



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/30/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 004-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 13, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Anne Elvers, Washington County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

DEPT OF LAND CONSERVATION AND DEVELOPMENT
 DEPT OF LAND CONSERVATION AND DEVELOPMENT
 DEPT OF LAND CONSERVATION AND DEVELOPMENT

In person electronic mailed

JUN 23 2010
 JUN 23 2010
 JUN 22 2010

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Washington County** Local file number: **10-081-PA**
 Date of Adoption: **June 16, 2010** Date Mailed: **June 21, 2010**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/19/2010
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive plan map amendment to remove the Agriculture and Forest – Five Acre Minimum (AF-5) District designation from the subject property and designate it Rural Industrial (R-IND) District.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **AF-5** to: **R-IND**
 Zone Map Changed from: **N/A** to: **N/A**

Location: **Southeast corner of the intersection of Highway 99W and SW Garland Road**
 Acres Involved: **5.00**

Specify Density: Previous: **1 d.u./5 acres** New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 004-10 (18185) [16188]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
**Washington County Department of Land Use and Transportation, Washington County
Department of Health and Human Services, Washington County Sheriff, Tualatin Valley Fire &
Rescue District & Department of Environmental Quality**

Local Contact: Anne Elvers

Phone: 503-846-3583

Address: 155 N. 1st Avenue, Suite 350-14

Fax Number: 503-846-4412

City: Hillsboro Zip: 97124

E-mail Address: anne_elvers@co.washington.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

IN THE PLANNING COMMISSION
FOR WASHINGTON COUNTY, OREGON

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In the Matter of a Proposed Plan) RESOLUTION AND ORDER
Amendment Casefile 10-081-PA)
for Mike and Brenda Schrage) No. 2010-1

This matter having come before the Washington County Planning Commission (Commission) at its meetings of May 5, 2010 and June 16, 2010; and

It appearing to the Commission that the above-named applicants applied to Washington County for a Plan Amendment to change the plan designation for certain real property described in the Notice of Public Hearing (Exhibit "A"), attached hereto and by this reference made a part hereof, from Agriculture and Forest - 5 Acre District (AF-5) to Rural Industrial (R-IND); and

It appearing to the Commission from evidence in the record as a whole that the application does meet the requirements of the Rural/Natural Resource Plan for such a Plan Amendment; and therefore, that the aforesaid application should be approved; and

It appearing to the Commission that the findings in the Staff Reports in Exhibits "B" and "C" constitute appropriate findings and should be adopted by this Commission; it is therefore

RESOLVED AND ORDERED that Casefile No. 10-081-PA for a Plan Amendment for property described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject to the conditions of approval set forth in the Summary of Decision (Exhibit "D").

DATED this 16th day of June, 2010.

4 votes Aye, 3 votes Nay.

PLANNING COMMISSION FOR
WASHINGTON COUNTY, OREGON

Herbert L. Hunt
CHAIRMAN

APPROVED AS TO FORM:

[Signature]
Senior Assistant County Counsel
for Washington County, Oregon

[Signature]
RECORDING SECRETARY



WASHINGTON COUNTY
Department of Land Use and Transportation
PLANNING DIVISION, SUITE #350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124-3072
tel (503) 846-3519 fax (503) 846-4412

STAFF REPORT ADDENDUM

PROCEDURE TYPE: III

COMPREHENSIVE PLAN ELEMENT:
Rural/Natural Resource

CPO: 5

LOCATION: South side of Highway 99W, east of its
intersection with SW Garland Road

EXISTING LAND USE DISTRICT: Agriculture &
Forest - 5 Acre District (AF-5)

REQUEST: Comprehensive Plan Amendment to change the current land use designation of Agriculture &
Forest - 5 Acre District (AF-5) to Rural Industrial (R-IND)

CASEFILE NO.: 10-081-PA

APPLICANT:
Mike & Brenda Schrage
31615 NE Wilsonville Road
Newberg OR 97132

APPLICANT'S REPRESENTATIVE:
John Bridges
Brown, Tarlow, Bridges and Palmer, P.C.
515 E. First Street
Newberg OR 97132

OWNER:
Applicant

ASSESSOR MAP NO(S) & TAX LOT NO(S):
3S2 11D, tax lots 1301 and 1400

SITE ADDRESS: 27500 SW Garland Rd, Sherwood
SITE SIZE: 5.00 acres

Casefile No. 10-081-PA Staff Report for the June 16, 2010 Planning Commission Hearing *(The hearing will begin no sooner than 7:30pm)*

I. BACKGROUND

The applicant is requesting a plan amendment from the Agriculture and Forest District (AF-5) to the Rural Industrial District (R-IND) for tax lots 1301 and 1400 on tax map 3S2 11D (hereafter known as "the property"). The applicants have applied for this plan amendment in order to locate their paving and grading company on the property.

The staff report for the June 16, 2010 Planning Commission hearing recommended denial because staff found that the applicant has not provided sufficient evidence to demonstrate that 1) the proposed use is compatible with surrounding farm and forest uses, 2) that the proposed plan amendment is consistent with the rural character of the area and 3) that the R-IND District is better suited to the property than the existing AF-5 District.

After the issuance of the June 16 staff report, the applicant submitted additional testimony addressing staff's findings. This addendum staff report provides staff findings based upon the additional testimony. The June 16 staff report continues to be applicable to this request.

II. RECOMMENDATION

Based upon the findings in this report and the findings in the June 16, 2010 staff report, staff recommends that the Planning Commission **approve** the plan amendment request from AF-5 to R-IND subject to the following conditions:

1. The requirements of the Community Development Code will apply to specific development applications on each parcel. Other applicable regulations may also apply, including requirements for septic systems and requirements of the Oregon Department of Transportation. The applicant is responsible for obtaining all required permits for the property.
2. Prior to issuance of a final development approval for the subject property, the property owner shall record with the county a restrictive covenant that the occupant of the property will not object to commonly accepted farm and forest practices which may occur on adjacent lands.
3. Future uses on the subject property must comply with all restrictions and requirements of the Parrett Mountain Ground Water Limited Area.
4. Prior to the submission of a development application for the proposed use, any additional amount over and above the fee deposit submitted with this application which is determined to be owed to the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.
5. Within thirty days of this approval, record a restrictive covenant in the Washington County Deed Records for the property that states that outdoor commercial activities are limited to the hours of 7a.m. to 6p.m., Monday through Saturday. The restrictive covenant shall run with the property. The restrictive covenant shall be approved by County Counsel and the Long Range Planning Division prior to recording.

III. FINDINGS

In the June 16 staff report, staff identified three deficiencies in the application. The deficiencies and the applicant's responses are addressed below.

1. **The applicants have not demonstrated that the proposed use is compatible with surrounding farm and forestry uses.**
2. **The applicants have not demonstrated that the proposed plan amendment is consistent with the rural character of the area.**
3. **The applicants have not demonstrated that the intent and purpose of the R-IND is better suited to the site than the intent and purpose of the existing AF-5 District.**

Applicant See letter dated June 14, 2010 from John Bridges and June 10, 2010 from Mike Schrage

Staff The applicant identified dust and noise from the proposed business as possible conflicts with nearby farm and forest uses. The applicant states that dust can be controlled by spraying water on the property with a water truck owned by the applicant, if needed. The applicant states that noise from employees coming to the site to pick up and drop off vehicles and machinery at the beginning and end of each work day could impact nearby farm operations. This impact will be mitigated by staging work vehicles in such a way that back-up alarm noises will be virtually eliminated and any vehicle maintenance or repair will occur in the enclosed pole barn.

The applicant states that the proposed use will generate less noise than farm uses since almost all of the business activities occur off-site. The applicant argues that noise from farm practices does not require

mitigation and can occur for longer periods, and a nursery operation could locate on the site and have on-site activity in the evening.

Mr. Schrage states that he agrees to limit outdoor commercial activities to the hours of 7a.m. to 6p.m., Monday through Saturday, in order to help mitigate noise impacts that could be unfavorable to nearby residents. Mr. Schrage states that he contacted a neighbor whose home is adjacent to the subject property and near the pole barn. He states that the neighbor finds his willingness to limit the hours of operation satisfactory.

As discussed in the June 16 staff report, noises from uses in the R-IND District are not regulated by the county's noise ordinance. In their letters of comment and testimony at the May 19, 2010 hearing, residents of the immediate areas have stated that they are concerned about noise that could be generated from more intensive rural industrial uses in the future. In response to Mr. Schrage's willingness to limit hours of operation and to address noise impacts from future rural industrial uses, staff recommends that a restrictive covenant limiting hours of operation be recorded as a condition of approval that would run with the property. This will help ensure that noise from other future industrial uses would be compatible with the rural character of the area.

The applicant states that the R-IND District is appropriate for the property. The applicant states that 100% of the aggregate used by the proposed business originates in the rural area. As discussed on page 14 of the June 16 staff report, the applicant has provided examples of how the business serves the rural area by doing work for lumber mills, wineries and agricultural uses. Staff finds that the R-IND District will be suitable for the property because 1) it will allow for the applicant's business to operate and continue to serve the rural area without limiting the business to 3,000 square feet of area as the AF-5 District requires, and 2) the conditionals of approval related to noise will address the concerns of nearby neighbors.

Staff agrees with the applicant's finding that the use is compatible with surrounding farm and forest uses, is rural in character and the R-IND District is suitable for this property subject to the recording of a restrictive covenant regarding hours of operation limitations.



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PLANNING DIVISION, SUITE #350-14
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STAFF REPORT

CASEFILE NO.: 10-081-PA

APPLICANT:
Mike & Brenda Schrage
31615 NE Wilsonville Road
Newberg OR 97132

APPLICANT'S REPRESENTATIVE:
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515 E. First Street
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PROCEDURE TYPE: III

COMPREHENSIVE PLAN ELEMENT:
Rural/Natural Resource

CPO: 5

LOCATION: South side of Highway 99W, east of its intersection with SW Garland Road

EXISTING LAND USE DISTRICT: Agriculture & Forest - 5 Acre District (AF-5)

REQUEST: Comprehensive Plan Amendment to change the current land use designation of Agriculture & Forest - 5 Acre District (AF-5) to Rural Industrial (R-IND)

OWNER:
Applicant

ASSESSOR MAP NO(S) & TAX LOT NO(S):
3S2 11D, tax lots 1301 and 1400

SITE ADDRESS: 27500 SW Garland Rd, Sherwood
SITE SIZE: 5.00 acres

**Casefile No. 10-081-PA Staff Report for the
June 16, 2010 Planning Commission Hearing
(The hearing will begin no sooner than 7:00 pm)**

I. APPLICABLE REGULATIONS

- A. LCDC Statewide Planning Goals 1, 2, 5, 6, 9, 11, 12 & 14
- B. Oregon Administrative Rule (OAR) 660-012-0060, 660-014
- C. Rural / Natural Resource Plan Policies: 1.p.5, 2, 6, 8, 10, 14, 18, 21, 22 & 23
- D. Washington County Transportation Plan Policies 1, 2, 4, 5, 6, 10 & 19
- E. Washington County Community Development Code:
 1. Article II, Procedures
 2. Article III, Land Use Districts

Section 348	Agriculture and Forest (AF-5) (Intent and Purpose)
Section 354	Rural Industrial (R-IND) (Intent and Purpose)
Section 421	Flood Plain and Drainage Hazard Area Development
Section 422	Significant Natural Resources
 3. Article V, Public Facilities and Services

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use & Transportation
Washington County Health & Human Services Department
Tualatin Valley Fire & Rescue District

III. RECOMMENDATION

Based on staff's findings in Section III of this report and as summarized in Section V, staff recommends **DENIAL** of the plan amendment from AF-5 to R-IND.

If the applicant provides additional information that demonstrates the request is consistent with all provisions of Policy 1 p and Policy 21 of the Rural/Natural Resource Plan and the intent and purpose of the R-IND District, staff recommends that the Planning Commission approve the request subject to the following conditions:

1. The requirements of the Community Development Code will apply to specific development applications on each parcel. Other applicable regulations may also apply, including requirements for septic systems and requirements of the Oregon Department of Transportation. The applicant is responsible for obtaining all required permits for the property.
2. Prior to issuance of a final development approval for the subject property, the property owner shall record with the county a restrictive covenant that the occupant of the property will not object to commonly accepted farm and forest practices which may occur on adjacent lands.
3. Future uses on the subject property must comply with all restrictions and requirements of the Parrett Mountain Ground Water Limited Area.
4. Prior to the submission of a development application for the proposed use, any additional amount over and above the fee deposit submitted with this application which is determined to be owed to the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.

IV. FINDINGS

A. Request

The applicant is requesting a plan amendment from the Agriculture and Forest District (AF-5) to the Rural Industrial District (R-IND) for tax lots 1301 and 1400 on tax map 3S2 11D (hereafter known as "the property"). The applicants have applied for this plan amendment in order to locate their paving and grading company on the property.

