. Richter

cc: Client
Jeff Kleinman

PDX_DOCS:427122.2

James Coombes

Newberg Planning Committee
Date: 2/12/2011
Re: CUP 08-2011
No:

Scott A Craft/LOG/FM/KrogerCo
02/12/2009 10:41 AM

To Manuel D Houston/Stores/FM/KrogerCo@MSX
cc James A Coombes/COG/FM/KrogerCo@KrogerCo, Joel M Halloran/LOG/FM/KrogerCo@KrogerCo, Rob M Freeman/LOG/FM/KrogerCo@KrogerCo, Theresa
bcc
Subject Re: Neighbor conversation- Re: Noise Ordinance

Manuel, the new delivery window for grocery and frozen will be 2000-2200. The new delivery window for gm will be 2000-2200. The new delivery window for perishable (not including SW dairy) will be 0800-1000. The delivery days will not change. These will be effective the week of 2/22/09.

We are still working on updating the SW dairy and the bakery and I will let you know as soon as I have this information.

Scott Craft
Clackamas Transportation Manager
Fred Meyer Stores
503-557-2409

Manuel D Houston/Stores/FM/KrogerCo

Manuel D Houston/Stores/FM/KrogerCo
02/12/2009 06:49 AM

To Scott A Craft/LOG/FM/KrogerCo, Rob M Freeman/LOG/FM/KrogerCo
cc Joel M Halloran/LOG/FM/KrogerCo, James A Coombes/COG/FM/KrogerCo, Theresa Enderle/OPS/FM/KrogerCo
Subject Neighbor conversation- Re: Noise Ordinance

Greetings,

I just came from an hour long conversation with a neighbor that lives in one of the houses behind our store. He has asked us to limit our receivings to comply with the noise ordinance. Our ordinance is 7am to 10pm on weekdays, 10am to 10pm on weekends and holidays. He is asking that our direct receivings also comply to this ordinance. He states that the noise is keeping him and his family awake at night. I have commented to him that I would get back to him within 10 days to let him know what we could do.

So, I ask what we can do about getting our Delivery schedule changed? Would you let me know what your thoughts are? Let me thank the RSC for already changing their schedule to fall within the noise ordinance timing. I look forward to hearing from each of you.

Thanks again,

Manuel Houston 220 Newberg Store Director

(503)537-1350

Newberg Planning Committee
Date:
Re:
No.:

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

NOTICE OF DECISION

TAX LOT: 100
MAP NO: 2S 1 29BC
CASE NO: SP 04-03/CUP 04-01
DATE OF DECISION: 07-20-04

Owner:
H. Craig Ramey
Regency Realty Corporation
4000 Kruse Way Place, Building One, Suite 130
Lake Oswego, OR 97035

Applicant:
Ken McCracken
RHL Design Group
1325 N. Whitman Street
Camas, WA 98607

Legal Counsel:
Mark Whitlow
Perkins-Coie LLP
1120 NW Couch St, 10th Floor
Portland, OR 97209

On July 20, 2004, the Planning Commission of the City of Sherwood, Oregon **denied** your application SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Conditional Use, to construct a 4-pump fueling station with 8 fueling nozzles and attendant kiosk, to be located at the corner of Roy Rogers Road and Borchers Drive, in the Sherwood Crossroads plaza.

This decision was based on the findings contained in the Staff Report dated May 24, 2004 and additional findings made by the Commission at their July 20, 2004 meeting. In particular, the Planning Commission was concerned about whether a fueling station at this particular location met the overall needs of the community, and whether the impacts of the proposed use could be adequately accommodated or mitigated considering the size and location of the site.

The Planning Commissioners came to a consensus that condition #A.4 would not prohibit a single roll-away cart for automotive products, and that a general condition should be added that would require a mix of deciduous and conifer trees with a minimum 3" diameter caliper at breast height within the 15-foot visual corridor between the development and the roadway. They also discussed a possible condition that would require the extension of the island in the northeast corner of the site about 45 feet further to the south, and create a four-way stop at that point. A motion was made to approve the Conditional Use Permit application with revised conditions as presented in the July 2, 2004 memo from Ed Murphy, and with the addition of the three changes listed above. The motion failed. No subsequent motion to approve was made, so the application was denied.

FILE

It was clear from the discussion that the Planning Commissioners were exploring whether conditions of approval could be placed upon the application that would make it approvable to the majority of the Commissioners. The primary objections centered around the on-site traffic circulation, and whether the traffic would flow safely if the fueling station were built as presented in the site plan. The motion that was made was an attempt to address that concern. It was obvious that if a motion with the added conditions listed above -- particularly the requirement to extend the curb further to the south -- failed, then any motion without these conditions would also fail.

Signed: _____
Ed Murphy, Interim Planning Director

X **Final Action**

APPEAL
Persons who are a party to the decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 14 days after the date on which the action took place. For the applicant, the 14 days are counted from the date this decision was mailed.

STATE OF OREGON)
)
Washington County)

I, Roxanne Gibbons, Administrative Assistant for the Planning Department of the City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case No. SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Conditional Use was placed in a U.S. Postal receptacle on July 26, 2004.

_____
Planning Department
City of Sherwood

AVERY® Address Labels Laser 5160®

SP 04-03 CUP 04-01 Safeway Fueling Station Site Plan (Pad #4)

Date Mailed: 07-26-04

Craig Ramey
Regency Realty Corporation
5335 SW Meadows Rd, #295
Lake Oswego, OR 97035

Ken McCracken
RHL Design Group, Inc
1325 NW Whitman Street
Camas, WA 98607

Mark Whitlow
Perkins Coie
1120 NW Couch St, 10th Flr
Portland, OR 97209-4128

Parties:

Roger Harris
5000 SW Meadows Blvd Suite 400
Lake Oswego, OR 97035

Dorothy/John Alto
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Sherwood, OR 97140

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3004 SW 1st Ave
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21321 Old Kruger Rd
Sherwood, OR 97140

Hunters Ridge Office Park
23861 SW Dewberry Place
Sherwood, OR 97140

ROBERT BERNSTEIN, P.E.
Consulting Transportation Engineer/Planner

May 12, 2009

Mr. Jeffrey Kleinman, Attorney
The Ambassador
1207 SW 6th Ave
Portland, OR 97204

SUBJECT: Review of Traffic/Transportation Issues Associated with Proposed Fred Meyer Fuel Facility in Newberg, OR

Dear Mr. Kleinman,

This letter supplements my letters of February 12 and February 25, 2009, on the subject project, and contains my review and evaluation of the March 17, 2009, *Newberg Fred Meyer Fuel Facility Revised Transportation Impact Analysis* (RTIA), prepared by Group Mackenzie. As stated in my previous letters, I am personally and professionally familiar with the site and vicinity: I have visited and traveled through many times over several decades, I recently prepared a traffic study for a proposed development on Veritas Lane at Hwy 99, and I have visited the site and vicinity of the proposed fuel facility three times since February, 2009 (photos attached).

CONCLUSIONS

1. **The Springbrook Road and Brutscher Street Hwy 99 intersections are key points in the Newberg street network, providing vital access onto, off of, and across Hwy 99 for nearby businesses on both sides of the highway, as well as for the residential neighborhoods in the Springbrook and Brutscher trafficsheds to the north and south of Hwy 99. There is nothing in the RTIA that changes the original conclusion that the proposed fuel facility adds significant congestion at these key intersections, impacting all the businesses and residents that use them and depend on them.**

2. **The Applicant's RTIA indicates that the proposed project will increase V/C at Hwy 99 intersections, yet no mitigation is proposed. Even though 2009 Pre-Development conditions do not meet V/C standards, ODOT's "don't-make-it-worse" policy requires mitigation measures that bring Post-Development V/Cs to Pre-Development levels.**

3. **As with any gas station or fuel facility, fuel deliveries to the proposed Fred Meyer facility have the potential to disrupt and distort site circulation, which in turn can impact traffic operations and pedestrian safety elsewhere on the site and on adjacent and nearby public streets. The RTIA did not provide the plans and approval conditions for accommodating fuel deliveries missing from the original application, and in the absence of a sufficiently detailed circulation plan or study it is impossible to determine**

507 - 18th Avenue East
Seattle, Washington 98112
RBernstein.CE76@GTalumni.org
(206) 325-4320
fax (206) 325-4318

whether the application complies with the city's approval standards for on-site and off-site circulation and pedestrian access and safety.

4. **At the February 12, 2009, Planning Commission hearing, City staff stated that they depend on the Applicant's traffic engineering consultant to identify impacts. This approach does not and cannot work, for the simple reason that the Applicant's traffic engineering consultant is working for the Applicant, not for the city and people of Newberg. For this reason, the consultant will not investigate anything that is not in the client's best interest, and as a consequence, any analyses that are not explicitly required by the city or state will not be done. This approach will always overlook the very real impacts on local Newberg traffic that are not recognized by the state or city analytical requirements and traffic operations standards.**

DISCUSSION

Conclusion 1.: ***The Springbrook Road and Brutscher Street Hwy 99 intersections are key points in the Newberg street network, providing vital access onto, off of, and across Hwy 99 for nearby businesses on both sides of the highway, as well as for the residential neighborhoods in the Springbrook and Brutscher trafficsheds to the north and south of Hwy 99. The proposed fuel facility adds significant congestion at this key intersection, impacting all the businesses and residents that use it and depend on it.***

As we stated at the February 12, 2009, Planning Commission hearing, ODOT's only interest in the Applicant's TIA is to ensure that the state highway (Hwy 99) continues to function well for regional through traffic. For this reason, their mitigation requirements will be entirely focused on this requirement. The access and circulation needs of Newberg residents and businesses who use Hwy 99 will be considered only to the extent that they can be accommodated within ODOT's through-traffic-focused operation standards. As a consequence, there is no guarantee that ODOT mitigation requirements, if any, will continue to accommodate local Newberg users, including other Hwy 99 businesses in the site vicinity and residents of the Springbrook and Brutscher trafficsheds. In fact, as described below, access/circulation for local Newberg Hwy 99 users will be degraded with or without mitigation.

Intersection Delay.

Pre-development and Post-development LOS and delay at the Springbrook Road and Brutscher Street intersections on Hwy 99 (ref: RTIA Appendix G) are compiled in **Table 1**. As shown in the table, the proposed project increases delay and degrades LOS for many local motorists who use the intersections to access the regional highway system to/from surrounding homes and businesses.

Table 1: Weekday P.M. Peak Delays for Local Traffic at Hwy 99 Intersections

source: RTIA Appendix G

LOCAL LEFT TURNS	2009 Pre-Development Conditions	2009 Post-Development Conditions
eastbound (northbound) Hwy 99 left turn to Springbrook northbound	103 sec/veh (LOS F, V/C 0.92)	103 sec/veh (LOS F, V/C 0.92)
Springbrook southbound left turn to eastbound (northbound) Hwy 99	64 sec/veh (LOS E, V/C 0.87)	71 sec/veh (LOS E, V/C 0.91)
Springbrook northbound left turn to westbound (southbound) Hwy 99	53 sec/veh (LOS D, V/C 0.71)	57 sec/veh (LOS E, V/C 0.78)
westbound (southbound) Hwy 99 left turn to Brutscher southbound	78 sec/veh (LOS E, V/C 0.92)	112 sec/veh (LOS F, V/C 1.04)
Brutscher northbound left turn to westbound (southbound) Hwy 99	62 sec/veh (LOS E, V/C 0.91)	64 sec/veh (LOS E, V/C 0.92)

Queuing.

The RTIA reports that queues on northbound Springbrook Road at Hwy 99 will fill and overflow the northbound left turn lanes, and will back up to and block the Fred Meyer Main Access Drive. Similar queuing surfeits occur at the Brutscher Street/Hwy 99 intersection on northbound Brutscher and in the westbound (southbound) Hwy 99 left turn lane. These conditions create significant congestion and delay that does not show up in the traffic analysis calculations, and is not reported in the RTIA.

The additional congestion/delay occurs under a variety of circumstances, including:

- left turn queues overflow left turn lanes and block the through lane
- right-hand left turn lane queues block access to the left-hand left turn lane
- site egress traffic blocks the through lane waiting to break into left turn lane queue

Underestimation of Impacts.

