

## 33.219 Convenience Stores

# 219

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### 33.219.010 Purpose

The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This chapter provides a method for identifying and addressing issues and concerns that neighbors and the convenience store owner or operator may have regarding the operations and potential impacts of the convenience store. The outcome will be a written Implementation Program.

### 33.219.020 Where the Regulations Apply

All convenience stores proposing to locate in a new or existing building are subject to the regulations of this chapter. The regulations also apply when the operator of a convenience store changes.

### 33.219.025 Procedure

Compliance with standards of this chapter is determined as part of a building permit application or zoning approval. When the operator of a convenience store changes, the operator must adhere to the existing Implementation Program or must follow the requirements of this chapter to create a new Implementation Program.

### 33.219.030 Preliminary Steps Before Submitting an Application

Prior to submitting a building permit application or requesting zoning approval for a convenience store, the operator must complete all of the steps listed below.

- A. Develop an Implementation Program and site plan.** The operator must develop a draft Implementation Program and site plan that meet the requirements of 33.219.060 below.
- B. Contact neighborhood association.** Upon completion of the draft Implementation Program and site plan the operator must contact the neighborhood association to request a meeting. The operator must also send a copy of the neighborhood association meeting request to the affected district neighborhood coalition; however, the operator is not required to offer to meet with the district neighborhood coalition.

The meeting request must be sent by registered mail and must contain the draft Implementation Program, the draft site plan, and a description of any permits, land use reviews, or licenses that will be requested. The request letter must also summarize the purpose of the meeting and describe the following timelines.

The neighborhood association should reply to the operator within 14 days and hold a meeting within 45 days of the date the letter was mailed. If the neighborhood association does not reply to the operator's letter within 14 days, or hold a meeting within 45 days, the operator may request a building permit or zoning approval without further delay. If the neighborhood holds the meeting within the time frame, the operator must attend the meeting. The operator may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

- C. Neighborhood notice.** In addition to contacting the neighborhood association, the operator must send notice by registered or certified mail to all property owners within 150 feet of the store site and to all recognized organizations within 400 feet of the store site. The notice must include the contact information required by paragraph 33.219.060.G, and the date, time and place of the neighborhood meeting where the convenience store will be discussed. If the neighborhood association did not respond to the operator's request for a meeting within 14 days, then the information about the date, time, and location of a meeting is not required.
- D. Convenience store meeting.** The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement among the local residents, businesses, and the applicant as to the content of the Implementation Program and the site plan. However, a consensus is not required. The meeting may be continued at a later date if all parties agree.
- E. Application for a building permit/zoning approval.** The next step is the application for a building permit or zoning approval. The application must be accompanied by the site plan, the final version of the Implementation Program and the record of good faith as described in 33.219.070 below.

### **33.219.060 Implementation Program Requirements**

An application for proposals to locate a convenience store in a new or existing building must be accompanied by a written Implementation Program. The Program must be signed by the operator and contain all of the items listed below:

- A. Crime prevention and awareness training program.** Written verification from the Police Bureau that a crime prevention and crime awareness training program has been approved.
- B. Alcohol awareness and employee training program.** Written verification from the Oregon Liquor Control Commission that an alcohol awareness and employee training program has been approved. At a minimum, the program must be directed at identifying and handling situations involving minors or intoxicated customers, and identify which displays and marketing techniques will be used to discourage drunk driving.
- C. Litter control program.** Litter control program. The operator must provide a litter control program that includes:
  - 1. The installation of at least two trash receptacles on-site for customer use. The trash receptacles must be located next to the on-site pedestrian circulation system.

2. The operator must ensure that litter is picked up at least once a day from the site and from the sidewalks adjacent to the site.
- D. Loitering control program.** The operator must provide a loitering control program that, at a minimum, limits the hours of operation of electronic video games, and locates telephone booths, benches, tables, and other customer activity areas where they can be viewed by store employees.
- E. Landscape maintenance awareness.** The operator must provide written verification that he or she understands the provisions of Chapter 33.248, Landscaping and Screening, and in particular 33.248.030, Plant Materials and 33.248.040, Installation and Maintenance.
- F. Lighting Certification.** The operator must document that the proposed lighting will meet the glare standards of Chapter 33.262, Off-Site Impacts. In addition to meeting the requirements of 33.262.100, Documentation in Advance, the operator must identify on the site plan the location of all exterior lighting.
- G. Communication agreement.** The operator must designate and include contact information for a person responsible for on-going communication with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses to concerns raised by recognized organizations or concerned individuals should be written within 30 days of receiving the initial letter, and be from the designated contact person. A file of all letters received and written is to be maintained by the operator and be available to the public upon request. The operator should notify the local recognized organizations and property owners within 150 feet of the store site of changes to the designated contact person or contact information within 30 days of the change.
- H. Participation in Neighborhood Mediation Program.** The operator must agree to participate in a Neighborhood Mediation Program should that process be initiated.

**33.219.070 Record of good faith.**

The operator must document that he or she met with or attempted in good faith to meet with the neighborhood association in advance of submitting the building permit application or request for zoning approval. The documentation must include all of the following:

- A.** A copy of the neighborhood meeting request and registered or certified mail receipts;
- B.** The names and addresses of property owners and organizations that received notice of the Implementation Program contact information as required by Subsection 33.219.030.C.
- C.** The time, date, and location of any neighborhood meeting, and the names, addresses, and phone numbers of those who attended;
- D.** A copy of the draft Implementation Program and site plan sent to the neighborhood association;

- E. A copy of the final Implementation Program and site plan if different from the draft plan. The final Implementation Program must identify those components of the Implementation Program that were agreed upon and those that were unresolved, plus any additional items discussed during the meeting(s); and
  - F. Documentation that the operator has sent the neighborhood association both a mailed and electronic copy of the final Implementation Program.
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