The applicant owns a paving and grading company (contractor's establishment) in Yamhill County and wishes to locate this business on the subject property. The application describes the business as a hot-mix asphalt installer with seven employees who begin and end their work day at the business location. The property would be used for the parking and storage of trucks and equipment, the business office and maintenance of equipment.

A plan amendment from one non-resource district to another, such as this request, does not require an exception to the Statewide Planning Goals. The applicant need only address the applicable Rural/Natural Resource Plan policies and Community Development Code sections.

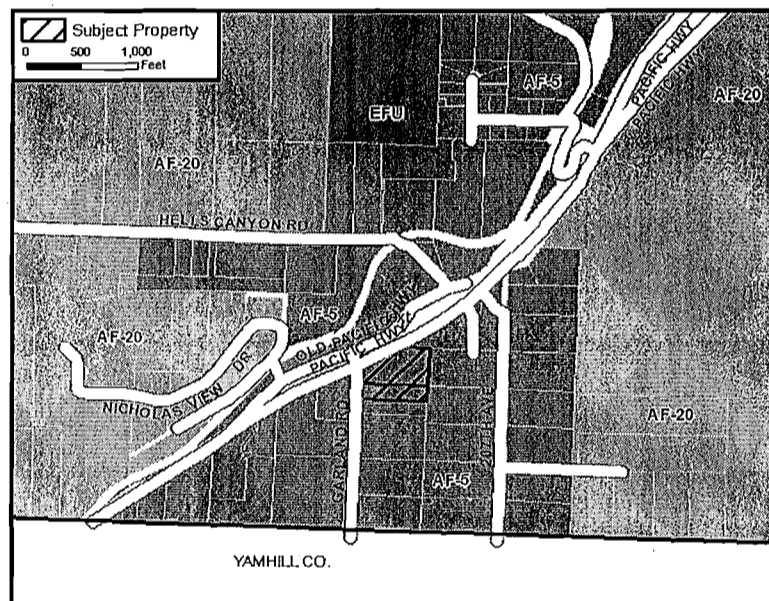
B. General property information

Applicant: See pages 5 – 8 of the application.

Staff: The property is 5.87 acres and is located southeast of Highway 99W, east of its intersection with Garland Road. Cedar Creek runs along the north property line and an unnamed tributary of Cedar Creek is located along the east the property line. These waterways are identified as drainage hazard areas and significant natural resources. Access is taken from SW Garland Road, a local rural county road.

The property is developed with two buildings, both on tax lot 1301. The buildings include a manufactured dwelling near the access point on the western end of the property, and a metal pole-barn building in the southeastern portion of the property.

The property is bounded on the north by Highway 99W and a property with a nonconforming mobile home park. There are four adjacent properties to the south, east and west. They are designated as AF-5 and three have residences.



The property had previously been used as a contractor's establishment by QUADCO. The business was first approved in 1992 by Casefile 92-736-SU/D/DHAW. The approval was for a contractor's establishment in the AF-5 District and an alteration to a drainage hazard area and significant natural resource. A review of conditions of the business was made in 2001 through Casefile 01-605-RC/M. The Hearings Officer's decision noted there had been numerous violations by QUADCO and not all of the 1992 conditions of approval had been met. If the plan amendment is approved, the applicants will need to submit a new development application for the business and will be required to comply with all applicable development requirements, including those related to alterations to the drainage hazard area and the significant natural resources on the site. The applicants have stated they will record a wetland conservation easement if the site is approved for their business (QUADCO did not fulfill this condition of approval).

C. Community Development Code (CDC) Land Use District Comparison

The applicant is requesting a plan amendment to R-IND for their contractor's establishment because the size of the business is not permitted in the AF-5 District. The business requires approximately 21,000 square feet of indoor and outdoor storage as noted in the application. Because the AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use, contractor's establishments are only permitted as a Type III use and are limited in size (may have no more than 3,000 square feet of indoor or outdoor storage). In the R-IND District, a contractor's establishment is allowed as a Type II use. The size of the applicant's business' requires that at least 60% of the business' gross sales are from the rural area and at least 60% of the business materials are farm, forest or aggregate materials originating from the rural area. Contractor's establishments in both districts are subject to the standards of CDC Section 430-34. This section and the relevant sections of the AF-5 and R-IND Districts are provided at the end of this report.

D. Public Comments

At the time of this staff report, five letters of opposition were received from property owners on SW Garland Road, one from a property owner on SW 207th Avenue and one from a person who lives on SW Pacific Highway, north of the subject property. The letters cite concerns about noise, air and water (surface and groundwater) pollution and roadway safety as their primary concerns. Concerns were also raised about impacts from possible future uses that exceed the impacts of the applicants' business. The letters also cite concern about incompatibility between uses allowed in the R-IND District and adjacent rural residences and farm uses.

Staff addresses these concerns in the findings of this report.

E. Compliance with LCDC Statewide Planning Goals

Staff: The Rural/Natural Resource Plan Element of Washington County's Comprehensive Plan and related implementing ordinances have been found to be in conformance with the statewide planning goals. Goals applicable to this proposal are addressed under related policies from Washington County's Rural/Natural Resource Plan Element and in Attachment A, the Transportation Report. In addition, Oregon Administrative Rules (OAR) for Goal 14 is specifically addressed below.

LCDC Goal 14, Urbanization

This goal requires agricultural lands be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and the state's agricultural land use policy. Statewide Planning Goal 14 is intended to provide for an orderly and efficient transition from rural to urban land uses, to ensure efficient use of land and to provide for livable communities.

Historically, the Oregon Land Conservation and Development Commission's (LCDC) interpretation of OAR 660-022-0030 states that rural industrial uses in rural unincorporated communities may be authorized so long as they are small in scale and rural in nature. Specifically, LCDC's interpretation is that rural industrial uses with less than 35,000 square feet of building area are appropriate for the rural area outside of unincorporated communities. Staff notes that this square footage limitation is what LCDC has established as a guideline. This is not a limitation that is imposed by the county.

There is a manufactured dwelling and a shop building on the property. The dwelling will be used as the business office and the shop will be used for storage and vehicle maintenance. The applicant did not state the total square footage for these structures. Washington County Assessment and Taxation records show the shop as being approximately 3,100 square feet, but

there is no record of the square footage of the manufactured home. Regardless, staff finds that the total building square footage is far less than the 35,000 maximum interpreted by LCDC, therefore, a Goal 14 exception is not required.

F. Rural / Natural Resource Plan

1. Policy 1, the Planning Process, states:

It is the policy of Washington County to establish an on-going Planning Program which is a responsive legal framework for Comprehensive Planning, Community Development and Resource Conservation which accommodates changes and growth in the physical, economic and social environment, in response to the needs of the county's citizens. It is the policy of Washington County to provide the opportunity for a landowner or his/her agent to initiate quasi-judicial amendments to the Comprehensive Plan on a semi-annual basis. In addition, the Board of Commissioners, the Planning Director, or the Planning Commission may initiate the consideration of quasi-judicial map amendments at any time deemed necessary.

Applicable Implementing Strategies:

p. Require that plan map amendments meet the following criteria:

As used in the following sections a mistake means a clerical error, or a mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process.

5. Amendments to Rural Industrial shall be based upon:

- A. A mistake (clerical error) in this 1983 plan; or**
- B. A demonstration of need for the proposed use to accommodate a rural or natural resource oriented industry; and**
 - I. An Exception to the applicable LCDC goals through the LCDC Goal 2 Exception Process (OAR Chapter 660, Division 04);**
 - II. Demonstration that an alternative site within UGBs would be inappropriate and no other site, property designated, is available within a reasonable area;**
 - III. Demonstration that the use is compatible with the surrounding resource uses and will not limit or adversely affect the existing or potential commercial farm or forest uses; and**
 - IV. Demonstration that rural services are or will be available concurrent with the use and that the use will not require extension of any urban services into the area.**

Applicant: See pages 9 - 14 of the March 2010 submittal, the May 10, 2010 submittal and the June 2, 2010 submittal.

Staff Findings

Implementing Strategy 5 A

Neither the applicant or staff find that the site was mistakenly designated AF-5 by the 1983 plan.

Implementing Strategy 5 B I

The subject property is located in Exception Area #138 in the Washington County Comprehensive Plan Exceptions Statement Document (revised 9/9/1986), and was designated as AF-5 in 1983. This means that the property qualified for an exception to Goal 2 at that time. Because the AF-5

and R-IND Districts are both exception lands, the applicant is not required to take another exception to Goal 2. Staff finds that this request meets the requirement of Policy 1 p. 5 B I.

Implementing Strategy 5 B II

The applicant prepared an alternative site analysis of properties in unincorporated southern Washington County and northeastern Yamhill County. Alternative sites were also evaluated in the southern portion of the city of Sherwood and within the city limits of Newberg and Dundee. These locations were evaluated because of their proximity to the applicant's main customer base, which is found west of Rex Hill in Yamhill County. Rex Hill is approximately one mile south of the subject property.

Washington County

As previously mentioned, the R-IND or the MAE Districts are required for the applicant's contractor's establishment due to its need for more than 3,000 square feet of area to accommodate all of the aspects of the business. The applicant reviewed properties 2.5 miles north and two miles northeast and found no R-IND or MAE designated parcels. Staff found that the nearest R-IND designated parcel is located at 24475 SW Scholls Ferry Road. It is a developed site approximately eight miles from the subject property. The nearest MAE site is located at 19135 SW Pacific Highway, and it is developed with an auto wrecking yard. Based upon where the majority of the applicants' customer base is located, staff concurs with the applicant's analysis of Washington County and their conclusion that there are no alternative sites available.

Sherwood

The applicant evaluated three sites zoned for light industrial in Sherwood in the southern half of the city. The applicant evaluated only the southern half of the city because he states that he needs a site as close as possible to where the majority of his jobs are located. Two of the three sites are fully developed, and the third is the Tonquin Employment Area. The City of Sherwood is in the process of concept planning the Tonquin Employment Area, approximately 300 acres of land east of the current City limits. The land was brought into the Urban Growth Boundary (UGB) as employment/industrial land in 2004. Because this area is still being evaluated by the city, it is not presently an option. Staff agrees with the applicant's analysis and conclusion that no alternative sites are available in southern Sherwood.

Yamhill County

The applicant evaluated the county's industrial zoning (Resource Industrial, Light/General Industrial, Heavy Industrial and Mineral Resource District), institutional zoning and public works zoning in northeastern Yamhill County. The applicant concluded that a contractor's establishment is not permitted and that, if it were permitted, there are no available sites.

The applicant submitted copies of the Yamhill County Zoning Ordinance for each of the zones that were evaluated. Based upon the uses listed in each zone, the applicant concluded that a contractor's establishment would not be allowed. Staff contacted Yamhill County Department of Planning and Development and was informed that although a contractor's establishment is not listed as a permitted use, it may be possible to be permitted as a "similar use." The Resource Industrial (RI), Light/General Industrial (LI) and the Heavy Industrial (HI) zones have a similar use allowance which states:

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses in [this section] may be

allowed as a similar use, subject to the provisions of Section 1206 and pursuant to the Type A application procedure set forth in Section 1301*.*

In order to be permitted as a similar use, an applicant must submit for design review by Yamhill County. The county makes a determination through a Type A application as to whether or not the proposed use is appropriate for the property and in that zone; then the applicant applies for a land use permit. Therefore, if property with a RI, LI or HI zone was available, it may be possible for a contractor's establishment to be approved in that zone. Staff concludes that, although it may be possible for such a use to be permitted in Yamhill County, the approval criteria are uncertain and it is not possible to definitively state whether or not approval would be granted without actually submitting an application for review by the County. Staff, therefore, concludes there are no alternative sites available in these districts.

Contractor's establishments are not permitted in the Mineral Resource District, Public Assembly/Institutional District and the Public Works/Safety District. A similar use determination is not an option in these zones.

The applicants' survey of northeastern Yamhill County concludes that there are no LI sites available, even if the use could be permitted due to existing developments. The applicant also evaluated the RI zones to the west and southwest of the city of Newberg and found that all three were developed with wineries.

Newberg

The applicants' proposed use is allowed in the city's M-2 (Light Industrial) and M-3 (Heavy Industrial) zones as "contractor's equipment or storage". The use is required to have all outdoor storage areas be screened by site-obscuring fences or walls. The proposed use is also permitted as a conditional use in the city's M-1 zone (Limited Industrial). The applicants provided information which shows there are no available sites in the M-2 and M-3 zones.¹ While it may be possible for a contractor's establishment to be approved in the M-1 zone, staff believes sites in this district should not be considered because there is no certainty the use could be approved because the use is allowed only as a conditional use. Staff, therefore, concludes there are no alternative sites available in Newberg.

Dundee

The City of Dundee's Light Industrial Zone (LI) allows for contracting business like the applicant's. The applicant states that all LI properties are fully developed, and are therefore not available.