The Applicant's traffic analysis underestimated queues and delays by using inaccurate factors in the traffic operations calculations preformed for the RTIA. The Synchro [intersection analysis] model used to do the traffic operational analyses contained two erroneous factors for left turn

movements: the model employed an excessive *saturation flow rate*[1] for left turns and an excessive *lane utilization factor*[2] for dual left turns from northbound Springbrook Road onto southbound Hwy 99 (see attached worksheets, excerpted from RTIA Appendix G). Use of these factors caused the analyses to inherently assume that left turn movements are more efficient than they really are, and as a consequence, the Applicant's intersection analysis results show the intersections functioning much better than they really will. Use of a more accurate, reasonable saturation flow rate in the calculations would result in longer queues, greater delay, and lower LOS (higher V/C).

In addition, the queuing problems on northbound Springbrook Road at Hwy 99, described in the preceding section, also prevent the intersection from operating at the LOS calculated by the RTIA. At times, through lane queues will block access to the left turn lanes, and left turn queues will block access to the through lane, preventing traffic from getting to the intersection and efficiently using the green time available to it. The result is additional delay and congestion above and beyond that identified by the RTIA analysis.

***Conclusion 2.*: The Applicant's RTIA indicates that the proposed project will increase V/C at Hwy 99 intersections, yet no mitigation is proposed. Even though 2009 Pre-Development conditions do not meet V/C standards, ODOT's "don't-make-it-worse" policy requires mitigation measures that bring Post-Development V/Cs to Pre-Development levels.**

The RTIA states [p. 19] that the proposed development "will increase V/C in the critical p.m. peak hour time period at the Hwy 99/Springbrook and Hwy 99/Brutscher intersections," and "because both intersections exceed the ODOT Mobility Standard of 0.75, mitigation must be identified." Despite this statement, the RTIA identifies no mitigations:

Hwy 99/Springbrook

Two potential mitigations – "significant" widening and lane reconfiguration – are identified but explicitly not recommended. No mitigations are recommended.

---

[1] "Saturation flow rate" is the maximum flow rate at which traffic can move through a given intersection. The saturation flow rate used in the Applicant's Synchro model was 1,800 veh/hr for all turning and through movements at all intersections. Though this flow rate is appropriate for through movements, it is excessive for turning movements, for which actual saturation flow rates are in the 1,200-1,500 veh/hr range. A vast quantity of research and observation over the years has found that the average headway (i.e., the time gap between vehicles) of traffic moving through intersections at maximum flow rates (saturated conditions) is 1.9–2.0 seconds per vehicle, which translates to 1,800–1,900 vehicles per hour. Similar data for turning movements, however, indicate average headways of 2.5–3.0 seconds per vehicle, which translate to saturation flow rates for turns of 1,200–1,450 vehicles per hour.

[2] "Lane utilization factor" is used to specify the relative utilization of the available lanes in a given intersection approach. A lane utilization factor of 1.0 indicates that all lanes are being used equally. The Applicant's Synchro model used a lane utilization factor of 0.97 for dual left turn lanes, which indicates that the volume in one of the two lanes is 94% of the volume in the other. This lane utilization factor is not appropriate for the northbound Springbrook Road dual left turn lanes at Hwy 99, because the two left turn lanes will not be used equally at that location, as shown by the Applicant's queuing analysis/simulation results.

Hwy 99/Brutscher

The RTIA suggests a fairly simple and inexpensive modification of lane configuration and signal phasing/timing as a feasible and effective mitigation. The suggested improvement cannot be considered a mitigation, however, because there is no reason ODOT cannot make the change now – with or without the proposed development – in order to improve traffic operations at the existing intersection and bring existing and pre-development operations closer to the 0.75 V/C standard.

If you have any questions or if you need additional information, please contact me.

Sincerely,

Robert Bernstein, P.E.

REGISTERED PROFESSIONAL ENGINEER
11677
OREGON
JULY 16, 1982
ROBERT BERNSTEIN
EXP. 12/31/09

Summary of Qualifications: I have Bachelor's and Master's degrees in Civil Engineering (from Georgia Tech and Northwestern University, respectively), and I am a registered professional engineer in Oregon, Washington, California, Idaho, and New Jersey. I have over 30 years of transportation planning and traffic engineering experience, including five years with the City of Portland and seven years as Senior Transportation Engineer with the Puget Sound Council of Governments. In these positions and as a private consultant, I have prepared the transportation element for nearly a dozen city and county comprehensive plans, and I have conducted numerous regional and subregional travel demand forecasting studies, traffic operations and safety analyses, and neighborhood traffic management studies. Over the last 25^{+} years I have provided expert assistance on development-related traffic issues to over 100 community/neighborhood groups. In addition, I have prepared traffic studies for developers and I have provided on-call development review services for local governments in Oregon, Washington, and California.

Attachment: Photos

Springbrook looking north from FM Access Dr

Springbrook looking north across FM Access Dr to 99

FM Access Dr right turn to northbound Springbrook

FM Access Dr looking west from bank access

FM Access Dr looking west to Springbrook

FM Access Dr looking east to proposed fuel facility access

Proposed fuel facility site looking north to FM Access Dr

Looking north to proposed fuel facility site from FM Access Dr

ORIGINAL

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Newberg Planning Committee
Date: CUP-08-004
Re: 2/12/09
No.:

MEMORANDUM

To: **Newberg Planning Commission**

From: **Jeffrey L. Kleinman**

Date: **February 12, 2009**

Re: **CUP-08-004/DR2-08-036 (Fred Meyer Gas Station)**

I represent Andy Patel and his business, Newberg Chevron, which lies across Highway 99W from the Fred Meyer property. The proposed construction of a gas station on the Fred Meyer property last came before the City of Newberg in 2002 in DR-161-02. That application was denied by the Planning Commission, whose decision was upheld on appeal at the City Council. The 2002 application was preceded by an earlier application which was denied by the Planning Commission. That decision was not appealed.

In the 2002 proceeding, I represented the owner of the Town & Country Texaco station on Highway 99W, immediately to the west of the highway and Deborah Road. In light of the business and economic factors affecting the operation of service stations in Newberg, that station has closed. It has been replaced by a Dutch Bros. coffee outlet. Nonetheless, Fred

Meyer apparently sees opportunity and perhaps the chance to knock off other locally owned businesses in the current environment.

In this case, as with all land use applications, the applicant has the burden of proof to show compliance with the city's approval standards. Fred Meyer has failed to meet its burden of proof as to a number of the key approval criteria governing this conditional use and design review proceeding.

This application is reviewed under the general conditional use permit criteria of NDC 151.210, which provides:

> **"151.210 GENERAL CONDITIONAL USE PERMIT CRITERIA - TYPE III.**
>
> A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:
>
> (A) The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
>
> (B) The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
>
> (C) The proposed development will be consistent with this code."

(Emphasis added.)

The applicant has scarcely begun to demonstrate compliance with these requirements. **The applicant has not presented a design for the so-called kiosk and service station canopy.** Without knowing the actual design of the gas station, we can only guess whether it

will be reasonably compatible with and have a minimal impact on the livability or appropriate development of the surrounding neighborhood. We would note that the proposed location, on the west side of the Fred Meyer store, is on high ground, visible from portions of the surrounding neighborhoods in spite of the trees adjoining a portion of the site. The proposed-station cannot help but be the least aesthetically acceptable component of the Fred Meyer development, even though it would be by far the newest. At the same time, recently built commercial development visible across Springbrook has been carefully designed to live up to the city's current standards. Why should the developers of the sports pub and sandwich shop, and even the Meineke Car Care Center, have been required to spent the monies necessary to produce a high-end, Scottsdale or Boca Raton-quality appearance, only to now look up at a discount gas station with a lowly attendant's kiosk?

With respect to the availability of public facilities and the generation of traffic and capacity of surrounding streets, we have retained Robert Bernstein, P.E., to review the applicant's proposal. Copies of Mr. Bernstein's letter are provided with this memorandum, together with Mr. Bernstein's resume. Mr. Bernstein is a highly experienced traffic engineer and is familiar with Newberg generally as well as with the subject site.

With respect to the traffic and street capacity factors set out in NDC 151.210(A), Mr. Bernstein has closely reviewed the applicant's Traffic Impact Analysis, including all attachments. He shows that the proposed gas station will increase delay and degrade the level of service for many local drivers using the Springbrook Road/Highway 99W intersection to access the regional highway system to and from surrounding homes and businesses. As he points out, the applicant's consultant has shown that queues on northbound Springbrook Road

at Highway 99W will fill and overflow the northbound left turn lanes, and will back up to and block the Fred Meyer main access drive. This will result in significant congestion and delay that does not show up in the traffic analysis calculations, and is not reported in the Traffic Impact Analysis.

Mr. Bernstein concludes that additional congestion and delay will occur under a number of circumstances, including left turn queues overflowing left turn lanes and blocking the through lane; right-hand left turn lane queues blocking access to the left-hand left turn lane; and site egress traffic blocking the through lane on Springbrook while waiting to break into the left turn lane queue.

In addition, Mr. Bernstein states that Fred Meyer's traffic analysis has underestimated the actual queues and delays by using inaccurate factors in the traffic operations calculations which underlie the analysis. After explaining how this has occurred, Mr. Bernstein states that use of a more accurate, reasonable "saturation flow rate" in the applicant's calculations would show longer queues, greater delay, and an even lower level of service.

He states that queuing problems on northbound Springbrook Road at Highway 99W will prevent the intersection from operating at the LOS calculated in the applicant's Traffic Impact Analysis. He concludes that, at times, through lane queues will block access to the left turn lanes, and left turn queues will block access to the through lane. This will prevent traffic from getting to the intersection and efficiently using the "green light time" available. As a result, there will be further delay and congestion beyond that identified by the applicant.

Hence, the applicant has failed to fully account for the availability of public facilities, traffic generation, and the capacity of surrounding streets, in the required review of the design

and operating characteristics of the proposed development under NDC 151.210(A). The proposed development will in fact be incompatible with and will have a significant adverse impact upon the livability and appropriate development of the surrounding neighborhood.

With respect to NDC 151.210(B), we have shown that both the design and the site planning of the proposed development are simply unclear. We are unable to tell, and the applicant has not met its burden to show, that the development will provide a convenient and functional living, working, shopping and civic environment. We are similarly unable to tell, and the applicant has not met its burden to show, that the development will be as attractive as the nature of use and its location and setting warrant. Moreover Mr. Bernstein's report demonstrates the adverse effects of the applicant's design and site planning for the development, showing in effect that it will not provide a convenient and functional living, working, shopping or civic environment as required by this subsection of the code.

Finally, with respect to NDC 151.210(C), the discussion which follows and all the evidence which will be adduced on the written and oral record before you will show the proposed development will not be consistent with the remaining applicable provisions of the Newberg Development Code.

The applicant has in particular failed to show compliance with the Site Design Review approval standards controlling this application. These standards must be applied consistently with their adopted purpose, which is set out in NDC 151.190:

"151.190 PURPOSE.

These provisions provide for the review and approval process of the design of certain developments and improvements in order to promote functional, safe and innovative site development compatible with the natural and man-made environment.

The following provisions are intended to discourage unsightly development, improve the quality of new development in the city, coordinate the site planning process with existing and proposed development, and provide a pleasant working and living environment in the city. Furthermore, these provisions are intended to coordinate the site development process through review of the architecture of the structure(s), signs, landscaping, and other design elements on the site."

For the reasons set forth above and further addressed below, the design of the proposed gas station will not promote functional, safe, or innovative site development compatible with the natural and man-made environment. Instead, it will result in unsightly development; diminishing the quality of new development in the city in spite of the application of higher design standards to the surrounding area; will fail to coordinate the site planning process with existing development in the area, even *vis-a-vis* the existing Fred Meyer development; and will impede the creation of a pleasant working and living environment in the city. Indeed, in the absence of any detailed design, the applicant has not begun to allow review of the architecture of its structure, signs, landscaping, and other design elements.

NDC 151.192 contains the city's general Site Design Review requirements. The applicable provisions are contained in NDC 151.190(B). The relevant subsections are discussed in sequence below.

"151.192 SITE DESIGN REVIEW REQUIREMENTS.

* * *

(B) Type II. The following information is required to be submitted with all Type II applications for site design review.

(1) Site development plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:

(a) Access to site from adjacent right-of-way, streets and arterials;"

The applicant has failed to meet the above requirement to provide a detailed, to scale site development plan showing precisely how the site will be accessed.

"(b) Parking and circulation areas;"

A visit to the site discloses that Fred Meyer's west parking area, where the gas station is proposed to be located, is narrow and constrained. How parking and circulation will work are utterly unclear from the application materials.

"(c) Location and design of buildings and signs;"

The applicant has not met the requirement of showing the location and specific design of its buildings and signs. (The canopy and kiosk are in fact buildings. The applicant has not demonstrated otherwise.)