Implementing Strategy 5 B III:

The applicant is required to demonstrate that the proposed use is compatible with surrounding resource uses and will not limit or adversely affect existing or potential commercial farm or forest uses. The application states that there are no commercial farm or forest uses in the immediate area. However, two letters from residents on SW Garland Road state that there are farm uses near the subject property. Staff found that three properties on SW Garland Road (3S211D001100, 1200 & 1201) are in farm deferral, and one (3S211D001000) is in forest deferral. A few additional nearby properties (south of Hwy. 99) are in farm or forest deferral. Several properties on the north side of Hwy. 99 are also in farm or forest deferral. This indicates that there are some farm and

* Sections 1206 and 1301 of the Yamhill County Zoning Ordinance pertain to the review requirements and process for a similar use determination.

¹ The applicants provided additional information on June 8, 2010 that further documents the third M-3 property addressed in the May 10 submittal is not available; it is owned by SP Newsprint and is used as part of the company's railroad spur.

forest resource uses in the area. Staff finds that the applicant has not demonstrated the proposed plan amendment is consistent with this Implementing Strategy.

By submitting service provider letters from the Tualatin Valley Fire & Rescue District and the Washington County Sheriff that state adequate levels of fire and police protection are available to the site, the applicant has shown that adequate rural services are available. The applicant states that the existing well and septic system is capable of serving the proposed use. No extensions of urban services will be required.

2. Policy 2, Citizen Involvement, states:

It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.

Applicant: See page 14 of the application.

Staff: A quasi-judicial plan amendment such as this must be considered via a Type III public hearing review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission public hearing for this application was sent to all property owners within 1,000 feet of the subject property. The notice was sent at least 20 days prior to the first hearing (mailed April 15, 2010). Additionally, the county placed a legal notice of the hearing in *The Hillsboro Argus*, a newspaper of general circulation, at least ten days prior to the first hearing date (published August 23, 2010). As required by CDC Section 204-1.4, the applicant posted a sign on April 1, 2010, which was within 28 days of the March 18, 2010 acceptance date. A copy of the plan amendment application was mailed to Citizen Participation Organization (CPO) 5 on March 19, 2010. Finally, the staff report was available to interested parties seven days prior to the hearing as required by CDC Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

These findings for Policy 2 also pertain to Statewide Planning Goal 1, Citizen Involvement.

3. Policy 6, Water Resources, states:

It is the policy of Washington County to maintain or improve surface and ground water quality and quantity.

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: In the case of plan amendments, staff interprets Policy 6 to mean that, over time, development activities in Washington County should not negatively affect the quantity or quality of surface water or groundwater. The thrust of the policy is to assure that development will have a positive or neutral effect over an extended period of time, rather than being concerned with what quantity or quality of water is present at a particular point in time. Therefore, evidence of consistency with this policy should include, if possible, assessments of groundwater quantity and quality reflected over a period of time.

The AF-5 District allows one dwelling per parcel. When a plan amendment would not create an increase in density, Implementing Strategy 6.a.5. does not require a well log analysis. In this case, a well log analysis is required because the R-IND District allows for numerous uses that AF-5 does not.

Opposition testimony can be rebutted by an applicant by reviewing well logs and having an "expert" such as a professional geologist or hydrologist review well logs and opposition testimony and provide an opinion on the groundwater situation. Expert testimony that draws its findings

primarily from evidence in the well reports, however, can be refuted by new evidence beyond that which is contained in the well reports. Recent measurements of water depth in existing wells are probably the best new evidence that can be used to determine what the present groundwater quantity trend is in a plan amendment area. The present well water depth can be compared to the measured depth at the time the well was drilled to determine how groundwater quantity trends are affecting existing wells.

The property is located within the Parrett Mountain Limited Groundwater Area. Per the County Watermaster, there are strict limitations for the use of groundwater in the area. For example, water for domestic uses is limited to no more than 15,000 gallons per day. The use of water for a commercial or industrial use, such as the proposed contractor's establishment, may not exceed 5,000 gallons per day.

Applicable Implementing Strategies

The County will:

- a. **Strive to ensure adequate water supplies for all uses by:**
 1. **Encouraging water conservation programs by water users and purveyors;**
 2. **Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;**
 3. **Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies; and**
 4. **Complying with the May 17, 1974 Order of the State Engineer establishing and setting forth provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.**
 5. **Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.**

Well logs are not required for quasi-judicial plan amendments when the designation change will not result in an increase in density (i.e. EFU to EFC plan amendments).

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: As previously mentioned, well log information is required for this request because approval of this application would permit rural industrial uses that may use more groundwater than a single-family residence. The proposed use must comply with the groundwater limitations of the Parrett Mountain Limited Groundwater Area.

The applicant states that the proposed use will use water from the existing well for the office use proposed in the existing manufactured dwelling. The potential water usage under the R-IND District would be far less than the maximum allowed usage for a dwelling due to the restrictions in the Parrett Mountain Limited Groundwater Area - 5,000 gallons vs. 15,000 gallons per day.

As required, the applicant submitted well logs for all township and range sections within one-half mile of the subject property. The applicant provided a well log summary as Exhibit 8 on page 16 of the application. Staff concurs with the summary provided by the applicant.

Staff concludes the proposed plan amendment would not have a detrimental impact upon groundwater for the reasons noted above.

b. Ensure adequate quality of surface water and groundwater by:

1. Promoting compliance with the Healthy Streams Plan, as adopted by Clean Water Services in compliance with the CWS-county intergovernmental agreement, to the extent that the Healthy Streams Plan and associated CWS programs apply outside the UGB;
2. Promoting compliance with Department of Environmental Quality water quality standards;
3. Cooperation with the Soil and Water Conservation District in the implementation of effective methods of controlling non-point sources of water pollution in agricultural areas;
4. Cooperating with the Oregon State Department of Forestry in the implementation of effective methods of controlling non-point sources of water pollution in forest areas; and
5. Ensuring that the establishment of subsurface sewage disposal systems (e.g., septic tanks) will not adversely affect ground water quality;

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: The manufactured dwelling is connected to a septic system. If the request is approved, the applicants will need to check with the county Health Department to determine if the existing system is adequate for their business. If future site improvements are proposed that would trigger the need for alterations to the septic system, the county Health Department would be the permitting and review authority. Septic system permits must comply with DEQ requirements which are designed to ensure adequate quality of groundwater. All grading activities must comply with CDC Sections 410 (Grading and Drainage), 426 (Erosion Control) and Chapter 14.12 of the County Code (Grading). Compliance with these standards ensures adequate quality of surface water. Therefore, staff finds the criteria of Implementing Strategy 6.b. can be satisfied. As previously mentioned, all R-IND uses must comply with Section 423. This section requires compliance with all county and state requirements pertaining to the storage of toxic and hazardous materials and drainage, runoff and waste water treatment. Pursuant to Section 423-11, future developments must address the potential impact on water supplies should the development require more water than if the site was developed with a dwelling.

- c. Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.
- d. Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.
- e. Encourage property owners with land which qualifies as "designated riparian land" and defined by the 1981 Riparian Habitat Act to apply for exemption of that land from *ad valorem* taxation.

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: There are two drainage hazard areas on the property, both of which are also significant natural resources (*Water Areas, Wetlands and Fish and Wildlife Habitat*). If the plan amendment is approved, the applicants will need to submit a development application for the proposed business that demonstrates the proposed use is consistent with CDC standards for drainage hazard areas and the significant natural resource areas. CDC Section 421 prohibits development in the drainage hazard areas and Section 422 prohibits development in the significant natural resource areas. The applicants have stated they will record a conservation easement for the

significant natural resources areas if their use is approved. Therefore, staff finds the criteria of this Implementing Strategy can be satisfied.

- f. **Support viable water resource projects which are proposed in the County upon review of their cost benefit analysis, alternatives, and environmental and social impacts.**

Applicant: See pages 14 - 18 of the application.

Staff: There are no water resource projects proposed in the vicinity of this property.

- g. **Coordinate land use actions regarding water projects with agencies and jurisdictions which may be impacted by such projects.**

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: There are no water resource projects proposed on this property.

- h. **Support measures to conserve vegetation in drainage basin watersheds as a means of controlling the release of water to downstream farm lands and urban areas.**

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: As noted for the findings of Implementing Strategy 6.c, d and e, CDC Sections 421 and 422 prohibit development in drainage hazard areas and the significant natural resource areas on the site. Compliance with these development standards will ensure that the provisions of this Implementing Strategy are met.

- i. **Cooperate with the Division of State Lands, State of Oregon in their review and mitigation of projects that alter water areas and wetlands under their jurisdictions.**

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: If the plan amendment is approved, the applicants will need to submit a development application for the proposed business that demonstrates the proposed use is consistent with CDC standards for drainage hazard areas and the significant natural resource areas. CDC Section 421 prohibits development in the drainage hazard areas and Section 422 prohibits development in the significant natural resource areas. Consistent with CDC standards, any proposed development or alteration to the site's significant natural resource areas requires notification and comments from DSL. Compliance with these development standards will ensure that the provisions of this Implementing Strategy are met.

- j. **Consistent with the recommendations of the Department of Environmental Quality, State of Oregon, and Clean Water Services, support the expansion of stormwater sampling in the Tualatin Basin and consideration of proper planning and management measures for non-point source problems.**

Applicant: See pages 14 - 18 of the March 2010 application.

Staff: Any subsequent development of the subject property will have to comply with CDC sections that implement the above strategies, Sections 410 (Grading and Drainage) and 426 (Erosion Control) at the time of development review. Staff therefore finds this strategy can be satisfied.

These findings for Policy 6 also pertain to Statewide Planning Goals 5, Open Spaces, Scenic and Historic Areas and Natural Resources, and 6, Air, Water and Land Resources Quality.

4. Policy 8, Natural Hazards

It is the policy of Washington County to protect life and property from natural disasters and hazards.

Applicant: See page 18 of the March 2010 application.

Staff: Policy 8 addresses floods and earth movements which are two potential natural hazards in Washington County. As previously mentioned, there are two drainage hazard areas on the property. Any development within these areas must satisfy the requirements of CDC Section 421 *Flood Plain and Drainage Hazard Area Development*. Therefore, staff finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

It is the policy of Washington County to protect and enhance significant fish and wildlife habitat.

Applicable Implementing Strategies:

The County will:

- a. **Establish standards with which development in areas defined as significant fish and wildlife habitat must comply, so as to assure the conservation of this habitat.**
- b. **Allow activities customarily conducted in conjunction with commercial farm and forest practices in areas designated as Fish and Wildlife Areas.**
- c. **Rely upon the Oregon Department of Forestry, through its administration of the Oregon Forest Practice Rules, to mitigate adverse impacts of commercial forestry upon fish and wildlife.**
- d. **Limit the alteration of natural vegetation in riparian zones, and in locations identified as significant water areas and wetlands thereby preserving fish and wildlife habitat.**

Applicant: See page 18 of the March 2010 application.

Staff: The drainage hazard areas located on the site are identified as *Water Areas, Wetlands & Fish and Wildlife Habitat*. Any alteration must comply with Section 422 *Significant Natural Resources* which limits and regulates development within these areas. Therefore, staff finds that these policies can be met.

- e. **Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations.**

Staff: The subject property is not located within the Big Game Range; therefore, the Habitat Protection Plan does not apply.

- f. **Implement the recommendations of the Tualatin Basin Fish & Wildlife Habitat Program for rural areas of Washington County to promote efforts to enhance and conserve significant riparian habitat corridors.**

Staff: As previously mentioned, any development within drainage hazard areas must comply with Sections 421 (Flood Plain and Drainage Hazard Area Development) and 422 (Significant Natural Resources). Enforcement of these sections enhance and conserve significant riparian habitat corridors. Therefore, staff finds these criteria can be met.

6. Policy 14, Plan Designations, states:

It is the policy of Washington County to maintain distinct comprehensive plan map designations for the area outside the County's urban growth boundaries, and to provide land use regulations to implement the designations.

Applicable Implementing Strategies

- c. Designate Rural Lands, for which an LCDC Goal 2 Exception is provided to LCDC Goals 3 (Agriculture) and 4 (Forestry), in the following manner:
1. All lands which were zoned AF-5 by the 1973 Comprehensive Plan will be designated AF-5 or AF-10 based upon existing use and the characteristics of the area, unless the criteria for RR-5 can be met.
 4. All lands which were zoned urban or suburban residential will be designated as either RR-5, AF-5 or AF-10 in accord with the purpose and intent of the appropriate land use district and the character of the surrounding areas.

Applicant: See page 18 of the March 2010 application.

Staff: The property and all surrounding AF-5 properties were designated as AF-5 by the 1973 Comprehensive Plan. This designation was maintained by the 1983 Rural/Natural Resource Plan.

These findings for Policy 14 also pertain to Statewide Planning Goals 3, Agricultural Lands; and 4, Forest Lands.

7. Policy 18, Rural Lands, states:

It is the policy of Washington County to recognize existing development and provide lands which allow rural development in areas which are developed and/or committed to development of a rural character.

Applicable Implementing Strategies

The County will:

- b. During the plan adoption and revision processes, provide the opportunity for citizens to present testimony indicating additional land which they believe to be developed and committed for development.
- c. Consider the identification of additional lands for the "Rural Lands" plan map designations through the plan amendment procedures in Policy 1.
- d. Ensure that proposed development will not adversely affect surrounding agricultural and/or forestry activities by requiring that applicants for residential, commercial or industrial uses on land designated for rural development record a waiver of the right to remonstrate against accepted farm or forestry practices on nearby lands.

Applicant: See page 19 of the March 2010 application.

Staff: Citizens within 1,000 feet of the property were mailed notice of this proposal, and an advertisement was placed in the *Hillsboro Argus* to serve as notification for the rest of the county. Specific notification dates may be found under Policy 2 findings. Seven letters of opposition were submitted. Those letters are addressed under the relevant Plan policies. If the plan amendment is approved, the applicants will be required to record a waiver of the right to remonstrate against nearby farm or forestry practices.

8. Policy 21, Rural Industrial Development, states:

It is the policy of Washington County to provide areas for resource-related industrial uses and to recognize existing lawful industrial uses.

Applicable Implementing Strategies

The County will:

- a. **Allow farm and forest-related industrial uses and to encourage them to locate in the rural area.**
- b. **Evaluate proposed new industrial uses to determine if they are needed to support the natural resource base and that they are consistent with the rural character and rural level of service.**
- c. **Recognize existing, lawfully created industrial uses and allow reasonable expansion where urban services are not required, where there is conformance with the plan and where conflicts with surrounding uses can be minimized.**
- d. **Maintain two industrial plan designations in the Rural/Natural Resource area. The two designations are:**
 1. **The rural industrial designation which provides for resource-related industrial uses; and**
 2. **The land extensive industrial designation which recognizes land previously zoned MA-E pursuant to the 1973 Comprehensive Plan.**

Applicant: See letter dated May 28, 2010 from Mike Schrage.

Staff: In his letter dated May 28, 2010, Mr. Schrage states the proposed contractor's establishment obtains 100% of its aggregate from the rural area which creates demand from nearby quarries. The business uses the aggregate when doing construction or repair of rural roads and on sites supporting farm and forest uses. The applicants state that over 66% of their clients are directly engaged in farm and forest activities. For example, Mr. Schrage states that his business repairs and resurfaces rural county roads and private farm access and logging roads, constructs and repairs concrete surfaces for lumber mills and wineries, and constructs parking, staging and sales areas for agriculture and forestry equipment and building manufacturers. Mr. Schrage also states that his business has contracts with Boise Cascade Lumber Products, Oregon Vineyard Supply, Stoller Vineyards and Wolfe private forest properties in Yamhill County, among others. Mr. Schrage's business maintains and repairs parking, accessways, staging and/or processing areas for these businesses. Based upon this information, staff finds that the proposed use supports the natural resource base because the majority of its clientele is directly associated with resource uses.

Implementing Strategy b also requires the proposed use to be consistent with the rural character of an area. The property and surrounding area are designated AF-5 and are located in the historic Chehalem Mountain Orchards subdivision (platted in 1910). Lots range in size from two to five acres, each with a dwelling. The southerly adjacent two acre parcel was created in 1986 through the county's former Rural Planned Development process² (the property owner, Birdie Gudal, has submitted a letter in opposition to the request). A small mobile home park is located north of the site along Hwy. 99. The site and surrounding area are part of Exception Area 138. There are 545 acres of AF-5 land (128 parcels) in this exception area. The average parcel size is 4.30 acres and most of the parcels are developed with a residence. Approximately one-half of this exception area is within close proximity of the site. A copy of the exception area is attached to the staff report.

² The Rural Planned Development process allowed parcels less than five acres to be created in the AF-5 District.

Letters of opposition from seven nearby property owners were submitted. They include owners of five properties south of the site, adjacent to SW Garland Road. Objections are about noise, air and water pollution, farm impacts, impacts to Garland Road, traffic safety at the Hwy. 99/Garland Road intersection, and concerns about impacts from possible future uses that exceed the impacts of the applicants' business.

The applicants state their business would be compatible with nearby residences because the 16 foot tall arborvitae hedge along the south property line would provide a visual and sound buffer. They also state that sounds from the business would occur predominantly in the morning and evening when employees come to the site to pick up and drop off their equipment. The vast majority of the business occurs off-site at the locations where the paving is installed.

Policy 19, Rural Residential Development, states in Implementing Strategy a that the AF-5, AF-10 or RR-5 Districts will be applied "...to lands which have developed, or are committed to development in a *rural character*" (emphasis added). The intent and purpose of the AF-5 and AF-10 Districts state these districts are intended to "...retain an area's rural character..." These are the only land use districts in the Rural/Natural Resource Plan and the CDC that are designed to address "rural character." Both districts have specific criteria for Type III uses to demonstrate they will be compatible with nearby uses. Those standards are provided below. A contractor's establishment in the AF-5 or AF-10 District (a Type III use) is also limited to no more than 3,000 square feet of building area and outdoor storage as a way to help make the use consistent with the rural character of these districts. This limitation is not applicable in the R-IND District.

Required Findings for Type III Uses in the AF-5 District

- "A. The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval.
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use.
- C. The applicant has signed and recorded in the Deed and Mortgage Records of the County a waiver of the right to remonstrate against customarily accepted farming practices."

In the R-IND District, a contractor's establishment is a use that is presumed to be more appropriate than some other uses because it isn't subject to the following review standards that many Type II uses must meet:

Required Findings for Specific Type II Uses in the R-IND District

- "A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities."

Several nearby property owners have stated the proposed use would not be suitable primarily due to noise, fumes/odors from trucks and equipment and increased traffic and activity from this use or a potential future industrial use. If the plan amendment is approved, another industrial use could be located on the site in the future. Some of those uses could be more intensive and have

greater impacts on the surrounding homes and small farms. More intensive Type II uses allowed in this district include:

- Farm or forest equipment, truck or machinery repair
- Manufacturing of tile, pottery or ceramics
- Asphalt batch plant
- Sawmill or lumber mill

R-IND uses permitted through the Type III procedure include auto wrecking yards, heavy industrial uses and special recreational uses. These uses are required to be scaled to serve the needs of the rural area and not cause an adverse impact to surrounding farm and forest uses.

Some impacts from permitted R-IND uses cannot be sufficiently mitigated by applying conditions of approval at the development review stage. Examples include noise and fumes from trucks and heavy equipment. Noise from uses in the R-IND District are not regulated by the county's noise standards (e.g., there are no limits to hours of operation or the types of noises that can be made). CDC Section 423 requires noise, air quality and odor to be consistent with DEQ standards, but those are relatively high and they are not enforced by the county.

Neighbors have also expressed concern about the impacts to Garland Road from truck and equipment traffic. The county's development standards do not require an applicant to make improvements to a rural local road unless there is a safety or operational hazard. Rural local roads are in the county's lowest road maintenance priority category. Voters in the rural areas of the county have not elected to fund a rural road maintenance district similar to the Urban Road Maintenance District approved by voters in urban unincorporated Washington County.

Based upon the above findings, staff believes the applicants have not demonstrated that the proposed plan amendment is not consistent with this Implementing Strategy.

9. Policy 22, Public Facilities and Services, states:

It is the policy of Washington County to provide public facilities and service in the Rural/Natural Resource Area in a coordinated manner, at levels which support rural type development, are efficient and cost effective, and help maintain public health and safety.

Applicable Implementing Strategy:

- a. **Review the adequacy of the following public services and facilities in conjunction with new development.**

Applicant: See page 20 of the application.

Staff: Copies of statements of service availability from two service providers to the site are included in the applicant's submittal. These statements are from Tualatin Valley Fire & Rescue and the Washington County Sheriff's Office. The application includes an analysis for the fire district, describing station location, equipment availability and response times, and an analysis for the Sheriff's Office, describing adequacy of service levels. A service provider letter from the school district was not required because the request is for R-IND.

The county is responsible under Implementing Strategy a. of Policy 22 for reviewing the adequacy of public facilities and services in conjunction with new development. The hearings officer for LCDC found in the 1988 Enforcement Order proceedings that "(T)he County must have evidence in the record showing that the service provider is accurate in its assessment." Staff interprets this to refer to a provider's assessment that an adequate or inadequate level of service can be provided. Without the above-described statements and analyses, staff could not conclude that all the affected service providers in the area can provide an adequate level of service to development

that may occur on the subject property under the R-IND designation, should the proposed plan amendment be approved.

The site is within the service area of Tualatin Valley Fire & Rescue (TVF&R). The nearest station is located approximately five miles from the property and response time would be less than approximately nine minutes. The station is equipped with two engines, one truck and six to eight emergency response personnel.

The Washington County Sheriff's Office has reviewed the request and has determined that its service level is adequate for emergency calls only, which is consistent with the level of service provided to all rural areas.

Based on the service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to the subject property if the proposed plan amendment is approved. As a result, this request complies with Policy 22.

These findings for Policy 22 also pertain to Statewide Planning Goal 11.

G. Washington County Transportation Plan

Applicant: See page 20 of the March 2010 application.

Staff: Findings pertaining to the County Transportation Plan and the Oregon Transportation Planning Rule are in Attachment A to this staff report.

H. Washington County Community Development Code

Article III, Land Use Districts:

Section 348 Agriculture and Forest District (AF-5)

348-1 Intent and Purpose

The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forestry lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

Section 320 Rural Industrial District (R-IND)

320-1 Intent and Purpose

The Rural Industrial District is intended to provide areas for industrial uses outside the Urban Growth Boundary where an exception to Goals 3 and 4 have been taken and where a full range of services will not be required.

The purpose of the district is to provide for the processing and manufacture of timber and forest related products, farm crops and produce, minerals and aggregates near their sources, and for the repair of mechanical equipment related to farm and forest uses.

Applicant: See page 21 of the March 2010 application.

Staff: The site and surrounding area are a long established rural residential area with several rural home sites. As noted previously in the staff findings for Implementing Strategy 21 b, the R-IND District is not intended to address the "rural character" of an area. The applicants do not explain why the intent and purpose of the R-IND District better fits the site than the intent and purpose of the existing AF-5 District. Based upon these findings and the findings for Implementing Strategy 21 b, staff finds the applicant has not demonstrated that the R-IND is better suited to the site than the existing AF-5 District.

These findings for the Community Development Code also pertain to Statewide Planning Goals 3 and 4.

V. SUMMARY AND CONCLUSIONS

1. The applicants have not demonstrated that the proposed use is compatible with surrounding farm and forestry uses.
2. The applicants have not demonstrated that the proposed plan amendment is consistent with the rural character of the area.
3. The applicants have not demonstrated that the intent and purpose of the R-IND is better suited to the site than the intent and purpose of the existing AF-5 District.
4. The applicants have submitted sufficient information that demonstrates their business supports the natural resource base because the majority of their business is for farm and forestry uses.
5. The applicants have demonstrated a lack of suitably zoned industrial sites within their study area.
6. The change in land use designation will not "significantly affect" the surrounding planned transportation system and is therefore consistent with Policy 10 of the Transportation Plan and OAR 660-012-0060.
7. Local service providers currently can provide an adequate level of public services for the site. No urban services will be needed to support the subject property.

June 9, 2010

**TRANSPORTATION REPORT
FOR
CASEFILE NO. 10-081-PA**

Applicant: Mike & Brenda Schrage

Location: At the southeast corner of the intersection of Oregon Highway 99W and SW Garland Road

Tax Map/Lot: 3S2 11D Tax Lots 1301 and 1400

Site Size: Approximately 5.87 acres total (1.92 & 3.95 acres)

Staff has reviewed this request for compliance with the applicable Washington County 2020 Transportation Plan policies and rules and submits the following findings and recommendations.