> *("I) Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery;"*

The applicant has failed to provide the required information with respect to service areas, and in particular how it proposes to facilitate the loading and delivery of fuel from the massive fuel delivery trucks which will visit the site daily.

> *"(2) Site analysis diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site.*
>
> * * *
>
> *(e) Natural features and structures having a visual or other significant relationship with the site."*

The applicant has not provided a complete site analysis diagram, and in particular has failed to show the structures having a visual and other significant relationship with the site in the commercial development across Springbrook to the west.

"(7) Drives, parking and circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate."

As Mr. Bernstein points out, the necessary internal circulation plan has not been supplied by the applicant. Without one, "it is impossible to determine whether the application complies with the city's approval standards for on-site and off-site circulation and pedestrian access and safety." Bernstein letter at 2.

"(10) Signs and graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans."

The applicant has provided none of the required information with respect to its signage.

"(11) Exterior lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans."

We have not found the required, detailed information with respect to lighting in the applicant's materials.

"(13) Roadways and utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including but not limited to, roadway and utility improvements."

As Mr. Bernstein concludes, the applicant will be required to carry out public improvements to Springbrook at its intersection with Highway 99W. The applicant has not shown these improvements.

After setting out the above application requirements, the code sets out the actual criteria for design review. These are contained in NDC 151.194(B). Again, we discuss the relevant criteria below:

"151.194 CRITERIA FOR DESIGN REVIEW (TYPE II PROCESS).

* * *

"(B) Type II. The following criteria are required to be met in order to approve a Type II design review request:

> *(1) Design compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage."*

For the reasons discussed above, we have no idea what the applicant's architectural design will be. However, we can be reasonably certain it will be incompatible with and inferior to existing uses and structures in the surrounding area. Even the Fred Meyer store itself includes variations in color and the like to create an acceptable appearance. The proposed discount fueling station will not be compatible with the store, the other buildings on the Fred Meyer site, or the newer construction across Springbrook. It will be decidedly inferior.

> *"(2) Parking and on-site circulation. Parking areas shall meet the requirements of § 151.610. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in § 151.610. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street."*

Again, we have no idea what the on-site circulation system will actually comprise, or how it will coexist with the remaining parking areas on this side of the Fred Meyer store. The applicant has not demonstrated compliance with this requirement.

"(5) Signs. Signs shall comply with § 151.590 et seq. dealing with signs."

Without specific designs of the proposed signs to review, it is impossible for the city to ascertain compliance with the requirements of NDC 151.590, *et seq.*

> *"(9) Alternative circulation, roadway frontage improvements and utility improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security."*

As Mr. Bernstein states, improvements of Springbrook will be required by this development. However, the applicant has not made provision to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. Failure to make those provisions is fatal to the within application.

> *"(10) Traffic study improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Director."*

A traffic study was required and was in fact prepared herein. As Mr. Bernstein points out, it was defective in failing to identify necessary improvements to Springbrook. Those improvements must be implemented, and the applicant has failed to provide for such implementation herein. It is not good enough for the applicant or the city to suggest that ODOT will address these issues later. That is simply insufficient to demonstrate compliance with the city's approval standards.

/ / /

/ / /

In addition to the above requirements, NDC 151.196 sets out additional design review requirements for development proposals in the C-2 Zoning District. Again, we address the relevant provisions in sequence:

> ***"151.196 ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE C-2 ZONING DISTRICT.***
>
> *The purpose of this section is to ensure that development in the C-2 Zoning District is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 Zoning District, which is subject to the Site Design Review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives."*

(Emphasis added.)

Under the above language, all the substantive provisions of NDC 151.196 must be applied to ensure the applicant's proposed gas station is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. In point of fact, the proposed gas station does nothing to comply with this requirement. The applicant may take and the city may grant exceptions to the requirements of this section only if those requirements "would result in construction that is out of character with surrounding development." As we have explained, the proposed gas station is out of character with both the existing development on the Fred Meyer property and the newer commercial development across Springbrook.

The applicant seeks exceptions with respect to the following, specific requirements of this section:

- (A) with respect to building entrances.
- (B) with respect to parking and service drives.

The applicant has not justified and is not entitled to the above exceptions. (*See* NDC 151.196(C).)

NDC 151.196(H) governs the design of large-scale buildings and developments. The requirements of this provision are set out at pages 15 through 19 of the staff report. The applicant seeks a deviation, comprising a complete exception, to the requirements for facade articulation set out in subsection (H)(1). However, the applicant has failed to justify such a 100 percent deviation. Moreover, deviations from the standards contained in NDC 151.196(H) may only be approved "where appropriate, through the conditional use permit process." The applicant has failed to demonstrate compliance with the conditional use process and the conditional use criteria contained in NDC 151.210.

The same holds true of the request for exceptions to the requirements for "pedestrian entrance" in subsection (H)(2), "building facades not fronting a street" in subsection (H)(3), "building orientation" in subsection (H)(4), drainage of at least 50 percent of the parking area to a storm water mitigation area in subsection (H)(5)(b), and creation of interior open space or plaza space in subsection (H)(5)(e). In addition, the applicant has simply failed to meet the requirement of subsection (H)(6)(b), that at least 95 percent of the parking spaces be located within 75 feet of a private walkway or public sidewalk.

Finally, NDC 151.196(H)(9) requires that when "any existing legal conforming site, through future development, exceeds the square footage threshold contained in § 151.196(H),"

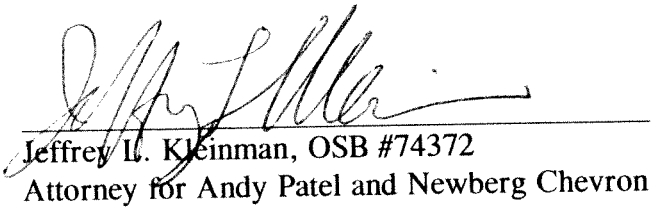
it shall "follow the standards contained in § 151.140 NON-CONFORMING USES AND BUILDINGS." There is absolutely no evidence this requirement has been met or that such compliance has even been attempted.

CONCLUSION

For all the reasons set out above and all those to be presented on the record of this proceeding, the applicant has simply failed to meet its burden of proof herein.

This application must be denied.

Respectfully submitted,



Jeffrey L. Kleinman, OSB #74372
Attorney for Andy Patel and Newberg Chevron

ROBERT BERNSTEIN, P.E.
Consulting Transportation Engineer/Planner

Newberg Planning Committee
Date: 2/12/2009
Re: CUP-08-004
No.:

February 12, 2009

Mr. Jeffrey Kleinman, Attorney
The Ambassador
1207 SW 6th Ave
Portland, OR 97204

SUBJECT: Review of Traffic/Transportation Issues Associated with Proposed Fred Meyer Fuel Facility in Newberg, OR

Dear Mr. Kleinman,

I have reviewed and evaluated background information related to the project, including in particular the December 4, 2008, *Newberg Fred Meyer Fuel Facility Transportation Impact Analysis* (TIA), prepared by Group Mackenzie, and the City of Newberg Planning and Building Department Staff Report for the project (CUP-08-004/DR-2-08-036). I am personally and professionally familiar with the site and vicinity, having visited and traveled through many times over several decades. In addition, I recently prepared a traffic study for a proposed development on Veritas Lane at Hwy 99, and I visited the site and vicinity of the proposed fuel facility on February 8, 2009 (see attached photos).

Based on my review and assessment of the available traffic/transportation-related information, and on my personal observations and local knowledge, I have the following comments and conclusions:

CONCLUSIONS

1. **The Springbrook Road/Hwy 99 intersection is a key point in the Newberg street network, providing vital access onto, off of, and across Hwy 99 for nearby businesses on both sides of the highway, as well as for the residential neighborhoods in the Springbrook Road trafficshed to the north and south of Hwy 99. The proposed fuel facility adds significant congestion at this key intersection, impacting all the businesses and residents that use it and depend on it.**

2. **The Applicant's TIA indicates that the proposed project will degrade LOS at Hwy 99 intersections (i.e., it will increase delay and V/C), yet no mitigation is proposed. Even though 2009 Pre-Development conditions do not meet V/C standards, ODOT's "don't-make-it-worse" policy requires mitigation measures that bring Post-Development V/Cs to Pre-Development levels.**

3. **As with any gas station or fuel facility, fuel deliveries to the proposed Fred Meyer facility have the potential to disrupt and distort site circulation, which in turn can**

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impact traffic operations and pedestrian safety elsewhere on the site and on adjacent and nearby public streets. The Applicant has provided neither plans nor approval conditions for accommodating fuel deliveries, and in the absence of a sufficiently detailed circulation plan or study, it is impossible to determine whether the application complies with the city's approval standards for on-site and off-site circulation and pedestrian access and safety.

DISCUSSION

Conclusion: ***The Springbrook Road/Hwy 99 intersection is a key point in the Newberg street network, providing vital access onto, off of, and across Hwy 99 for nearby businesses on both sides of the highway, as well as for the residential neighborhoods in the Springbrook Road trafficshed to the north and south of Hwy 99. The proposed fuel facility adds significant congestion at this key intersection, impacting all the businesses and residents that use it and depend on it.***

Intersection Delay.

Pre-development and Post-development LOS and delay at the Springbrook Road/Hwy 99 intersection (ref: TIA Appendix G) are compiled in Table 1. As shown in the table, the proposed project increases delay and degrades LOS for many local motorists who use the Springbrook Road/Hwy 99 intersection to access the regional highway system to/from surrounding homes and businesses.

Table 1: Weekday P.M. Peak Traffic Delays at Springbrook Rd/Hwy 99

source: TIA Appendix G

LOCAL LEFT TURNS	2009 Pre-Development Conditions	2009 Post-Development Conditions
northbound (eastbound) Hwy 99 to northbound Springbrook	94 sec/veh (LOS F, V/C 0.89)	117 sec/veh (LOS F, V/C 0.96)
southbound (westbound) Hwy 99 to southbound Springbrook	69 sec/veh (LOS E, V/C 0.74)	95 sec/veh (LOS F, V/C 0.86)
southbound Springbrook to northbound (eastbound) Hwy 99	76 sec/veh (LOS E, V/C 0.94)	81 sec/veh (LOS F, V/C 0.96)

Queuing.

The TIA reports that queues on northbound Springbrook Road at Hwy 99 will fill and overflow the northbound left turn lanes, and will back up to and block the Fred Meyer Main Access Drive. These conditions create significant congestion and delay that does not show up in the traffic analysis calculations, and is not reported in the TIA.

The additional congestion/delay occurs under a variety of circumstances, including:

- left turn queues overflow left turn lanes and block the through lane
- right-hand left turn lane queues block access to the left-hand left turn lane
- site egress traffic blocks the through lane waiting to break into left turn lane queue

Underestimation of Impacts.

The Applicant's traffic analysis underestimated queues and delays by using inaccurate factors in the traffic operations calculations preformed for the TIA. The Synchro [intersection analysis] model used to do the traffic operational analyses contained two erroneous factors for left turn movements: the model employed an excessive *saturation flow rate*[1] for left turns and an excessive *lane utilization factor*[2] for dual left turns from northbound Springbrook Road onto southbound Hwy 99 (see attached worksheets, excerpted from TIA Appendix G). Use of these factors caused the analyses to inherently assume that left turn movements are more efficient than they really are, and as a consequence, the Applicant's intersection analysis results show the intersections functioning much better than they really will. Use of a more accurate, reasonable saturation flow rate in the calculations would result in longer queues, greater delay, and lower LOS (higher V/C).

In addition, the queuing problems on northbound Springbrook Road at Hwy 99, described in the preceding section, also prevent the intersection from operating at the LOS calculated by the TIA.

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[1] "Saturation flow rate" is the maximum flow rate at which traffic can move through a given intersection. The saturation flow rate used in the Applicant's Synchro model was 1,800 veh/hr for all turning and through movements at all intersections. Though this flow rate is appropriate for through movements, it is excessive for turning movements, for which actual saturation flow rates are in the 1,200-1,500 veh/hr range. A vast quantity of research and observation over the years has found that the average headway (i.e., the time gap between vehicles) of traffic moving through intersections at maximum flow rates (saturated conditions) is 1.9–2.0 seconds per vehicle, which translates to 1,800–1,900 vehicles per hour. Similar data for turning movements, however, indicate average headways of 2.5–3.0 seconds per vehicle, which translate to saturation flow rates for turns of 1,200–1,450 vehicles per hour.