FINDINGS

A. General:

1. The proposed plan amendment would change the subject parcels existing AF-5 land use designation to Rural Industrial (R-IND).
2. The subject tax lots are adjacent to one another and both have frontage on Garland Road. Tax lot 1400 also has frontage on Highway 99W. SW Garland Road is a rural local road; Highway 99W is a state (ODOT) arterial. No new access is proposed or implied through this plan amendment request. Access is currently from SW Garland Road.
3. The following standards are applicable to this request and are addressed in this staff report:
 - a. OAR 660, Division 12, Oregon Transportation Planning Rule:
Section 0060 - Plan and Land Use Regulation Amendments
 - b. Washington County 2020 Transportation Plan Policies:
 - 1.0 Travel Needs Policy
 - 2.0 System Safety Policy
 - 4.0 System Funding Policy
 - 5.0 System Implementation and Plan Management Policy
 - 6.0 Roadway System Policy
 - 10.0 Functional Classification Policy
 - 19.0 Transportation Planning Coordination and Public Involvement Policy

B. Oregon Transportation Planning Rule

1. The Oregon Transportation Planning Rule, OAR 660-012-0060, requires an analysis of the impact of a proposed plan amendment on the planned transportation system to determine whether the proposal will 'significantly affect' the planned transportation system in the area. Pursuant to the OAR, the proposed plan amendment would 'significantly affect' a transportation facility if it does any of the following:

- Changes the functional classification of an existing or planned transportation facility;
 - Changes standards implementing a functional classification system;
 - Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
2. In order to determine if a plan amendment will result in a 'significant impact' on transportation facilities, the County generally requires a comparative analysis of a 'reasonable worst-case development' of a site under current and proposed land use designations. Plan amendment requests for designations that permit more intensive land uses with greater trip generation potential are required to submit traffic analyses that have been prepared by licensed traffic engineers in order to help evaluate the potential affects of proposed plan amendments on transportation facilities.
 3. In this instance, the proposed plan amendment application includes a comparative traffic analysis, prepared by a licensed traffic engineer, that evaluates potential trip generation for reasonable 'worst case' development scenarios under the existing and proposed land use designations. Staff has reviewed the report and concurs with the analysis and conclusions presented. Under the proposed plan designation, potential trip generation is no greater and may even be reduced compared with the trip generation possible under the existing plan designation. Based on that conclusion, approval of the plan amendment will not result in significant impacts to any nearby transportation facility.
 5. No changes in functional classification for Highway 99W or SW Garland Road are proposed or required in order to accommodate the proposed plan amendment. Furthermore, the plan amendment will not affect the standards implementing the functional classification system as set forth in Policy 10.0 of the County's 2020 Transportation Plan. Based upon the facts outlined above, staff concludes that the proposal is consistent with the identified function, capacity, and level-of-service for affected transportation facilities, consistent with Section 0060 of the Oregon Transportation Planning Rule.

C. Washington County 2020 Transportation Plan

The proposed plan amendment is subject to 7 policies from the County's 2020 Transportation Plan, which are listed and addressed below.

1.0 TRAVEL NEEDS POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A MULTI-MODAL TRANSPORTATION SYSTEM THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF WASHINGTON COUNTY RESIDENTS AND BUSINESSES.

STAFF: As previously stated in this report, the proposed plan amendment is not anticipated to have a detrimental impact on the capacity or level of service on transportation facilities. The proposal therefore does not conflict with Policy 1.0.

2.0 SYSTEM SAFETY POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A TRANSPORTATION SYSTEM THAT IS SAFE.

STAFF: Any traffic safety impacts associated with future development on the subject property will be subject to the traffic safety regulations set forth in the Community Development Code and Resolution and Order 86-95 which implement Policy 2.0. Compliance with Policy 2.0 will therefore be maintained.

4.0 SYSTEM FUNDING POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO AGGRESSIVELY SEEK ADEQUATE AND RELIABLE FUNDING FOR TRANSPORTATION FACILITIES AND SERVICES, AND TO ENSURE THAT FUNDING IS EQUITABLY RAISED AND ALLOCATED.

STAFF: No detrimental impacts to system capacity are anticipated as a result of the proposed plan amendment because the no additional trip generation is anticipated. Any future development is subject to payment of the appropriate Transportation Development Tax (TDT) toward future capacity improvements. Payment of the TDT is consistent with the strategies included under Policy 4.0.

5.0 SYSTEM IMPLEMENTATION AND MANAGEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO EFFICIENTLY IMPLEMENT THE TRANSPORTATION PLAN AND TO EFFICIENTLY MANAGE THE TRANSPORTATION SYSTEM

STAFF: As found elsewhere in this report, no impacts on capacity or roadway safety are anticipated under the proposed plan designation. The proposal is therefore consistent with Policy 5.0 since there will be no appreciable change in travel demand as a result of the plan amendment.

6.0 ROADWAY SYSTEM POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THAT THE ROADWAY SYSTEM IS DESIGNED IN A MANNER THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF ALL USERS OF THE TRANSPORTATION SYSTEM.

STAFF: Since the proposed plan amendment will not result in an increase in trips or travel demand, it will not degrade the planned motor vehicle performance measures set forth in the strategies for implementation of Policy 6.0. The proposal is therefore consistent with Policy 6.0.

10.0 FUNCTIONAL CLASSIFICATION POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THE ROADWAY SYSTEM IS DESIGNED AND OPERATES EFFICIENTLY THROUGH USE OF A ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM.

STAFF: The proposed plan amendment will not affect the Functional Classification of either Highway 99W or SW Garland Road nor result in land uses that are inconsistent with those identified in the Transportation Plan. Although none are associated with this proposal, any new access or changes in access are required to comply with the applicable access requirements found in CDC Article V; such compliance ensures that the functional integrity and roadway safety are maintained.

19.0 TRANSPORTATION PLANNING COORDINATION AND PUBLIC INVOLVEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE ITS TRANSPORTATION PLANNING WITH LOCAL, REGIONAL, STATE AND FEDERAL AGENCIES AND TO PROVIDE OPPORTUNITIES FOR CITIZENS TO PARTICIPATE IN PLANNING PROCESSES.

STAFF: Policy 19 provides that all plan amendments be reviewed for consistency with the applicable provisions of the Transportation Planning Rule (OAR 660-012-0060). This request has been reviewed and determined to be consistent with the applicable provisions of the Transportation Planning Rule (see findings in Section B., above). It is therefore consistent with Policy 19.0.

CONCLUSION

Based on the findings in this report, staff concludes that this plan amendment proposal (AF-5 to R-IND) will not "significantly affect" a transportation facility as defined in OAR 660, Division 12. Under the proposed R-IND plan designation, no increases in potential trip generation are anticipated. The proposal is also consistent with all of the applicable Washington County 2020 Transportation Plan policies as discussed in Section C. of this report.

RURAL / NATURAL RESOURCE PLAN

WASHINGTON COUNTY COMPREHENSIVE PLAN

EXCEPTION AREAS 138 and 139

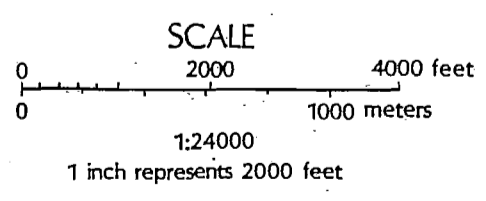
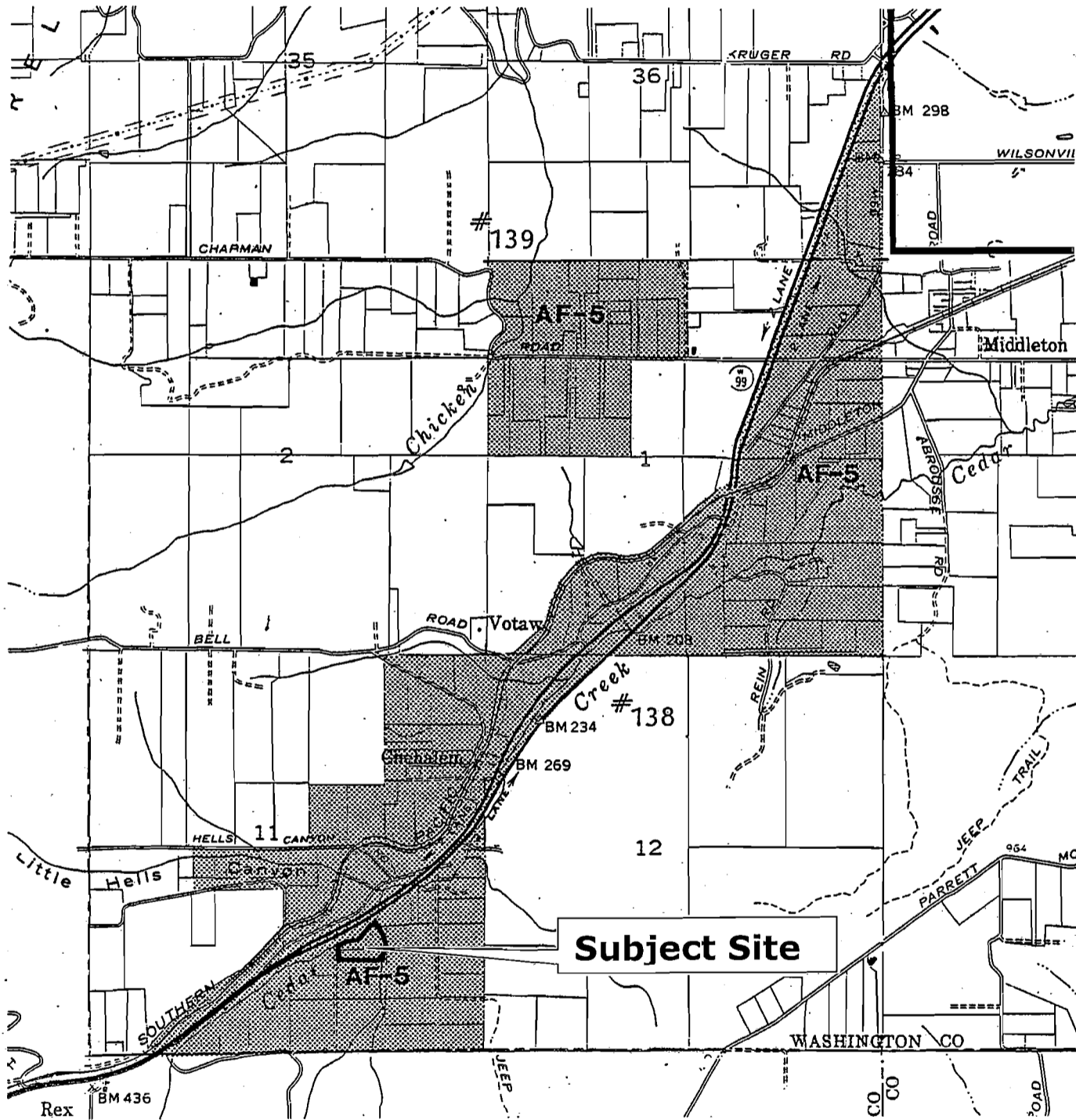
3S21A, 1B, 1C, 1D, 11A, 11AD, 11C, 11D, 12B, 2S2 36D

FIGURE 73

SOURCE: WASHINGTON COUNTY DEPARTMENT OF
LAND USE AND TRANSPORTATION, 1985

WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION • DECEMBER, 1985

THIS MAP IS COMPILED FROM ORIGINAL MATERIALS AT
DIFFERENT SCALES. FOR MORE DETAILS PLEASE REFER
TO THE SOURCE MATERIALS OR THE WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION



Subarea No. 138 Tax Map No. 3S2 11A, 11AD, 11C, 11D, / 3S2 12B
2S2 36D / 3S2 1A, 1C, 1D

Existing Plan Designation Rural Intermediate Existing Zoning AF-5

Proposed Plan Designation Rural Proposed Zoning AF-5

	<u>Acres</u>	<u># of Parcels</u>	<u># of lots on Deferrals</u>	<u># of Ownerships</u>	<u># of lots with Improvements</u>	<u># of Vacant Lots</u>
Totals	<u>545.1</u>	<u>128</u>	<u>19</u>	<u>112</u>	<u>72</u>	<u>56</u>
Average Parcel Size		<u>4.3</u>				
Smallest Parcel		<u>.04</u>				
Largest Parcel		<u>23.79</u>				
Total Acres on Tax Deferral	<u>158.6</u>					

Soil Types 85% Category 1; 5% Category 2; 10% Category 3

Availability of Public Water: Yes No X

Water District Name N/A

Potential Additional Lots Based on Recommended Zoning 37

Potential Additional Lots Based on AF-5 Zoning 37

Characterization of Developed and Committed Area:

The parcels in Area 138 range generally from 1 to 10 acres with a few large parcels of about 15 acres. Parcels surrounding the area are about 10 to 40 acres in size and proposed for AF-20 zoning.

Within the area are tree stands comprising about 10% of the site, in addition to approximately 30% devoted to varied agricultural activity. The remainder is developed with rural residential uses. About 90% of the land bordering the area is devoted to agricultural use and the rest is forest land.

Parcels in Area 138 are located along both sides of Pacific Highway (99W). The Southern Pacific Railroad parallels Pacific Highway through the area. Yamhill County borders a portion of the area on the south.

Parcel sizes in this area fall in the following ranges: 92 parcels are 0 - 5 acres in size; 29 parcels are 5 - 10 acres; 6 parcels are 10 - 20 acres; and one parcel is 20+ acres. The largest parcel in the area is 23.8 acres (vacant and on deferral), which is just east of Highway 99W, is divided into 3 portions by two drainage areas which cross the parcel. This parcel is bounded on the west by a 7.2 acre parcel (improved), on the south by three parcels all improved which are 5 and 10 acres in size. It is bounded on the north by a 4.5 acre im-

Exception Area 138 (cont.)