[2] "Lane utilization factor" is used to specify the relative utilization of the available lanes in a given intersection approach. A lane utilization factor of 1.0 indicates that all lanes are being used equally. The Applicant's Synchro model used a lane utilization factor of 0.97 for dual left turn lanes, which indicates that the volume in one of the two lanes is 94% of the volume in the other. This lane utilization factor is not appropriate for the northbound Springbrook Road dual left turn lanes at Hwy 99, because the two left turn lanes will not be used equally at that location, as shown by the Applicant's queuing analysis/simulation results.

Robert Bernstein, P.E.
Consulting Transportation Engineer/Planner

At times, through lane queues will block access to the left turn lanes, and left turn queues will block access to the through lane, preventing traffic from getting to the intersection and efficiently using the green time available to it. The result is additional delay and congestion above and beyond that identified by the TIA analysis.

If you have any questions or if you need additional information, please contact me.

Sincerely,

Robert Bernstein

Robert Bernstein, P.E.

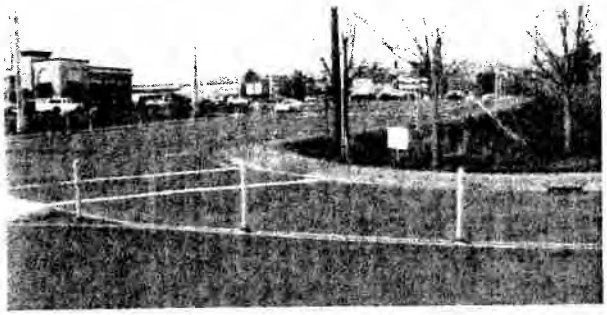
REGISTERED PROFESSIONAL ENGINEER
11677
OREGON
JULY 16, 1982
ROBERT BERNSTEIN
EXP. 12/31/09

Summary of Qualifications: I have Bachelor's and Master's degrees in Civil Engineering (from Georgia Tech and Northwestern University, respectively), and I am a registered professional engineer in Oregon, Washington, California, Idaho, and New Jersey. I have over 30 years of transportation planning and traffic engineering experience, including five years with the City of Portland and seven years as Senior Transportation Engineer with the Puget Sound Council of Governments. In these positions and as a private consultant, I have prepared the transportation element for nearly a dozen city and county comprehensive plans, and I have conducted numerous regional and subregional travel demand forecasting studies, traffic operations and safety analyses, and neighborhood traffic management studies. Over the last 25^{+} years I have provided expert assistance on development-related traffic issues to over 100 community/neighborhood groups. In addition, I have prepared traffic studies for developers and I have provided on-call development review services for local governments in Oregon, Washington, and California.

Attachment: Photos

Springbrook looking north from FM Access Dr

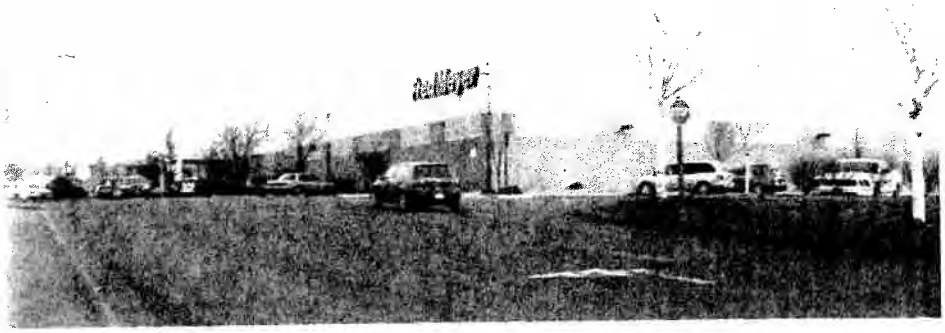
Springbrook looking north across FM Access Dr to 99



FM Access Dr right turn to northbound Springbrook

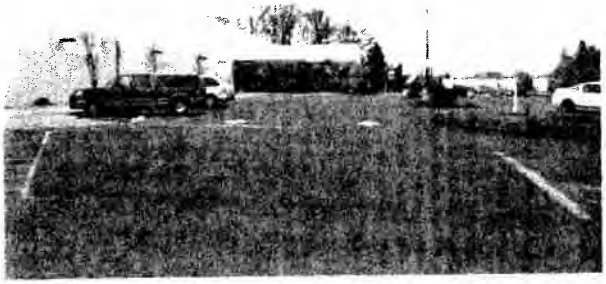
FM Access Dr looking west from bank access

FM Access Dr looking west to Springbrook



FM Access Dr looking east to proposed fuel facility access

Proposed fuel facility site looking north to FM Access Dr



Looking north to proposed fuel facility site from FM Access Dr

Attachment: Excerpts, TIA Appendix G

HCM Signalized Intersection Capacity Analysis
1: Hwy 99 & Springbrook 11/11/2008

Lane Configurations												
Volume (vph)	122	1159	45	97	1427	227	265	212	126	356	133	110
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.5	4.0	4.0	4.5	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	0.97	1.00	1.00	0.97	1.00	1.00
Flt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1660	3857	1500	1555	3820	1530	3285	1752	1378	3285	1785	1575
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1660	3857	1500	1555	3820	1530	3285	1752	1378	3285	1785	1575
Peak-hour factor, PHF	0.93	0.93	0.93	1.00	1.00	1.00	0.89	0.89	0.89	0.87	0.87	0.87
Adj. Flow (vph)	131	1246	48	97	1427	227	297	238	142	409	153	126
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	118	0	0	102
Lane Group Flow (vph)	131	1246	48	97	1427	227	297	238	24	409	153	24
Heavy Vehicles (%)	3%	5%	2%	10%	3%	0%	1%	1%	11%	1%	2%	1%
Turn Type	Prot		Free	Prot		Free	Prot		Perm	Prot		Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases			Free			Free			8			4
Actuated Green, G (s)	10.0	52.4	112.7	9.5	51.9	112.7	12.5	19.3	19.3	15.0	21.8	21.8
Effective Green, g (s)	10.0	52.4	112.7	9.5	51.9	112.7	12.5	19.3	19.3	15.0	21.8	21.8
Actuated g/C Ratio	0.09	0.46	1.00	0.08	0.46	1.00	0.11	0.17	0.17	0.13	0.19	0.19
Clearance Time (s)	4.0	4.5		4.0	4.5		4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	2.3	4.2		2.5	4.2		2.3	2.3	2.3	2.3	2.3	2.3
Lane Grp Cap (vph)	147	1974	1500	131	1752	1530	364	305	238	427	341	298
v/s Ratio Prot	c0.08	0.38		0.06	c0.43		0.09	c0.13		c0.12	0.09	
v/s Ratio Perm			0.03			0.15			0.02			0.02
v/c Ratio	0.89	0.82	0.03	0.74	0.93	0.15	0.79	0.78	0.10	0.94	0.45	0.08
Uniform Delay, d1	50.8	28.1	0.0	50.4	28.6	0.0	48.8	44.7	38.5	38.7	40.5	37.6
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	43.3	1.0	0.0	19.0	0.0	0.2	10.3	11.5	1.0	37.2	0.2	0.0
Delay (s)	94.1	30.1	0.0	69.4	39.7	0.2	59.1	56.2	39.5	75.7	40.7	37.3
Level of Service	F	C	A	E	D	A	E	E	D	E	D	D
Approach Delay (s)		35.0			36.2			53.9			60.9	
Approach LOS		D			D			D			E	

Intersection Summary				
HCM Volume to Capacity ratio	0.89			
Actuated Cycle Length (s)	112.7	Sum of lost time (s)	24.5	
Intersection Capacity Utilization	85.0%	ICU Level of Service	E	
Analysis Period (min)	15			

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
1: Hwy 99 & Springbrook

11/11/2008

Lane Configurations												
Volume (vph)	124	1174	44	95	1411	227	202	226	187	310	181	109
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.5	4.0	4.0	4.5	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	0.97	1.00	1.00	0.97	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.95	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1680	3527	1600	1685	3520	1583	3266	1789	1370	3390	1685	1516
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1680	3527	1600	1685	3520	1583	3266	1789	1370	3390	1685	1516
Peak-hour factor, PHF	0.93	0.93	0.93	1.00	1.00	1.00	0.89	0.89	0.89	0.87	0.87	0.87
Adj. Flow (vph)	130	1262	47	95	1411	227	227	253	210	356	208	125
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	111	0	0	101
Lane Group Flow (vph)	130	1262	47	95	1411	227	227	253	99	356	208	24
Heavy Vehicles (%)	3%	5%	2%	10%	3%	0%	1%	1%	11%	1%	2%	1%
Turn Type	Prot		Free	Prot		Free	Prot		Perm	Prot		Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases			Free			Free			8			4
Actuated Green, G (s)	9.1	52.7	112.3	8.0	51.6	112.3	13.4	20.0	20.0	15.1	21.7	21.7
Effective Green, g (s)	9.1	52.7	112.3	8.0	51.6	112.3	13.4	20.0	20.0	15.1	21.7	21.7
Actuated g/C Ratio	0.08	0.47	1.00	0.07	0.46	1.00	0.12	0.18	0.18	0.13	0.19	0.19
Clearance Time (s)	4.0	4.5		4.0	4.5		4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	2.3	4.2		2.5	4.2		2.3	2.3	2.3	2.3	2.3	2.3
Lane Grp Cap (vph)	158	1629	1600	127	1625	1583	392	317	245	439	317	283
v/s Ratio Prot	c0.08	0.39		0.06	c0.43		0.10	c0.14		c0.13	0.09	
v/s Ratio Perm			0.03			0.15			0.07			0.02
v/c Ratio	0.96	0.83	0.03	0.86	0.93	0.15	0.81	0.80	0.13	0.96	0.44	0.08
Uniform Delay, d1	56.4	28.2	0.0	56.6	28.6	0.0	49.3	47.2	38.6	48.1	40.0	37.1
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	60.6	1.7	0.0	30.3	10.3	0.2	10.1	13.5	0.4	33.0	0.5	0.1
Delay (s)	117.0	29.9	0.0	94.9	38.8	0.2	59.4	56.7	39.0	81.1	40.5	37.2
Level of Service	F	C	A	F	D	A	E	E	D	F	D	D
Approach Delay (s)		36.8			36.9			54.4			54.5	
Approach LOS		D			D			D			D	

Intersection Summary			
HCM Volume to Capacity ratio	0.91		
Actuated Cycle Length (s)	120.0	Sum of lost time (s)	18.5
Intersection Capacity Utilization	85.7%	ICU Level of Service	E
Analysis Period (min)	15		

c Critical Lane Group

ROBERT BERNSTEIN, P.E.
Consulting Transportation Engineer/Planner

507 - 18th Avenue East
Seattle, Washington 98112

(206) 325-4320
RBernstein.CE76@GTalumni.org

SERVICES

- Project-specific or general "on-call" traffic engineering and transportation planning services for state and local agencies:
    - technical studies
    - program and project development/management
    - interjurisdictional coordination
    - development review
- Development and application of travel demand forecasting and traffic assignment models
- Development of City, County, and subarea transportation plans and capital improvement programs
- Traffic analysis for freeway and arterial planning, operations, and conceptual design studies
- Travel demand and traffic analysis for multimodal terminals and airports
- Neighborhood traffic management studies, plans, and programs
- Planning and development of Automated People Mover Systems
- Other services: Traffic analysis for land use and environmental studies; Public involvement for transportation projects; Origin-destination surveys and other surveys; Transit planning

QUALIFICATIONS

- experience in city and regional transportation planning agencies and consulting since 1976
- extensive experience in the development, management, and production of a wide range of transportation planning and traffic engineering projects, studies, and plans
- extensive experience with computer applications for transportation demand forecasting, traffic assignment, transportation planning/analysis, and traffic engineering
- innovative and skilled at problem-solving and consensus-building, with extensive experience in the public involvement and citizen participation aspects of all types of transportation projects

EXPERIENCE

1989 - Present: Consulting Transportation Planner/Engineer

Mr. Bernstein has completed numerous regional and local traffic and transportation studies for state and local government agencies, and (since 1984) for community associations and other neighborhood groups. Such studies have included multimodal transportation plans, project-specific traffic impact studies and traffic operations analyses, and neighborhood traffic management studies. In addition, Mr. Bernstein provides general transportation planning, development review, project management, and program development assistance to local jurisdictions on an "on-call" basis. Mr. Bernstein has also evaluated potential applications and markets for Personal Rapid Transit and Automated People Mover systems.