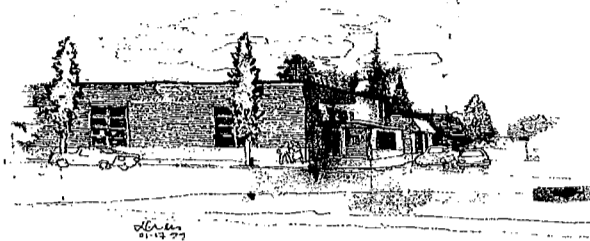
proved parcel and on the east by a 12.3 acre parcel which is included in Area 135 (improved, on deferral).

Fifty-six (56%) percent of the parcels in this area are developed and 87% are individually owned. There is an eight parcel grouping shaped like a backward "L", all under common ownership which totals 38.8 acres. All eight parcels are vacant. These parcels are just south of Pacific Highway, and are bordered on the south by Yamhill County and partially on the north by a 14.5 acre improved parcel. The parcels are bounded on the east by a portion of a 208 acre parcel, a 20 acre parcel and a 10 acre parcel, all of which are outside Area 138. On the west side of two of the parcels is a 9.6 acre improved parcel on deferral. The 14.5 acre parcel is on the west side of four of the parcels.

Topographically, the area is quite steep, ranging in elevation from \pm 300 to \pm 500 feet.

**BROWN, TARLOW, BRIDGES
PALMER & STONE PC**
Attorneys at Law

ALLYN E. BROWN
DONALD O. TARLOW
JOHN T. BRIDGES
STEPHEN C. PALMER
TRUMAN A. STONE



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JUN 1 8

LongRange Planning
Land Use & Transportation

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June 14, 2010

Washington County Planning Commission
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124-3072

RE: *Mike and Brenda Schrage Property - 27500 SW Garland Road*

Dear Commissioners:

As a result of the Staff Report, we have decided to provide more evidence on the issue of compatibility with surrounding resource uses, and the rural character of the Applicants' use.

Compatibility With Resource Use: The staff report identified three parcels in farm deferral and a parcel that is in forest deferral in the immediate area. The property in forest deferral is across the street from the Applicants' property. The three parcels in farm deferral, are further down Garland Road away from 99W. They are one property removed from the Applicants' property. It is unclear from the Opponents' letters whether these parcels are the same as the Opponent's parcels, however the Opponents also suggest that people in the area have resource uses such as gardening, raising Christmas trees, raising live stock and/or free range chickens. Although we have not observed any commercial farming or forestry operation, we will explain how the Applicants' use is compatible with these uses.

The Applicants' property is buffered from all the neighbors. The property across the street is buffered by the width of the street. The other parcels are buffered by vegetative screening. This buffering serves to protect the neighboring properties from seeing and hearing activities on the Applicants' property.

The two potential impacts on the resource uses are noise and dust. The Applicants' property has a gravel parking area so there is a risk of dust. However, because of the nature of the Applicants' business, they own a water truck, which is used to dampen work sites to eliminate dust. The Applicants ability to put water down with a water truck, if it is ever necessary, will eliminate any dust from traveling from the property to the neighbors' property. This will eliminate any impact

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JUN 15 2010

LongRange Planning
Land Use & Transportation

to the growing gardens, Christmas trees, and forest deferral property from dust. The limited noise associated with operating trucks once in the morning and once in the evening, will not negatively impact the growing of trees, or gardens.

A high level of noise could affect the raising of live stock and free range chickens. The only potential impact from the Applicants' use would be the noise generated from the operation of the vehicles, briefly at the beginning and end of the day. Please keep in mind that any repair activity would occur in the pole building, so the noise from that activity would be significantly reduced from the building, the distance to the other resource uses, and the buffering of the trees. Additionally, the staging of the trucks is done in such a fashion as to virtually eliminate the need to back up (limits back up alarms). The noise generated by the Applicants will not be enough to disturb the livestock.

If we consider the Applicants' use in the morning and the evening, and compare that with allowed resource uses, the Applicants' use will generate less noise. Allowed resource uses include operating a tractor for several hours a day to plow or harvest a crop, cutting down trees, or operating a nursery with the attendant vehicles and other activities. The Applicants' use should have far less of an impact on livestock as it relates to noise, than normal farming practices. The Applicants' have also agreed to limit the times of operation (see enclosed letter), so that we will be assured of this very low impact. One can confidently say that the use will be compatible with the surrounding resource uses.

Rural Character: There is a certain dichotomy involved in policy 21. It encourages rural industrial uses to support other resource uses. One hundred percent of the Applicants' aggregate comes from resource land in the rural areas. In turn the significant majority of the Applicants' projects go to support resource uses of logging, grape growing, county road maintenance, and other resource activities. However, the policy also states that uses must not change the rural character of the property

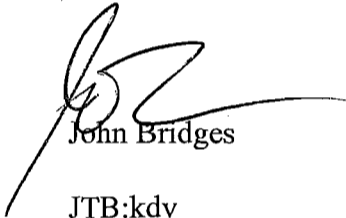
The Applicants' use of the property will be consistent with the rural character of the surrounding properties almost all of the Applicants' work is off site. As a result, there will be very little activity at the site throughout the day. The property will retain its significant vegetative screening and it will generate less noise than if farmed. The limited impact is further underscored by the Applicants' limitation of the hours of operation.

If the property stayed within a farm zone, there would be no limitation on noise from farming. Frequently, crops are harvested in the evening. A nursery could be operating throughout the day and into the evening. As stated above, the type of commonly used equipment in farming practices would be much more noisy and the noise would last much longer than the Applicants' use. The limited noise and the significant amount of vegetation is rural in character.

Conclusion: Staff can easily find that we are providing a use that is compatible with the resource uses around the property. It will have no impact on the growing operations around the property, including the property in timber deferral, the Christmas tree growing operation, and the rural residents' gardens. Any noise that will be generated will be less than normal farming practices could generate. As a result and taken in conjunction with the Applicants' willingness to agree to a operational window, staff can confidently say that the use will be compatible with the raising of live stock and free range chickens. This same limitation on hours of operation, will maintain the rural character of the property. The neighboring properties will be shielded by the buffers around the property and they will hear limited noise in the morning and then in the evening. Thank you for considering these additional comments.

Yours very truly,

BROWN, TARLOW, BRIDGES, PALMER & STONE P.C.



John Bridges

JTB:kdv

Enclosure (Mike Schrage Letter of 6/14/2010)

cc: Mike and Brenda Schrage
Al Benkendorf

Signature
PAVING
SERVICES, INC.

OR CCB#135293
WA# SIGNAPS990N0

June 10, 2010

John T. Bridges
Brown, Tarlow, Bridges, Palmer & Stone PC
515 E. First Street
Newberg, OR 97132

RECEIVED

JUN 15 2010

Long Range Planning
Land Use & Transportation

RE: 27500 SW Garland Road

John,

This letter is to follow up on our conversation regarding our hours of operation. I would agree to limit our outdoor commercial activities to the hours of 7:00 am. to 6:00 pm. Monday through Saturday, with a provision for operating outside of these hours due to emergency circumstances. Such circumstances might include a road washout or extraordinary snowfall.

I spoke with Olga Jones about this issue today. She resides in the white home south of the shop building, and has been my main contact with the surrounding neighbors. We agreed that these limitations are reasonable, and that they support the cooperative spirit we've maintained to date.

Please advise the county of my willingness to commit to these conditions formally in the permitting stage.

Warmest Regards,



Mike Schrage, Principal
Signature Paving Services, Inc.

**BROWN, TARLOW, BRIDGES
PALMER & STONE PC**
Attorneys at Law

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June 2, 2010

Washington County Planning Commission
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124-3072

RE: *Mike and Brenda Schrage Property - 27500 SW Garland Road*

Dear Commissioners:

We have been asked by staff to provide further information in support of the Application. We were asked to provide a map graphically showing the findings on page 10 of the Application as it relates to Yamhill County. That map is Exhibit 6 in the Application and is similar to Exhibits A and E attached hereto. We were also asked to provide information about the resource jobs supported by the Applicants' business. We have enclosed a letter from the Applicants that addresses that issue.

Lastly, we were asked to address the rural nature of the Applicants' business. We have done that in this letter.

Within the process of evaluating the geographic focus of the Applicants' clientele, we concluded that it is clearly focused around Newberg and Dundee. As a result we have expanded our rural alternative analysis to include all of the rural land around the two cities. This search is graphically shown in Exhibit A-E.

Ability to Site A Contractor's Establishment in Yamhill County: We previously have shown in Exhibit 6 of the original Application, that there is no available RI (Rural Industrial) or MR (Mineral Resource) land south and east of Newberg for the siting of the Applicants' use. As indicated in our previously submittal, we have determined that there is no available property in Dundee or Newberg that would support the Applicants' business. We decided to look at other areas around Newberg and Dundee to determine whether there are available sites. In the process of doing that, we re-evaluated the RI and MR zones to verify that a contractor's establishment would be allowed as an out-right permitted use or as a conditional use.

We also evaluated the County's light industrial zone, heavy industrial zone, public assembly institutional zone and public work safety zones. We have attached the definitions for each of these zones to this letter.

The following is a summary of those zones as it relates to allowing a contractors establishment.

RI (Resource Industrial Land): The RI district allows for a winery, fruit/nut packaging and wholesale nursery. It allows for conditional uses of home occupation or live stock packaging/processing facilities. It would not allow a contractors establishment either out-right or as a conditional use.

LI (Light/General Industrial): The LI zone allows for the manufacturing of machine tools and allows contractors equipment to be "stored, sold or repaired," but it does not allow the operation of a contractors establishment. The conditional use opportunities include exploration for oil, and utility facility siting. This zone does not allow the "operation" of a contractors establishment.

HI (Heavy Industrial): HI allows for grain elevators, manufacturing of forest products, animal slaughter houses, manufacturing of brick and tile products, and community or municipal water or sewer systems. There are no conditional uses allowed in this zone. Under the out-right permitted uses, a contractors establishment would not be permitted.

MR (Mineral Resource District): The Mineral Resource District entails both MR1 and MR2 zones. As you would expect, these zones allow the outright permitted use of quarrying, mining, exploration for oil, natural gases, rock crushing, stock piling and batching of rock. This zone also allows for the storage of heavy equipment, but only if used in conjunction with the mineral resource extraction business on site. The conditional uses allow for manufacturing and storing concrete products that have been processed, like beams or vaults, and allow a permanent batching site. The out-right permitted uses, and conditional uses in both MR zones, would not allow the operation of a contractors establishment.

PAI (Public Assembly and Institutional): When reviewing the exhibits A through E, you will note a number of parcels zoned PAI and PWS. The PAI zone is a public assembly and institutional zone that is aimed at providing land for churches and/or clubs. They also allow farming practices. Neither the out-right permitted uses nor the conditional uses would allow a contractors establishment.

PWS (Public Works/Safety District): PWS as the title suggests, allows for utilities, such as water supply facilities, sewage treatment facilities and sanitary land fill. The conditional uses include a park. Neither the out-right permitted uses nor the conditional uses would allow a contractors establishment.

Contractors Establishment Not Allowed in Yamhill County: It is our opinion that a "contractors establishment" as contemplated by the Washington County's Rural Industrial zone does not have a similar Yamhill County Zone. The LI zone would allow for the applicants type of equipment to be "constructed, stored, sold and repaired". It, however, would not allow it to be operated for the purpose of completing the contractors business. The Applicants would also be precluded from stockpiling the raw materials used in the performance of their primary function of road building.

No LI Zoned Property Available: Even if the LI zone were capable of supporting a contractors establishment, no LI property is reasonably available. We have conducted a further search of the rural area around our primary market area. The search area includes the area around Newberg and Dundee. Exhibits A through E are the results of the search.

Exhibit A and B show that there is no LI zoned property anywhere on the northeast and northwest sides of Newberg.

Exhibit C contains four parcels that are zoned LI. The first is just west of the Newberg city limits. That parcel is fully utilized, supporting two businesses. Further west, there is another light industrial zoned parcel, which is fully utilized as a boat and RV storage facility. West of the City of Dundee, there is a LI parcel next to a HI parcel. This parcel is currently utilized as a quarry and is unavailable. Further west of Dundee and south of Hwy 99W is a LI parcel that is actually available, but is directly under the footprint for the first phase of the Newberg/Dundee Bypass.

The Newberg/Dundee Bypass is a planned transportation facility existing in Yamhill County's transportation plan, the City of Dundee's transportation plan and the City of Newberg's transportation plan. It has also received federal funding and funding under HB 2001 for Phase 1, which will terminate at 99W right where this LI property is located. The concept of the first phase ending at this location came up in the last full legislative session. Because it is a fairly new phase concept, ODOT has not determined what the design will be, so it is unclear what portion of the LI property will be needed, or whether all of the LI property will be needed for the construction of that bypass. It is a very real probability that any development that built at this location, would be wiped out by the Bypass, when the first phase is constructed.