1986 - present: TAMS Consultants (1986-1996), Kato & Warren (1996-2000), TranSystems (2000-2003), Jordan Jones & Goulding (2000-)

As Senior Transportation Engineer (on an as-needed, part-time basis), Mr. Bernstein has served as project traffic engineer and transportation planner on numerous preliminary location and design studies for freeways and arterials in Oregon, California, Washington, and Georgia. On these projects, Mr. Bernstein has been responsible for capacity/level-of-service, traffic safety, and traffic operations analyses, for developing and analyzing freeway, ramp, and intersection configuration concepts, for producing traffic forecasts, and for making presentations to citizen and technical committees.

1983 - 1990: Puget Sound Council of Governments

As Senior Transportation Engineer, Mr. Bernstein developed, coordinated, managed, and conducted technical analyses for a wide variety of multi-jurisdictional sub-area and corridor transportation studies, short- and long-range regional and local planning efforts, traffic operations and impact analyses, and transit station and alignment location and engineering reconnaissance studies. Mr. Bernstein also served as Coordinator for the Snohomish Subregional Council.

1978 - 1983: City of Portland, Oregon, Bureau of Planning

As City Planner-Transportation, Mr. Bernstein was responsible for the Projects and Area Studies program area of the Transportation Planning Section. General responsibilities included development of work programs, direction of other staff and consultants, technical and policy-related research, preparation of reports, and presentations and testimony at public meetings and meetings of the Planning Commission and City Council. Specific responsibilities included project management, representing the city on highway and transit projects being developed by other agencies, and the evaluation of transportation impacts of proposed land use changes and developments for the Land Use Hearings Officer, Planning Commission and City Council.

1976 - 1978: John Hamburg & Associates, Chicago, Illinois

As Transportation Engineer, Mr. Bernstein designed, programmed and tested computer models used for analysis of trip generation, regional VMT/VHT, and intersection capacity and delay. Clients included Federal agencies and Metropolitan Planning Organizations nationwide.

EDUCATION

MSCE, 1978 Northwestern University, Evanston, IL
Urban Transportation Systems Program

BCE, 1976 Georgia Institute of Technology, Atlanta, GA
with Highest Honors

Elementary and Secondary Schooling:
David Douglas School District, Portland, Oregon

PROFESSIONAL AFFILIATIONS

Registered Professional Engineer:
Oregon (No. 11677)
Washington (No. 21677)
California (No. TR001532)
Idaho (No. 13077)
New Jersey (No. GE040947)

Advisory Board, Georgia Inst. of Technology School of Civil and Environmental Engineering

Transportation Research Board

Institute of Transportation Engineers

American Society of Civil Engineers

Advanced Transit Association

REFERENCES

David Frasher, City Manager
City of Grants Pass, OR
(541) 474-6360

Nancy Fairchild
Transportation and Development Services
City of Mercer Island, WA
(206) 236-3580

Matt Brown
Williams Dame Development
formerly Project Mgr,
Portland, OR, Office of Transportation
(971) 222-1281

Alan Hunley
Civil Department Head
Parsons Transportation Group (Atlanta)
(678) 969-2304

Keith Woolley
Transportation Systems Division
Building/Operations/Public Works Dept
City of Renton, WA
(425) 430-7318

Jeff Kleinman
Attorney
(503) 248-0808

PROJECT EXPERIENCE

Freeway, Arterial, and Interchange Preliminary Design

- Hwy 199 Corridor Local Circulation Plan (for City of Grants Pass, OR, 2007)
- I-575 Sixes Rd Interchange Improvements (with Jordan Jones & Goulding for Georgia DOT, 2006-07)
- I-85 West Point Interchange (and Kia Auto Assembly Plant Access) (with Jordan Jones & Goulding for Georgia DOT, 2006-07)
- SR 140 Corridor Project (with Jordan Jones & Goulding for Georgia DOT, 2006-07)
- Brampton Rd Connector((with Jordan Jones & Goulding for Port of Savannah, GA, 2006-07)
- Hwy 97 (Hwy 20/Bend Pkwy – Cooley Rd) Improvement Concept Development (for Bend, OR, Chamber of Commerce, 2006)
- US411 Connector Project (with Jordan Jones & Goulding for Georgia DOT, 2004-06)
- Central Ave Improvement Project (sub to KPG, for City of Kirkland, WA, 2004)
- Johnson Ferry Rd/Abernathy Rd Corridor Project (with Jordan Jones & Goulding for Georgia DOT, 2002)
- North City Business District Improvements/15th Ave NE Corridor Pre-design Project (with KPG for City of Shoreline, WA, 2002)
- SR 161/SR 18/I-5 InterchangeTriangle Project (with TranSystems for WSDOT, 2001-02)
- SR 20 (SR 536–I-5) Traffic Analysis (with TranSystems for WSDOT, 2001-02)
- South Sequim Ave Project (with Kato & Warren, for City of Sequim, WA, 2000)
- SE 192nd Ave Project (with Kato & Warren, for City of Vancouver, WA, 1999)
- I-405 (Stadium Fwy) Reconnaissance Study (sub to David Evans & Assoc for Oregon DOT, 1998)
- S 277th St Reconstruction Project (sub to Sverdrup Civil for City of Auburn, WA, 1996-97)
- 228th Ave NE/SE Project (with TAMS Consultants, Kato & Warren, for King County, WA, 1994, 1996)
- Route 4 Gap Closure Project (sub to Berryman & Henigar for Caltrans and Contra Costa County CA Transportation Authority, 1995-96)
- I-5 Southbound Access Study (sub to David Evans & Assoc for City of Portland, OR, 1995)
- SR-16/Tacoma Narrows Bridge Corridor Study (with TAMS Consultants for WSDOT District 3, 1993-94)
- Hwy 101/Rte 154 Interchange Study (with TAMS Consultants for Santa Barbara County CA Assn of Govts, Caltrans, 1993)
- 176th St Easterly Extension Study (with TAMS Consultants for Pierce County, WA, 1993)
- Hwy 101/LaCumbre Interchange Study (with TAMS Consultants for Santa Barbara County CA Assn of Govts, Caltrans, 1992)
- Cross-Base Corridor Study (with TAMS Consultants for Pierce County, WA, 1991-92)
- SR-24 Study, I-82 - Moxee (with TAMS Consultants for WSDOT District 5, 1991-92)
- Hwy 101/I-580/Bellam Blvd Interchange Study (with TAMS Consultants for City of San Rafael, CA, Caltrans, 1990-91)
- Richards Boulevard Underpass Project (with TAMS Consultants for City of Davis, CA, 1990)
- Sunrise Corridor Study (with TAMS Consultants for Oregon DOT, 1989-90)
- Route 41 Study, SR 145 - Oakhurst (with TAMS Consult. for Madera County, CA, Caltrans, 1989)
- Route 180 Study, Brawley - Rte 99 (with TAMS Consultants for Fresno County CA Transportation Authority, Caltrans, 1989-90)
- Route 1 Study, Castroville (with TAMS Consult. for Caltrans, Monterey County, CA, 1989)
- Route 12 Expressway Study, Solano County (with TAMS Consultants for City of Suisun City, CA, Caltrans, 1989-90)
- Andersen Drive Extension Project (with TAMS Consultants for City of San Rafael, CA, 1988)
- Highway 50 thru Placerville (with TAMS Consult. for City of Placerville, CA, Caltrans, 1988)
- Multnomah Falls Interchange Project (with TAMS Consultants for Oregon DOT, 1988)
- Greater Lynnwood/I-5 Transportation Study (with PSCOG for City of Lynnwood, Snohomish County, WA, WSDOT, Community Transit, 1987)
- I-84 Freeway Improvement Project, 181st - Troutdale (with TAMS Consultants for Oregon DOT, 1986-87)
- Frontier Village SR-9/SR-204 Project (with Centrac Assc for WSDOT, Snohomish County, WA, 1985)
- Terwilliger/I-5 Project (with City of Portland, OR, Oregon DOT, 1982-83)
- McLoughlin Boulevard Project (with City of Portland, OR, Oregon DOT, 1979-83)
- East Marquam I-5 Interchange Project (with City of Portland, OR, Oregon DOT, 1979-80)
- Alternative to I-505 Project (with City of Portland, OR, 1978-82)

PROJECT EXPERIENCE

Corridor/Subarea Transportation Studies, Freeway System Studies

- River Rd Conceptual Design Plan (for City of Eugene and Oregon DOT, 2008-09)
- Driggs Main St Conceptual Design Plan (for City of Driggs and Idaho Transp Dept, 2007-08)
- CSX RR Overpass Feasibility Study (for City of Cartersville, GA, 2007-08)
- Seattle Hill Rd–164th St Corridor Plan (sub to KPG for City of Mill Creek, WA, 2007)
- South Portland Circulation Plan-Marquam Hill Aerial Tram Phasing Analysis (sub to David Evans & Assoc for City of Portland, OR, 2003-04)
- NE 3rd-4th Ave Corridor Plan and Design Report, Sunset Ave – East City Limit (for City of Renton, WA, 2002-04)
- Northern Arc DEIS, SR 411 – SR 400 (with Jordan Jones & Goulding for Georgia DOT, 2001-02)
- University Area Transportation Study (sub to Mirai Assoc, for City of Seattle, 2001)
- Cross-Cascades Corridor Plan (with TranSystems for WSDOT, 2001)
- Mercer Island Town Center Parking and Circulation Study (with Berryman & Henigar for City of Mercer Island, WA, 1997-98)
- South Portland Circulation Study (sub to David Evans & Assoc for City of Portland, OR, 1997)
- Tri-Area Circulation Study (with Berryman & Henigar for Jefferson County, WA, 1996-97)
- Silverdale Circulation Study (with Kato & Warren for Kitsap County, WA, 1996-97)
- North Macadam Area Circulation Plan (sub to Lloyd Lindley ASLA for City of Portland, OR, 1996)
- Lakepark-MacArthur-El Embarcadero Traffic Analysis (with Berryman & Henigar for City of Oakland, CA, and MTC, 1996)
- Lower High St Traffic Analysis (with Berryman & Henigar for City of Oakland, CA, and MTC, 1996)
- SW Everett Subarea EIS Demonstration Project (sub to Michael Smith for Snohomish County Economic Development Council, Washington State Dept of Commerce Trade and Economic Development, 1994-95)
- South Canyon Rd Corridor Plan (sub to KJS for Pierce County, WA, 1994-95)
- Paine Field Boulevard/SR-525 Major Metropolitan Investment Analysis (sub to CH2M Hill for City of Everett, WA, and WSDOT, 1994)
- Mukilteo North-South Bypass Study (sub to CH2M Hill for City of Everett, WA, and SR-525/ Paine Field Blvd Steering Committee, 1992-93)
- Renton-Tukwila I-405 Ramp Metering Impact Study (for Cities of Renton and Tukwila, WA, and WSDOT District 1, 1992)
- Paine Field Boulevard Corridor Studies (sub to CH2M Hill for City of Everett, WA, and SR-525/ Paine Field Blvd Steering Committee, 1992-93)
- Pierce County Freeway System Study / I-5 Design Study (for WSDOT District 3, PSCOG, 1990-91)
- Mariposa Route 140/49 Circulation Study (with TAMS Consult. for Mariposa County, CA, 1990-91)
- Highway 49 Long Range Corridor Study (with TAMS Consult. for El Dorado County, CA, 1990)
- Central Eastside Transportation Study (for Portland Development Commission, City of Portland, OR, 1989)
- Snohomish County Interstate Freeway System Study (for PSCOG, WSDOT, 1989)
- Freeway/Arterial System Study for Tukwila, Renton, Auburn, Kent (with PSCOG for PSCOG, WSDOT, King County, Metro Transit, Cities of Renton, Kent, Auburn, and Tukwila, WA, 1987-88)
- So Snohomish SR-99 Corridor Study, SR-104 - SR-525 (with PSCOG for WSDOT, Community Transit, Cities of Lynnwood and Edmonds, WA, 1987)
- SR-9 Corridor Study, SR-2 – SR-522 (with PSCOG for WSDOT, Snohomish County, City of Snohomish, WA, 1987)
- Seattle SR-99 Connections Study (with PSCOG for WSDOT, City of Seattle, 1987)
- Bellevue CBD Transportation Study (with PSCOG for City of Bellevue, WA, 1985-86)
- Alderwood/North Creek Transportation Study (with PSCOG for Snohomish County, WA, 1985)
- Northwest Portland Transportation Study (with City of Portland, OR, 1980-82)
- Industrial Access Study (with City of Portland, OR, 1979-81)

PROJECT EXPERIENCE (cont'd)

Campus and Institution Master Plans and Studies

- Cascadia Community College Center for Global Learning and the Arts Bldg Transportation Impact Analysis (for Cascadia Community College, Bothell, WA, 2007)
- St. Joseph Hospital Institutional Master Plan Transportation Impact Analysis (for St. Joseph Hospital, Bellingham, WA, 2005-06)
- Fairbanks Memorial Hospital Emergency Dept Expansion (sub to Martha Hanlon Architects for Fairbanks Memorial Hospital, AK, 2005)
- Shoreline Community College Access Study (for Shoreline CC, 2004)
- Shoreline Community College Allied Health Sciences Bldg and Parking Garage Predesign Study (sub to NBBJ for Shoreline CC, 2003)
- Downtown Bothell Property Redevelopment Feasibility Study and Master Plan (sub to NBBJ for Northshore School District, 2003)
- Edmonds Community College Master Plan Traffic & Parking Analysis Update (for Edmonds CC, 2003)
- Fairbanks Memorial Hospital Medical Office Bldg and Parking Garage Traffic and Parking Analysis (sub to NBBJ for Greater Fairbanks Community Hospital Fdn, AK, 2003)
- Virginia Mason Medical Center East Campus Bldg (Hospital Tower) (sub to NBBJ for Virginia Mason Medical Center, 2003)
- Edmonds Center for the Arts Traffic & Parking Studies (for LMN Architects and Edmonds Public Facilities District, 2003)
- 19th Ave Street Vacation Traffic Study (for Greater Fairbanks Community Hospital Fdn, AK, 2002-03)
- Bellevue Civic Center Site Evaluation Study (sub to NBBJ for City of Bellevue, 2002)
- Good Samaritan Hospital Master Plan, Puyallup, WA (sub to Entranco for Good Samaritan Hospital, 2002)
- Washington Veterans Home, Retsil, Master Plan (sub to NBBJ for Veterans Administration, 2002)
- Fairbanks Memorial Hospital Master Site & Facilities Plan (sub to NBBJ for Greater Fairbanks Community Hospital Fdn, AK, 2001)
- University of Idaho - Boise Center Master Plan (sub to NBBJ for University of Idaho Foundation, 2001)
- St. Joseph Hospital Medical Office Bldg, Parking Garage and Hospital Tower Traffic Impact Analysis (for St. Joseph Hospital, Bellingham, WA, 2000)
- Virginia Mason Medical Center Flagship Pavilion Project (for Virginia Mason Medical Center, 2000)
- Washington Park Arboretum Master Plan Update (with KJS Associates for Seattle Parks and Recreation Dept and the Arboretum Fdn, 2000);
- Bastyr University Site Analysis (sub to NBBJ for Bastyr University, 2000)
- Edmonds Community College Master Plan Update (sub to NBBJ for Edmonds CC and City of Lynnwood, 1998-99);
- St. Joseph Hospital Master Plan, Bellingham, WA (for St. Joseph Hospital, 1998-2000)
- Fort Baker EIS Addendum (for Golden Gate National Park Association and National Park Service, 1999)
- University of Washington-Bothell/Cascadia Community College Collocated Campus Master Plan and EIS (sub to NBBJ for Washington State Higher Education Coordinating Board, 1994-96); Phase 1 and Phase 2A Campus Development (sub to NBBJ for Washington State Genl Svcs Admin, 1996-99)
- Facilities Utilization Plan, North Puget Sound Higher Education Consortium (sub to NBBJ for Washington State Higher Education Coordinating Board, 1997-98)
- Traffic and Pedestrian Safety Study for Federal Center South and GSA Center-Auburn (with TAMS Consultants for Federal Gen'l Services Admin, 1990)
- Tacoma Dome Access and Parking Study (with PSCOG for City of Tacoma, WA, 1985-86)

Miscellaneous Development Plans and Other Special Studies

- Chehalem Winery Expansion Traffic Impact Study (for Chehalem Winery, Yamhill Co, OR)
- Madison Plaza Mixed Use Development (for Madison Plaza Assoc, Seattle, WA, 2007-08)
- La Conner Pier Zone Change (for La Conner Pier LLC and Town of La Conner, WA, 2006)
- Moore-Clark Property Development (for La Conner Assoc and Town of La Conner, WA, 2005)
- Burnside Bridgehead Redevelopment Project (Portland, OR, Development Commission)
- Sunrise Assisted Living Center (with Parisi & Assoc for City of Rocklin, CA, 2004)
- Sopiago Springs Resort Traffic Study (for Sopiago Springs Resort, CA, 2002-03)

- Landing Drive/North Macadam District Street Framework Plan (for City of Portland, OR, 2001)
- Portland Habilitation Center (2000)
- Providence Point/228th Ave Access Study (with Kato & Warren for King County, WA, 1996)
- Major Supplemental Airport Feasibility Study, (with TAMS Consultants for PSRC, 1994)
- VISION 2020 Transportation System Performance Monitoring Pgm (for PSCOG, 1991-92)
- Everett Navy Base Traffic Impact Study (with PSCOG for WSDOT, FHWA, 1986)
- Alternative Access Modes Database Project (with PSCOG, 1985)

PROJECT EXPERIENCE (cont'd)

Neighborhood Traffic Management and Transportation Plans / Pedestrian Plans

- 3rd/La Cienega Area Access Preservation Strategy (sub to Rifkin Transp Plng Grp for City of Los Angeles, 2008)
- Westwood Community Access Preservation Strategy (for Westwood HOA, 2008)
- South Portland Circulation Plan-Marquam Hill Aerial Tram Phasing Analysis (sub to David Evans & Assoc for City of Portland, OR, 2003-04)
- Burnside Transportation and Urban Design Plan, W 24th–E 12th/Sandy (for City of Portland, 2000-02)
- Midilome Neighborhood Traffic Calming Plan (Midilome Property Owners, Spokane County, WA, 1999-2000)
- Barbur Blvd Streetscape/Pedestrian Plan (for City of Portland and Oregon DOT, 1998-99)
- Wallingford, Denny Triangle, Capitol Hill, First Hill, Fremont, North District/Lake City, West Seattle Junction, Morgan Junction, Westwood/Highland Park, and South Lake Union Phase 2 Neighborhood Plans (sub to Community Connection, Makers, Arai/Jackson, Integrated Site Design, Carlson Architects, Susan Black & Assoc, and Kato & Warren for the neighborhood planning committees and City of Seattle, 1997-98)
- Capitol Hwy/Hillsdale Pedestrian Plan (for City of Portland, OR, 1995)
- NW Cedar Hills Blvd Ext Neighborhood Traffic Impact Study (for Friends of Cedar Mill, Washington County, OR, 1994)
- Division Corridor Neighborhood Traffic Mgmt Plan (for City of Portland, OR, 1985)
- Terra Linda Neighborhood Traffic Study (for Terra Linda Neighborhood Association, Washington County, OR, 1988)
- King County Neighborhood Traffic Control Demonstration Project (with KJS Associates for King County, WA, 1987)
- South Burlingame Neighborhood Traffic Mgmt Plan (for City of Portland, OR, 1984)
- McLoughlin Neighborhoods Project (with City of Portland, OR, 1979-83)
- Northwest Portland Transportation Study (with City of Portland, OR, 1980-82)

Downtown Plans and Urban Design Studies

- Downtown Talent Master Plan Traffic Analysis (for Talent Urban Renewal Agency and City of Talent, OR, 2007)
- Gresham Downtown Regional Center Development Strategy (sub to Spencer & Kupper for City of Gresham, OR, 2007)
- Capitol Parking Garage Traffic Access and Pedestrian Improvements (with CTS Engrs for City & Borough of Juneau, AK, 2007)
- Downtown Stayton Transportation and revitalization Plan (sub to Spencer & Kupper for City of Stayton, OR, 2007)
- Grants Pass Downtown River District Plan (sub to Spencer & Kupper for Oregon Dot and City of Grants Pass, OR, 2006-07)
- Rasor Park Mixed-Use Center Concept Plan (sub to Spencer & Kupper for Oregon DOT and City of Eugene, OR, 2006-07)
- Downtown Tucson, AZ, Access/Circulation Concept Development (for Williams Dame Development, 2006)
- Seward St/State Capitol Street and Pedestrian Improvements (with CTS Engrs for City & Borough of Juneau, AK, 2003-04)
- Federal Way City Center Plan (sub to Mirai Assoc for City of Federal Way, WA, 2004)
- Burnside Transportation and Urban Design Plan, W 24th–E 12th/Sandy (for City of Portland, 2000-02)
- Lakewood Urban Renewal Plan (sub to Beckwith Consulting Group for City of Lakewood, WA, 2001)
- Enumclaw Downtown Enhancement Plan (sub to Berryman & Henigar for City of Enumclaw, WA, 1999-2000)
- SeaTac, WA, Joint City Center Plan (sub to Cascade Design for City of SeaTac and Port of Seattle, 1998)
- Puyallup Historic Business District Revitalization Project (sub to Parametrix for City of Puyallup, WA, 1995-96)
- Seattle Commons: Roads and Transportation Planning Advisory Committees (1994-95)

On-Call Services

- City of Portland, OR, Transp Plng Division, Bureau of Traffic Mgmt
- King County Parks
- NW [Portland, OR] Industrial Nghd Assn
- City of Renton, WA
- City of Bothell, WA
- City of Sequim, WA
- City of Burien, WA
- City of Mercer Island, WA
- City of San Rafael, CA
- Golden Gate National Parks Association
- The Seattle Commons

PROJECT EXPERIENCE (cont'd)

Neighborhood/Community Assistance

- Seattle, WA: Friends of Magnuson Park, Wedgewood Action Group, Aurora Ave Merchants Assn, Whittier Hts Community Club, Phinney Ridge Community Cncl, Montlake Neighbors for a Better SR 520, Station Overlay Neighborhoods Alliance, Citizens for Mobility, Neighbors of Ingraham HS, Citizens for Liveable Northgate, Victory Hts PONDERS, Meadowbrook Defense Fund, Fremont Urban Nghd Coalition, Westwood/Highland Park Nghd Plng Committee , N District Nghd Plng Committee, Friends of The [West Seattle] Junction, Morgan Junction Community Assn, South Lake Union Plng Org, Save Our Industrial Lands, Denny Triangle Nghd Plng Committee, Team Wallingford, South Wallingford QFC Committee, Miller Park Nghd Assn, Capitol Hill Commnty Cncl, Jackson Place Community Cncl, nghd assns of the Capitol Hill/First Hill Urban Center, Laurelhurst Community Club
- Pierce Co, WA: Canyon Rd Improvement Coalition, Nisqually Tribe, No To 168th Committee
- Bainbridge Island, WA: Seattle Yacht Club Neighbors
- Camas, WA: Sunningdale Gardens Nghd Assn
- Federal Way, WA: Lakota/Adelaide Community Club
- Fife, WA: Fife Heights Nghd Assn
- Issaquah, WA: Overdale Park HOA, Friends of Aspen Meadows
- Kirkland, WA: Citizens for Responsible Development
- Lakewood, WA: Bridgeport Way Community Assn
- Poulsbo, WA: Citizens to Stop Wal-Mart in Poulsbo
- Pullman, WA: Pullman Alliance for Responsible Development, Wadleigh Dr residents
- Redmond, WA: Friends of 172nd
- Renton, WA: CARE
- Snohomish Co, WA: Ketchum Shores Improvement Committee, Citizens for Natural Habitat, Citizens for Responsible Growth in Greater Lake Stevens, South Snohomish County Preservation Assn
- Sammamish, WA: Uplands HOA, Sammamish Homeowners United, Friends of the East Lake Sammamish Trail
- Spokane/Spokane County, WA: Five Mile Prairie Nghd Assn, Midilome HOA, Northwood Neighbors, Citizens for Responsible Development, Ponderosa Nghd Assn, Citizens for Responsible and Ethical Development, Quail Ridge HOA
- Tacoma, WA: Ruston Way Preservation Fund, Old Town Business Assn
- Whidbey Island, WA: Whidbey Environmental Action Network, PROUD, Taylor Rd Residents Against More Pits (TRAMP), Ebey Landing National Historic Reserve (Nat'l Park Svc)
- Woodinville, WA: Friends of Cottage Lake
- Yelm, WA: Yelm Commerce Group
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Portland, OR: Eastmoreland Nghd Assn, NW Industrial Nghd Assn, Eliot Nghd Assn, Friends of MLKJr Blvd, Collinsview Nghd Assn, Hayhurst Nghd Assn, Hillsdale Vision Group, Wilson Park Nghd Assn, Neighborhood Protection Coalition