On Exhibit D there are two parcels zoned LI. One is currently being used as part of the SP Newsprint Mill. The second is a Bus Barn and small scale industrial area which is fully built out.

Exhibit E shows an area extending even further to the south down to the Willamette. There is no LI property, instead the area is characterized by large scale farm parcels.

Scale of Proposed Use Is Rural In Character: The Applicants use of the property will “fit” with the rural character of his surroundings. Although the site is six acres, its utilization by the Application will seem much smaller. A significant portion of the site will be permanently set aside as a conservation/wetland easement. This area will remain in its natural state which is rural in character. This easement taken in conjunction with the 16 feet tall arborvitae that are planted along the southern boundary, form a vegetative screen for the parcel.

The buffer of the easement and arborvitae screening reduces the usable size of the parcel. It is estimated that about two acres of space will be utilized. The buffering of vegetation will both obscure the view of the neighbors, and will provide a sound buffer. The sound that will occur is limited in time and would be less then expected from the operation of farming equipment to farm a parcel throughout the day. It will be further masked, at this location, by the background noise generated by the highway’s proximity.

Conclusion: Through a further refinement of this Application contained in this letter and the Applicants’ letter, findings can be reasonably made that:

- The Applicants’ business clientele is primarily west of Rex Hill.
- That a location in Sherwood would not be reasonable for environmental and economic reasons.
- That there are no available appropriately zoned parcels in Newberg and Dundee.
- That 100% of the raw materials the applicant uses come from rural areas and thus support rural jobs.
- That almost two third of the aggregate materials processed, hours worked on projects, and revenue generated over the last three years was for contracts that directly supported farm and forest industries, and in turn supported rural jobs.
- Examples of contracts that supported resource jobs included logging roads, mill paving, and winery staging/processing areas.
- That Yamhill County Zones will not allow the “operation” of a contractors establishment.
- That even if the Yamhill County LI Zone allowed it, there are no sites reasonably available.
- That this site allows the Applicants to maintain the rural character of the property.

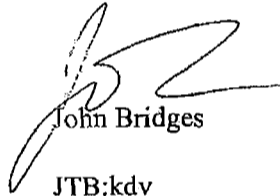
Washington County Planning Commission
June 2, 2010
Page 5

- The actual size of the parcel to be use is about two acres of this six acre site.
- The Easement and arborvitae screening will buffer the neighboring uses from seeing or hearing the Applicants' activities.
- The Applicants' noise impacts are limited to the morning and evening times and would be less than farm equipment if the parcel was farmed throughout the day.
- The screening areas will stay in a vegetative state, which is rural in character.

We would ask the Planning Commission to approve the Application.

Yours very truly,

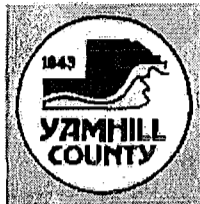
BROWN, TARLOW, BRIDGES, PALMER & STONE P.C.



John Bridges

JTB:kdv

cc: Mike and Brenda Schrage
Al Benkendorf



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County Internet Home
Building & Planning Home

Zoning Ordinance

Section 701.00 - Resource Industrial District (RI)

[Last amended 07/09/98, Ord. 648]

701.01 Purpose

The purpose of the RI District is to accommodate the present foreseeable demand for food- packaging and processing industries in areas close to the resources utilized, where high weight or bulk, low-value, perishable produce must be transported short distances in short time to processing plants. Such uses shall be compatible with existing or projected urban development, and shall not require municipal water supply, municipal sewage services, or other municipal services, and shall coordinate site and building design through application of the site design review process.

701.02 Permitted Uses

In the RI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 701.07, and pursuant to Section 1101 for site design review:

- A. Fruit, nut or vegetable packing, processing, warehousing or cold storage operations;
- B. Winery, including production and wholesale and retail sale of wine, subject to the following:
 - 1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
 - 2. A winery shall be permitted to rent or lease facilities, with or without a fee, within or adjacent to the winery for events such as parties, receptions, and banquets that are not directly related to winery promotional activities, only at the frequency customary prior to January 1, 1994.
 - 3. The winery shall allow only the sale of:
 - a. Wines produced in conjunction with the winery;
 - b. Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624 010, and local agricultural products commonly sold in conjunction with wine; and
 - c. Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 11/30/94; Ord. 582]
- C. Wholesale nursery;
- D. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- E. Accessory uses;
- F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- G. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- H. Community or municipal sewer system; and
- I. Signs, pursuant to the sign provisions set forth in Section 1006.

701.03 Conditional Uses

In the RI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Livestock packing, processing and warehousing;
- C. Utility facility, subject to Section 1101 for site design review; [Added 3/16/85; Ord. 408]
- D. Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site. [Added 11/30/94; Ord. 582]
- E. Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than daily 750 visitors. [Added 11/30/94; Ord. 582]

701.04 Similar Uses

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 701.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

701.05 Prohibited Uses

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RI District.

701.06 Nonconforming Uses

Nonconforming uses found in the RI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

701.07 Standards and Limitations

In the RI District, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. Permitted Uses.

Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.
 - 2. Conditional Uses.

The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.
- B. Parcel Size and Dimension.
 - 1. Minimum Parcel Size.

The minimum parcel size for any use shall be one (1) acre.
 - 2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.
- C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

 - 1. The minimum setback shall be five (5) feet for all yards for signs.
 - 2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - 3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 701.07 (F). [Amended 7/9/98, Ord. 648]
- D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, bellfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the RI District shall be as provided in Section 1007.

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Zoning Ordinance

Section 702.00 - Light/General Industrial District (LI)

[Last amended 07/09/98, Ord. 648]

702.01 Purpose

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

- A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;
- B. Farm, industrial or contractors equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;
- C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;
- D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;
- E. Winery;
- F. Veterinary hospital;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in section 1006;
- L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.
[Amended 7/9/98, Ord 648]

702.03 Conditional Uses

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.

- B. Utility facility, subject to Section 1101 for site design review. [Added 5/15/85; Ord. 408]

702.04 Similar Uses

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses

Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

702.07 Standards and Limitations

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.
2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows: as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D). [Amended 7/9/98, Ord 648]

C. Parcel Coverage

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, ballfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

G. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

The following uses have been approved as similar uses in the LI district:

- RV storage
- Mini-storage

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Zoning Ordinance

Section 703.00 - Heavy Industrial District (HI)

[Last amended 07/09/98, Ord. 648]

703.01 Purpose

The purpose of the HI District is to provide for industrial uses with high-nuisance characteristics that are incompatible with adjacent urban residential uses or for Industrial uses where space or performance characteristics demand a specialized locale. All required services shall be available to the site, including necessary major utility lines and sewer and water facilities. Whenever appropriate, heavy industrial uses shall be located within urban growth boundaries so that necessary urban-level services can be provided in an efficient and economic manner.

703.02 Permitted Uses.

In the HI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 703.07, and pursuant to Section 1101 for site design review:

- A. Grain elevators, feed mills and seed cleaning plants;
- B. Manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills;
- C. Auto wrecking yards;
- D. Animal slaughtering, meat-packing and rendering plants;
- E. Facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons;
- F. Manufacture of clay products, brick, tile and cement and including mining of materials used in production;
- G. Outdoor storage of raw materials or finished products associated with any permitted use;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.
- L. Dwelling for caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.
[Added 6/5/85, Ord. 409; Amended 7/9/98, Ord. 648]

703.03 Conditional Uses.

In the HI District, no use may be allowed as a conditional use.

703.04 Similar Uses.

Any use not specifically listed as a permitted use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 703.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

703.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HI District.

703.06 Nonconforming Uses.

Nonconforming uses found in the HI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

703.07 Standards and Limitations.

In the HI District, the following standards and limitations shall apply:

A. Parcel Size and Dimensions.

1. Minimum Parcel Size. The minimum parcel size for any use shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 703.07 (E). [Amended 7/9/98, Ord. 648]

C. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

D. Access.

Before a principal use may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for all structures shall be sixty (60) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

G. Parking.

Off-street parking and loading requirements for any use in the HI District shall be as provided in Section 1007.

The following uses have been approved as a Similar Use in the HI district:

- Asphalt Batch Plant (SU-01-98)
- Cell Tower (SU-01-99)

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Zoning Ordinance

Section 404.00 - Mineral Resource District (MR)

[Last updated 6/14/01, Ord. 701]

404.01 Purpose

The purpose of the MR District is to provide for the development and utilization of identified deposits of mineral aggregate resource materials on land which is not identified for urban or rural residential use on the Comprehensive Plan; to provide for the exploration for, and the subsequent extraction and development of; identified deposits of geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.

404.02 Permitted Uses - MR-1

In the MR-1 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;
- E. Portable concrete batching or portable hot-mix batching plants;
- F. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02 (I) and 404.02 (J);
- G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business;
- H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- I. Farm uses;
- J. Propagation and harvesting of a forest product; and
- K. Manufacture and storage of brick and tile.

404.03 Permitted Uses - MR-2

In the MR-2 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resources business on-site;
- E. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.03(H) and 404.03 (I);
- F. A dwelling and accessory structures for the caretaker or watchman in conjunction with the operation of a mineral resource business;
- G. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;

- H. Farm uses;
- I. Propagation and harvesting of a forest product; and
- J. Manufacture and storage of brick and tile.

404.04 Conditional Uses

In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;
- D. Any structure necessary and appurtenant to the above uses;
- E. Permanent concrete batching or hot-mix batching plants;
- F. The following additional use may be allowed conditionally in the MR-2 Districts.
 - 1. Portable concrete batching or portable hot-mix batching plants.
- G. Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review. [Added 5/28/97, Ord. 630]
- H. Commercial storage and distribution of explosives and related materials. [Added 6/14/01, Ord. 701]

404.05 Prohibited Uses

Uses of land and water not specifically mentioned in this section are prohibited in the MR District. In order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited; however, land divisions for purposes of conveyance of mineral resource operations shall be permitted.

404.06 Standards and Limitations

In the MR District, the following standards and limitations shall apply:

- A. The minimum parcel size for a permitted or conditional use shall be five (5) acres.
- B. The maximum building height of any residential structure shall be thirty-five (35) feet and the maximum height of all other structures shall be sixty (60) feet.
- C. The minimum setbacks for all yards of a residential dwelling in the MR District shall be thirty (30) feet.

404.07 Operating Standards

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- A. Operating setbacks.
 - 1. Extraction shall not be conducted within twenty-five (25) feet of any zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance. Processing activities shall not be conducted within five hundred (500) feet of any LDR., VLDR or AF-10 zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.
- B. Screening.

Adequate screening with indigenous planting shall be preserved or established to block the view at the site from any public road, residential zoning district and from any existing dwelling located within one thousand (1000) feet of the site prior to establishment of the MR District. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. This landscaping, fencing for safety purposes, berms or other similar devices shall be submitted as a site plan for Commission approval.

C. Environmental Standards.

1. All excavation, including blasting, processing, maintenance and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration or surface water pollution or erosion.
2. Any mining operation shall not exceed Department of Environmental Quality noise emission, air contamination and water quality standards. Additionally, appropriate federal environmental quality permits shall be obtained for each site.
3. Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito-breeding areas or shall be backfilled with a material that will not impair groundwater quality.

D. Roadways.

In the MR District for all mineral resource sites approved by the Board, all access to a mineral resource site shall be by a route or routes approved by the Board and shall be constructed and maintained in such a manner as to eliminate, as far as practical, noise or dust which adversely affects persons living in the vicinity, or crops or livestock being raised in the vicinity.

E. Site Operation and Safety.

All excavation, processing and stockpiling of mineral resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public.

1. Blasting shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Saturday. No blasting shall occur on Sundays or holidays. In the event the operator cannot comply with this restriction due to unforeseen circumstances, the operator may exceed the limitations set forth above; provided that in no event shall the owner or operator blast outside the restrictions set forth above more than four (4) times in and one (1) calendar year.
2. Prior to a blasting operation, the operator shall be responsible for notifying adjacent property owners as to the date and approximate time of the blasting activity.

F. Land Reclamation.

1. Any parcel or site used as a mineral resource site for which a reclamation plan is required by the Department of Geology and Mineral Industries (DOGAMI) shall be reclaimed in accordance with the site operation and reclamation plan on file with and approved by the County.
2. The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.
3. The approved reclamation plan shall require all excavations to be backfilled, contoured or terraced or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
4. The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the depth of the original overburden, or to a depth adequate to achieve the approved reclamation use.
5. The approved reclamation plan may, in the County's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

G. Performance Agreement.

Pursuant to the requirements of this section and any conditions imposed hereunder, the applicant shall enter into a performance agreement with the County, using the applicant's performance agreement with DOGAMI as a minimum standard. Should the Board find that the DOGAMI performance agreement for a specific site is inadequate, the Board shall modify it accordingly.