- Clackamas Co, OR: Citizens for Farmland Preservation, Stafford Alliance for the Environment, Sandy River Preservation Assn, Ashley Meadows Nghd Assn
- Linn County, OR: Friends of Linn County
- Marion County, OR: Friends of French Prairie
- Multnomah County, OR: Citizens for a Safe Streetcar
- Washington Co, OR: Meadow Nghd Assn, Save Oleson Committee, Citizens for Farmland Preservation, OES Neighbors, Friends of Bull Mountain/Bull Mountain Park Homeowners Assn, Cedar Mill Creek Corridor Committee, Friends of Cedar Mill, Terra Linda Nghd Assn, Sunningdale/Case Hts Assn, Friends of The Bluffs, Deerfield Community Assn, Dairy Creek Valley Assn
- Beaverton, OR: Save Cedar Mill, Make Our Park Whole, Neighbors for Liveability, Residents Surrounding Valley Plaza
- Bend/Descutes County, OR: Newport Hills HOA, River Rim Community Assn, Bend Chamber of Commerce, Our Community First, Hamby Rd Neighbors, Westside Neighbors Assn
- Hillsboro, OR: Nghd Development Committee
- Molalla, OR: *IT'S THE PITS*
- Sandy, OR: Tickle Creek/Double Creek Nghd Assn, SW Sandy Nghd Assn
- Tigard, OR: Hillside/Ascension Dr Nghd Group, Friends & Neighbors of Scholls Ferry, Kable St Nghd
- other individuals and groups in King Co, Kitsap Co, Seattle, Kirkland, Sammamish, Renton, Lacey, Sumner, Covington, Kenmore, Fircrest, and Walla Walla, WA; Multnomah Co, Clackamas Co, Washington Co, Deschutes Co, Yamhill Co, Portland, Salem, Sandy, Seaside, Warrenton, Sherwood, Corbett, Raleigh Hills, Sauvie Island, Lake Oswego, Tualatin, Carver, Clackamas, Molalla, Wilsonville, Milwaukie, Lebanon and Coos Bay/North Bend, OR, and the NW Portland Industrial Sanctuary; Suwanee, GA; Fairbanks, AK; San Francisco, CA
- Los Angeles, CA: Westwood HOA
- San Francisco, CA: Citizens to Save the Waterfront, Plymouth Ave residents, Westwood Park Community Assn
- Missoula, MT: Concerned Neighbors of Liberty Cove
- Lebanon Township, NJ: Buffalo Hollow Rd residents
- Logan, UT: Logan Canyon Coalition
- Alexandria, VA: Citizens Coalition Against King-Duke Gridlock
- Teton County, WY: Save Historic Jackson Hole, South Park Neighbors
- Washington, DC: Area Neighborhood Council 3E04

PROJECT EXPERIENCE (cont'd)

Transit, HOV, and Multimodal Terminal Projects and Studies

- South Portland Circulation Plan-Marquam Hill Aerial Tram Phasing Analysis (sub to David Evans & Assoc for City of Portland, OR, 2003-04)
- Seattle Popular Transit Plan (Monorail) (sub to Berger/ABAM for the Elevated Transportation Co, Seattle, WA, 2001-02)
- 2001 Report on Personal Rapid Transit (deputy editor and contributing author for Advanced Transit Assn)
- Renton Transit Center Parking Garage Impact Analysis (for City of Renton, 2000)
- Potential Installations for the Pathfinder Personal Rapid Transit System in the Seattle and Atlanta Areas (for Pathfinder Systems Inc., 1999)
- Central SeaTac Transit Integration Study (sub to BRW for City of SeaTac, WA, 1997-98)
- Sea-Tac Airport LRT Station Study (sub to Leigh Fisher Assoc for Port of Seattle, 1997)
- Renton Transit Center (for City of Renton, 1997)
- SeaTac Personal Rapid Transit Program (sub to BRW for City of SeaTac, WA, 1995-96)
- Edmonds Crossing Ferry/Multimodal Term'l Study (sub to CH2M Hill for City of Edmonds, WA, 1995-96)
- Mukilteo Ferry/Multimodal Terminal Study (sub to Sverdrup for City of Mukilteo, WA, 1994-95)
- Puyallup Commuter Rail Station Site Study (sub to JHK & Assc for City of Puyallup, WA, 1994)
- Auburn Commuter Rail Station Site Study (sub to Otak for City of Auburn, WA, 1994)
- SR-16, SR-512/167 HOV Facility Design Study (sub to TP&E for WSDOT, 1992)
- Mukilteo Ferry Terminal Location Study (with PSCOG for WSF, 1989)
- Initial Market Study for the Pathfinder Personal Rapid Transit System (for Pathfinder Design Co., 1988-89)
- Lynnwood High-Capacity Transit Station Area Study (with PSCOG for Sno-Tran, 1988)
- Multi-Corridor Project (with PSCOG, 1985-86)
- North Corridor Extension Project (with PSCOG for Sno-Tran, 1985)
- North Corridor Extension Project Engineering Recon (with PSCOG for Sno-Tran, 1985)
- North Corridor Alternatives Analysis (with PSCOG, 1983-84)
- Banfield Transitway and Westside Transitway Projects (with City of Portland, OR, Oregon DOT, Tri-Met, 1978-82)

Transportation Plans

- Victor, Idaho, Transportation Plan (with Landsman Transp Planning for City of Victor, ID, 2008)
- Long Beach, Washington, Comprehensive Plan Transportation Element (sub to CREA Affiliates for City of Long Beach, WA, 2006-07)
- Driggs, Idaho, Transportation Plan (with Landsman Transp Planning for City of Driggs, ID, 2006)
- City of Portland Freight Master Plan (for NW Industrial Neighborhood Assn, Portland, OR, 2004)
- Master Street Plan for SW and Far SE Portland (for City of Portland, OR, 2000-01)
- Gig Harbor Transportation Plan Update (with KJS Associates for City of Gig Harbor, WA, 2000)
- Lummi Transportation Plan (sub to Valerie J Southern for Lummi Indian Nation, 2000)
- Quinault Transportation Plan Update (sub to Valerie J Southern for Quinault Indian Nation, 1997-98)
- Eastside Transportation Program Update (sub to BRW for King County and cities of Bellevue, Redmond, Kirkland, Issaquah, Newcastle, Renton, and Bothell, WA, 1997)
- Multnomah County Urban Road Functional Classification Study (for Multnomah County, OR, 1994)
- Puyallup Impact Fee Pgm and Transportation Plan Update (sub to JHK & Associates for City of Puyallup, WA, 1993-94)
- Renton Central Subarea Transportation Plan (for City of Renton, WA, 1993)
- Renton Interim Transportation Plan (for City of Renton, WA, 1993)
- Pierce County Transportation Plan (with KJS Associates for Pierce County, WA, 1990-93)
- Renton Comprehensive Plan Transportation Section (for City of Renton, WA, 1991-92)
- Bothell Comprehensive Plan Transportation Section (for City of Bothell, WA, 1991-93)
- Green River Valley Transportation Action Plan (with PSCOG for King County, WSDOT, Renton, Kent, Auburn, and Tukwila, 1986)
- Regional Transportation Plan Update (with PSCOG, 1986-90)
- Arterial Streets Classification Policy Update (with City of Portland, OR, 1982-83)

REPORTS, PUBLICATIONS, AND PRESENTATIONS

2005-

Chehalem Winery Expansion Traffic Impact Study, for Chehalem Winery, Yamhill County, and Oregon DOT, 2008

Cascadia Community College Global Center for Learning and the Arts Transportation Impact Analysis, for Cascadia Community College and City of Bothell, WA, 2008

Driggs SH-33/Main St Conceptual Design Plan: Corridor Conditions Report, Conceptual Design Toolkit, Conceptual Design Plan Alternatives, Recommended Plan, for Idaho Transp Dept and City of Driggs, 2008

Downtown Talent Master Plan Traffic and Parking Analysis Report, for Talent, OR, Urban Renewal Agency, 2007

City of Long Beach Comprehensive Plan Update Transportation Element, for City of Long Beach, WA, 2007

Gresham Downown Regional Center Development Strategy Transportation Assessment Report, for City of Gresham, OR, 2007 (contributing author)

Moore-Clark Property Traffic Impact Analysis Addendum, for La Conner Assoc and Town of La Conner, WA, 2007

Rasor Park Mixed Use Center Concept Plan Transportation Evaluation Memorandum (2007), Rasor Park Mixed Use Center Concept Plan Transportation Improvement Concepts (2007), Rasor Park Mixed Use Center Concept Plan Operations and Safety Analysis (2006), for Oregon DOT and City of Eugene

Grants Pass Downtown River District Plan Final Report (contributing author), Grants Pass Downtown River District Draft Plan Traffic Analysis Report, Grants Pass Downtown River District Plan Alternatives Report (contributing author), Grants Pass Downtown River District Plan Existing Conditions and Future Baseline Conditions Transportation Analysis, for Oregon DOT and City of Grants Pass, 2007

Driggs Transportation Plan, for City of Driggs, ID, 2006 (contributing author)

I-85 West Point Interchange Traffic/Transportation Analysis Report and Interchange Justification Report, for Georgia DOT, 2006

US411 Connector Interchange Justification Report (2006), US411 Connector Draft Supplemental EIS, transportation sections (2006), US411 Connector Traffic/Transportation Analysis Report (2005), US411 Connector Concepts Screening Report (contributing author, 2004), for Georgia DOT

St Joseph Hospital Institutional Master Plan Traffic/Transportation Impact Analysis, for St Joseph Hospital and City of Bellingham, WA, 2006

La Conner Pier Zone Change Traffic Impact Analysis, for La Conner Pier LLC and Town of La Conner, WA, 2006

Moore-Clark Property Traffic Impact Analysis, for La Conner Assoc and Town of La Conner, WA, 2005

2000-2004

"Burnside Bridgehead Redevelopment Project RFP, Traffic/Transportation Guidelines," for Portland, OR, Development Commission, 2004

Seward St Traffic Study Report, for City & Borough of Juneau, AK, 2004

Shoreline Community College Access Study Report, for Shoreline Community College, 2004

Portland Aerial Tram Final Recommendations and Report, for City of Portland, OR, 2004 (contributing author)

SR 20 (SR 536–I-5) Traffic Report Addendum, for Washington State DOT, 2004

NE 3rd-4th Corridor Plan, for City of Renton, WA, 2004

Sunrise Assisted Living Center Traffic Study, for Parisi & Assoc and City of Rocklin, CA, 2004

South Portland Circulation Plan Phasing Analysis/Marquam Hill Tram Traffic Issues Paper, for City of Portland, OR, 2003

Edmonds Community College Instructional Lab Building Traffic Impact Analysis, for Edmonds Community College, 2003

Edmonds Center for the Arts Traffic Impact Analysis, for LMN Architects and Edmonds Public Facilities District, 2003

19th Ave Street Vacation Traffic Study, for Fairbanks Memorial Hospital, City of Fairbanks, and Fairbanks–North Star Borough, AK, 2003

NE 3rd-4th Corridor Conditions Report, for City of Renton, WA, 2002

North City Business District–15th Ave NE Project Traffic Analysis Report, for City of Shoreline, WA, 2002

Sopiago Springs Resort Traffic Study, for Sopiago Springs Resort and El Dorado County, CA, 2002; Addendum, 2003

Personal Automated Transportation: Status and Potential of Personal Rapid Transit, Personal Rapid Transit Technical Committee of the Advanced Transit Association, 2002 (contributing author)

Seattle Popular Transit Plan (Monorail) DEIS Transportation Section, for Elevated Transportation Company, 2002

REPORTS, PUBLICATIONS, AND PRESENTATIONS (cont'd)

Burnside Transportation And Urban Design Plan Final Plan Report, Burnside Transportation And Urban Design Plan Alternatives Analysis Report, and Burnside Transportation And Urban Design Plan Existing Conditions Report, for City of Portland, OR, 2002 (contributing author)

I 5 / SR 18 / SR 161 Triangle Interchange Design Study Report, for Washington State DOT, 2002 (contributing author)

Northern Arc (US 411 – GA 400) DEIS Transportation Section, for Georgia DOT, 2002

SR 20 (SR 536–I-5) Traffic Report, for Washington State DOT, 2002

Master Street Plan for SW and Far SE Portland, for City of Portland, OR, and Oregon DOT, 2001 (contributing author)

South Portland Circulation Study, for City of Portland, OR, 2001 (contributing author)

Fairbanks Memorial Hospital Master Plan Traffic and Parking Analysis Report, for NBBJ Architects and Greater Fairbanks (AK) Community Hospital Fdn, 2001

"Transportation Planning and Trail Safety," Informational Briefing for East Lake Sammamish Trail Citizen Advisory Group, May, 2001

St Joseph Hospital Ambulatory Services Building, Hospital Tower, and Parking Garage Traffic Analysis Report, for St Joseph Hospital, Bellingham, WA, 2000

Washington Park Arboretum Master Plan, Transportation Impact Report, for Seattle Dept of Parks & Recreation, 2000

Lummi Transportation Plan, for Lummi Indian Nation, 2000 (contributing author)

Gig Harbor Transportation Plan Update, for City of Gig Harbor, WA, 2000 (coauthor)

SeaTac City Center Plan, for City of SeaTac, WA, and Port of Seattle, 2000 (contributing author)

Barbur Blvd Streetscape/Pedestrian Plan, for City of Portland, OR, and Oregon DOT, 1999 (contributing author)

Edmonds Community College Master Plan and Areawide Plan, for Edmonds Community College and City of Lynnwood, WA, 2000 (contributing author)

1990-1999

University of Washington-Bothell/Cascadia Community College Collocated Campus Project Phase 2A PUD Traffic Impact Report, for State of Washington Department of General Administration and City of Bothell, 1999

I-405 Reconnaissance Study, for Oregon DOT, 1998 (contributing author)

Quinault Transportation Plan, for Quinault Indian Nation, 1998 (contributing author)

West Seattle Transportation Action Agenda, for the neighborhoods of West Seattle and City of Seattle, 1998

West Seattle Junction Phase 2 Neighborhood Plan, for Friends of The Junctn and City of Seattle, 1998 (contributing author)

Morgan Junction Phase 2 Neighborhood Plan, for Morgan Community Assn and City of Seattle, 1998 (contributing author)

Westwood/Highland Park Phase 2 Neighborhood Plan, for Westwood/Highland Park Planning Committee and City of Seattle, 1998 (contributing author)

Fremont Phase 2 Neighborhood Plan, for Fremont Urban Nghd Coaltion and City of Seattle, 1998 (contributing author)

Denny Triangle Phase 2 Neighborhood Plan, for Denny Triangle Plng Comm and City of Seattle, 1998 (contributing author)

First Hill Phase 2 Neighborhood Plan, for First Hill Plng Comm and City of Seattle, 1998 (contributing author)

Capitol Hill Phase 2 Neighborhood Plan, for Capitol Hill Plng Comm and City of Seattle, 1998 (contributing author)

Wallingford Phase 2 Neighborhood Plan, for Team Wallingford and City of Seattle, 1998 (contributing author)

University of Washington-Bothell/Cascadia Community College Collocated Campus Project Final PUD Traffic Impact Report, for State of Washington Department of General Administration and City of Bothell, 1998

Mercer Island Town Center Parking Study Report, for City of Mercer Island, WA, 1998

S 277th St Reconstruction Project Phase 3 Traffic Analysis Report, for City of Auburn, WA, 1997

Silverdale Circulation Study, for Kitsap County, WA, 1997 (contributing author)

Providence Point Access Study, for King County, WA, DOT, 1997 (contributing author)

S 277th St Reconstruction Project Preliminary Pre-Design Report, for City of Auburn, WA, 1996 (contributing author)

Route 4 West Gap Closure Project Traffic Analysis Report, for Contra Costa County, CA, Transportation Authority and Caltrans, 1996

SeaTac Personal Rapid Transit Program Ridership Forecasting and Methodology Report, for City of SeaTac, WA, 1996 (contributing author)

MacArthur-Lake Park-El Embarcadero Traffic Study, for City of Oakland, CA, and Metropolitan Transport Commission, 1996

Lower High Street Traffic Study, for City of Oakland, CA, and Metropolitan Transp Commission, 1996

REPORTS, PUBLICATIONS, AND PRESENTATIONS (cont'd)

Route 4 West Gap Closure Project Methodologies and Assumptions Background Report, for Contra Costa County, CA, Transportation Authority and Caltrans, 1996 (coauthor)

I-5 Southbound Access Alternatives Study, for City of Portland, OR, 1995 (coauthor)

Edmonds Crossing Project (Ferry/Multimodal Transportation Center), Transportation Discipline Report, for City of Edmonds, WA, and Washington State DOT, 1995 (coauthor)

Capitol Hwy/Hillsdale Pedestrian Plan, Traffic Analysis Report, for City of Portland, OR, 1995

University of Washington-Bothell/Cascadia Community College Collocated Campus Project Transportation Systems Assessment Report and DEIS Transportation Section, for State of Washington Higher Education Coordinating Board, 1995

Technical Study Report, Multnomah County Urban Roads Functional Classification Study, for Multnomah County, OR, 1995

Mukilteo Multimodal Terminal and Access Study Travel Demand and Traffic Analysis Report and DEIS Traffic Section, for City of Mukilteo, WA, 1995

Major Supplemental Airport Feasibility Study Summary Report, Access Analysis Section, for Puget Sound Reg'l Council, 1995

South Canyon Corridor Plan Existing Conditions Report and Needs Assessment Report, for Pierce County, WA, 1995 (coauthor)

Puyallup Commuter Rail Station Site Study, for City of Puyallup, WA, 1994 (contributing author)

Auburn Commuter Rail Station Site Study, for City of Auburn, WA, 1994 (contributing author)

City of Puyallup Transportation Plan Update, for City of Puyallup, WA, 1994 (coauthor)

City of Renton Transportation Plan, for City of Renton, WA, 1994 (contributing author)

Central Subarea Transportation Plan, for City of Renton, WA, 1994

Route 101/Route 154 Interchange Study, Traffic Analysis Report, for Santa Barbara County, CA, Association of Governments and Caltrans, September, 1993

Mukilteo North-South Bypass Feasibility Report, for City of Everett, WA, and SR-525/Paine Field Blvd Steering Committee, June, 1993 (coauthor)

City of Renton Interim Transportation Plan, for City of Renton, WA, 1993 (contributing author)

"Renton-Tukwila Freeway Ramp Metering Impact Study," presented at the Fourth Conference on Transportation Planning Methods and Applications, Daytona Beach, Florida, May, 1993

Addendum to Bellam Blvd/I-580 Interchange Alternatives Study, Traffic Analysis Section, for City of San Rafael, CA, Caltrans, and Federal Highway Administration, October, 1992

City of Renton Comprehensive Plan Land Use Element Final EIS, Transportation Section, for City of Renton, WA, December, 1992 (coauthor)

Traffic Analysis Report for the SR-24 Yakima-Moxee Corridor, for Washington State DOT, September, 1992

Route 101/LaCumbre Rd Interchange Study, Traffic Analysis Report, for Santa Barbara County, CA, Association of Governments and Caltrans, August, 1992

Paine Field Boulevard/SR-525 Corridor Study, for City of Everett, WA, and SR-525/Paine Field Blvd Steering Committee, July, 1992 (contributing author)

Pierce County Transportation Plan, Countywide Systems Study, for Pierce County, WA, July, 1992 (coauthor)

VISION 2020 Implementation Management and Performance Monitoring System, Performance Indicators Report, for Puget Sound Regional Council, March, 1992

Cross-Base Corridor Study Traffic Analysis Report, for Pierce County, WA, March, 1992

Mid County and West County Focus Area Recommendation Reports, for Pierce County, WA, March, 1992

City of Renton Comprehensive Plan Land Use Element DEIS, Transportation Section, for City of Renton, WA, January, 1992

City of Renton Comprehensive Plan Land Use Element Draft EIS, Transportation Section, City of Renton, WA, December, 1991

Bellam Blvd/I-580 Interchange Alternatives Study, Traffic Analysis Section, for City of San Rafael, CA, October, 1991

Highway 49 Long Range Corridor Study, for El Dorado County, CA, DOT, November, 1990

Rte 180/Rte 99 Environmental Impact Report: Traffic and Circulation Section, for Fresno County, CA, Transportation Authority and Caltrans, October, 1990

Rte 180/Rte 99 Study, Traffic Analysis Report and Safety Report, for Fresno County, CA, Transportation Authority and Caltrans, October, 1990

Sunrise Corridor Study Transportation, Traffic, and Safety Report, for Oregon DOT, September, 1990

REPORTS, PUBLICATIONS, AND PRESENTATIONS (cont'd)

Traffic and Pedestrian Safety Study for Federal Center South and GSA Center-Auburn, for General Services Administration, April, 1990 (coauthor)

Central Eastside Transportation Study, for City of Portland, OR, March, 1990 (coauthor)

Snohomish County Interstate Freeway System Study, Puget Sound Council of Governments (Snohomish Subregional Council) for Washington State DOT, Snohomish County, Cities of Everett, Bothell, and Lynnwood, and Community Transit and Sno-Tran, March, 1990

Route 12 Expressway Study, Traffic Analysis Report, for City of Suisun City, CA, and Caltrans, March, 1990

Route 1 Study Traffic Analysis Report, for Caltrans and Monterey County, CA, February, 1990

1978-1989

Initial Market Study for the Pathfinder Personal Rapid Transit System, for Pathfinder Design Co., August, 1989 (coauthor)

"Sub-area Transportation Planning at the Puget Sound Council of Governments," presented at the Second Conference on Applications of Transportation Planning Methods, Orlando, Florida, April, 1989

"Development of the Planners' Guide to Personal Rapid Transit and Small-Scale Automated People-Movers," New Links for Land Use -- Automated People Mover Opportunities for Major Activity Centers (Compendium of Papers, Second International Conference on Automated People-Movers), American Society of Civil Engineers, 1989 (coauthor)

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Steve Olson

From: Kathy McWilliams [sweetrepose@hotmail.com]
Sent: Saturday, February 07, 2009 9:46 AM
To: Steve Olson
Subject: NO MORE GAS STATIONS!

Steve,

I just heard that there is a proposed gas station going in over at Fred Meyers. Do we really have to contaminate this city with more gas stations. We have already done the damage of all the cheap cookie cutter houses that have been built.

This town needs businesses like a health foods store, more activities for kids, and better restaurants. There is NO where to eat in this town.

Stop the insanity, bring something positive to this city.

Oh, and who approved that god awful white trash Dollar Store sign at the old Wilco. That is embarrassing to our City.

The drive is a landmark, people from all over come to watch movies there. There are only a few left in Oregon, why be the City that pushes them out. Not ethical.

Thank you,

Kathy McWilliams

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February 6, 2009

City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

Attn: Steve Olson, Asst. Planner

Dear Mr. Olson,

Thank you for speaking with me yesterday regarding the proposed new development of a mega fueling facility in my neighborhood. As you know, I am emphatically opposed to the proposed plan because of the severe negative impact to my family and other families living 500 feet from the proposed site. The following points briefly state my concerns.

- Increased traffic congestion and traffic jams pose safety hazards for neighborhood pedestrians and bikers, especially our senior citizens and our children, at crosswalks, sidewalks and bike lanes.
- Additional light, noise and exhaust from heavy commercial use will have a maximum impact on utilities, neighborhood livability and, is contrary to the harmony of the adjoining park and natural wetland reserve on Springbrook and Hayes .
- Increased garbage and debris will only add to the existing eyesore created by the neglected appearance of Fred Meyer 's Recycling Center on the opposite end of the site facing Brutscher street.
- Lastly, adverse effects from the exposure of VOCs, MTBEs and Benzene to the air and ground water caused by malfunctioning storage and fueling equipment pose an eminent health hazard and a long term potential danger to the community at large.

I am deeply concerned about the overall effect this plan will have on all who live and play in our neighborhood. I urge the planning commission to oppose this development.

Thank you for the opportunity to voice my concerns.

Yours very truly,

Kathleen McNelis

Kathleen L. McNelis
3702 oak Grove St
Newberg, OR 97132

2-5-09

2901 East Second St. #102
Newberg, OR 97132

City of Newberg
Planning and Building Dept.

Re: file No. CUP 08-004/DR2-08-036

Thank you for your invitation of comments on the proposed gas pumps at Fred Meyer.

I would be happy to have a gas station at Fred Meyer; I think 7 pumps might be too many for that location.

I would like to see the posts removed from the center of Springbrook Road and have traffic controlled with traffic lights and turn lanes. The driveway going to US Bank and Fred Meyer might need to be widened.

Respectfully,

Maridine T Baird

Maridine Baird