404.08 Application for Zone Change to MR District

In addition to the Type C Application procedure set forth in Section 1301, and subject to the amendment review criteria listed in Section 1207, application for an MR zone shall contain:

- A. The documentation, as applicable, required for any application for a site design review as set forth in Section 1101;
- B. Plans showing the location, area, dimensions, acreage and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.
- C. Provisions for landscaping and screen-planting of all parts of the site;
- D. Provisions for preventing the collection and stagnation of water at all stages of the operation;
- E. Plans, profiles and cross-sections of all access roads; and
- F. Plans for the reclamation of the site.

- G. All plans prepared and submitted shall be prepared at a scale no smaller than one (1) inch to two hundred (200) feet, with five (5) foot contours, and such information shall be furnished for a distance beyond the site sufficient to determine the impact of the operation on adjacent and surrounding lands.

404.09 MR Zone Change Criteria

Approval of a zone change to the MR District shall be based upon satisfactory compliance with the requirements set forth in subsection 404.08 and the amendment review criteria listed in Section 1207; and the following criteria:

- A. That a sufficient quality and quantity of mineral resource exists at the proposed site to fulfill a market need.
- B. That approval of the zone change will not cause immediate or long-term land use conflicts that cannot be satisfactorily mitigated. If conflicts are identified, findings shall be made concerning the economic, social, environmental and energy consequences of allowing the MR use; and a determination shall be made that the benefits to the public outweigh the detriments suffered as a result of said conflict.

404.10 Oil, Natural Gas and Geothermal Exploration and Extraction

The purpose of this subsection shall be to provide for the exploration and extraction of oil, natural gas and geothermal resources and to establish criteria to assure that such activities have a minimal impact on land use activities permitted under this Ordinance.

The term exploration includes both non-surface and surface disturbance activities, such as sonar sightings and test drilling, necessary to locate potential resource sites.

The term extraction includes any excavation made for producing oil, natural gas and/or geothermal resources and also includes activities and structures ancillary to the extraction operation including, but not limited to, pumping facilities, storage tanks, pipelines, waste ponds and equipment sheds.

A. Application Procedure - Exploration Permit.

1. An application for the exploration of oil, natural gas and/or geothermal resources shall be prepared on an approved form available from the Department of Planning and Development. The applicant shall provide all information required under this section and any additional information deemed necessary by the Director.
2. An application for the exploration of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the application for an exploration permit:
 - a. A surface plat of the property to be explored;
 - b. The approximate location of exploration points on the surface plat;
 - c. A description of the type of equipment to be used during the exploration process; and
 - d. Anticipated time frame for exploration.
4. For zoning districts in which exploration is allowed as a permitted use, the application shall be reviewed pursuant to the Type A application procedure set forth in Section 1301.
5. For zoning districts in which exploration is allowed as a conditional use, the application shall be reviewed pursuant to the Type B application procedure set forth in Section 1301 and the conditional use review criteria listed in Section 1202.
6. The application for an exploration permit shall be reviewed for compliance with the following criteria for approval:
 - a. The parcel lies within appropriate zoning districts;
 - b. The applicant has submitted all information required under this subsection;
 - c. DOGAMI has issued an exploration permit for the operation (not required for seismic exploration);
 - d. The applicant has posted a performance bond, if required by the Director or the Road Department; and
 - e. The applicant has demonstrated that the proposed location and method of exploration will have a minimal impact on adjacent land use activities.
7. If the applicant proposed to drill an exploration well, it shall be sited according to the set back standards outlined in subsection 404.10 (D)(1).
8. If the Director determines that the applicant has satisfied the criteria noted above, the Director shall issue a one hundred twenty (120) day exploration permit. The Director may establish conditions of approval deemed necessary to carry out the intent of this Ordinance.
9. At the discretion of the Director, the applicant may be required to file a performance bond to provide for the repair of any

County roads which may be damaged or diminished in quality due to exploration activities. The amount of the performance bond shall be determined by the Road Department.

10. Upon expiration of the exploration permit, all equipment and materials associated with the exploration operation shall be removed from the site and the site shall be reclaimed in accordance with DOGAMI standards. If the exploration is successful, the applicant may apply for an extraction permit.

B. Application Procedure - Extraction Permit

1. An application for the extraction of oil, natural gas and/or geothermal resources shall be processed as a conditional use permit pursuant to the type B application procedure set forth in Section 1301.
2. An application for the extraction of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the conditional use permit application:
 - a. An 8 1/2 x 14 inch reproducible site plan which identifies the property under the applicant's control. The site plan shall include:
 - i. The location of areas proposed for extraction, materials storage and transmission.
 - ii. The location of all existing and proposed structures within five hundred (500) feet of the extraction site.
 - iii. The location of all existing and proposed roads to the property and extraction site; and
 - iv. The location of all wells and springs within five hundred (500) feet of the proposed extraction site.
 - b. Evidence of application to the Department of Geology and Mineral Industries for a permit to site and operate an oil, natural gas and/or geothermal extraction facility.
 - c. A reclamation plan which complies with the minimum standards promulgated and administered by DOGAMI.
 - d. A generalized project development timetable.
 - e. A generalized geologic and engineering presentation with sufficient data to indicate the presence of a viable resource.

C. Review Criteria.

The approval of a conditional use permit allowing the extraction of oil, natural gas and/or geothermal resources shall be based upon compliance with the conditional use review criteria listed in Section 1202 and the following criteria that:

1. That evidence is presented to demonstrate the presence of oil, natural gas and/or geothermal resources of sufficient quantity and quality to justify the extraction;
2. That the applicant has filed for an extraction permit from DOGAMI and all test and waste discharge operations have been filed with the Department of Environmental Quality (DEQ).
3. That the site development plan is designed to retain the maximum amount of productive resource land;
4. That the site development plan is designed to prevent disruption of irrigation and natural drainage patterns;
5. That access roads and other public facilities are adequate to support the extraction activity; and
6. That the extraction activity will be compatible with adjacent land uses.

D. Operating Standards.

1. The following minimum standards shall be observed in the siting of all exploration and extraction wells:

Outer boundary of parcel	100 feet
Surface waterway or well	250 feet
Public road	100 feet
Existing residence	500 feet

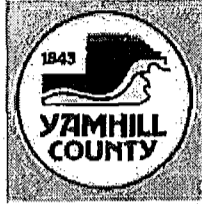
2. All equipment storage shall be set back a minimum of two hundred (200) feet from any existing dwelling or fifty (50) feet from any other boundary of the parcel.

All work in preparation of the site for drilling shall be conducted between the hours of 7 a.m. and 7 p.m.

3. Delivery or removal of equipment or materials shall be limited to the hours between 7 a.m. and 7 p.m., except in a case of emergency.
4. Unattended well sites shall be enclosed with a six (6) foot chain link fence with a locked gate.
5. All extraction operations shall be in compliance with state and federal standards on noise, vibrations and emissions.
6. Off-street parking shall be provided at a ratio of three (3) spaces per well site.

7. Light rays shall be directed or shielded to confine direct rays to the site.
8. The drilling site and access roads to the site shall be treated to reduce dust and mud.
9. Drilling may occur on a twenty four (24) hour basis if all of the above standards have been met.

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Zoning Ordinance

Section 801.00 - Public Assembly Institutional District (PAI)

[Last amended 07/09/98, Ord. 648]

801.01 Purpose

The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly uses and institutional facilities to serve both local and regional needs. When sited adjacent to urban development, PAI uses shall be compatible and coordinated with city comprehensive plans. The PAI District shall be subject to the site design review provisions of this ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

801.02 Permitted Uses

In the PAI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 801.07 and pursuant to Section 1101 for site design review:

- A. Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational, or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, schools, kindergartens, play-schools, day nurseries and day-care schools;
- B. Clinic;
- C. Club or lodge;
- D. Convalescent or nursing home;
- E. Cemetery;
- F. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling;
[Amended 7/9/98, Ord. 648]
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system;
- K. Signs, pursuant to the sign provisions set forth in Section 1006;
- L. Farm uses, subject to the limitations in subsection 801.07(J); and [Amended 7/9/98, Ord. 648]
- M. Propagation and harvesting of a forest product. [Amended 7/9/98, Ord. 648]

801.03 Conditional Uses

In the PAI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review

and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use; and
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10.

801.04 Similar Uses

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 801.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

801.05 Prohibited Uses

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the PAI District

801.06 Nonconforming Uses

Nonconforming uses found in the PAI District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

801.07 Standards and Limitations

In the PAI District, the following standards and limitations shall apply:

A. Dwelling Density.

- 1. Permitted Uses. Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.
- 2. Conditional Uses. The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

- 1. Minimum Parcel Size. The minimum parcel size for any use shall be one (1) acre, plus 10,000 square feet for each dwelling.
- 2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

- 1. The minimum setback shall be five (5) feet for all yards for signs.
- 2. No structure housing livestock shall be located within a distance of fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
- 3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- 4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
- 5. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 801.07 (F). [Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas. A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of

the following: county roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner is measured along the parcel lines adjacent to the intersection rights-of way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

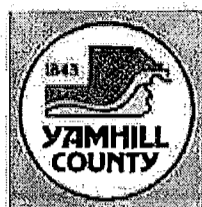
Off-street parking and loading requirements for any use in the PAI District shall be as provided in Section 1007.

I. Livestock.

The keeping of livestock may be allowed pursuant to subsection 801.03 and subject to the following restrictions:

1. On any parcel of one-half (½) acre or less the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted.
2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (½) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

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Zoning Ordinance

Section 802.00 - Public Works/Safety District (PWS)

[Last amended 07/09/98, Ord. 648]

802.01 Purpose

The purpose of the PWS District is to accommodate the present foreseeable demand for public works and safety facilities and utility facilities and uses to serve local needs and to serve regional needs, when appropriate. When sited adjacent to urban development, PWS uses shall be compatible and coordinated with city comprehensive plans. The PWS District shall be subject to the site design review provisions of this ordinance regarding the review, approval, programming, installation and maintenance of all improvements.

802.02 Permitted Uses.

In the PWS District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 802.06, and pursuant to Section 1101 for site design review:

- A. Utility facility, substation, transformer, gate station, pumping or lift station; telephone, telegraph, radio, microwave, or television transmitter facilities of any kind, any storage facilities in conjunction with any of the above;
- B. Municipal water supply, treatment, storage, transmission and distribution facility;
- C. Municipal sewage collection, treatment and disposal system;
- D. Sanitary landfill;
- E. Public works yards, shops, bus barns, equipment and materials storage yards, and similar uses;
- F. Fire stations;
- G. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling;
[Amended 7/9/98, Ord. 648]
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.

802.03 Conditional Uses.

In the PWS District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review. [Updated 5/28/97, Ord. 630]

802.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the PWS District.

802.05 Nonconforming Uses.

Nonconforming uses found in the PWS District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

802.06 Standards and Limitations.

In the PWS District, the following standards and limitations shall apply:

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size shall be 20,000 square feet, plus 20,000 square feet for any dwelling.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be twenty (20) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.

2. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 802.07(F). (Amended 7/9/98, Ord. 648)

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner is measured along the parcel lines adjacent to the intersection rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be sixty (60) feet; and

3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

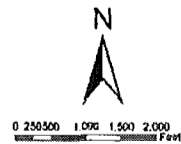
Off-street parking and loading requirements for any use in the PWS District shall be as provided in Section 1007.

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EXHIBIT A
ZONING PLAN FOR YAMHILL COUNTY
SCHRAGE LAND USE DISTRICT AMENDMENT
MAY 2010

Legend					
AF-201 Yamhill County Boundary	BUREAU OF LAND MANAGEMENT BLM	FORESTRY OF 20	LOW DENSITY RESIDENTIAL LDR-201	MEDIA/100000 COMMERCIAL PWS	RESOURCES RESIDENTIAL PWS
AGRICULTURE FOREST (AF-20)	CITY	HIGHWAY TOWN BY COMMERCIAL PWS	LOW DENSITY RESIDENTIAL DISTRICT 20	PUBLIC ASSEMBLY INSTITUTIONAL PWS	VERY LOW DENSITY RESIDENTIAL PALD 10
AGRICULTURE FOREST (AF-21)	EXCLUSIVE FARM USE OF 20	HEAVY INDUSTRIAL PWS	LOW DENSITY RESIDENTIAL LDR-1020	PUBLIC AREA/LANDHO PWS	VERY LOW DENSITY RESIDENTIAL PALD 20
AGRICULTURE FOREST (AF-40)	EXCLUSIVE FARM USE OF 40	MINERAL RESOURCES PWS	MINERAL RESOURCES PWS	PARKS AND RECREATION OFFICE PWS	VERY LOW DENSITY RESIDENTIAL PALD 30
AGRICULTURE FOREST (AF-42)	EXCLUSIVE FARM USE OF 42	MINERAL RESOURCES PWS	MINERAL RESOURCES PWS	PUBLIC HEALTH SAFETY PWS	VERY LOW DENSITY RESIDENTIAL PALD 40

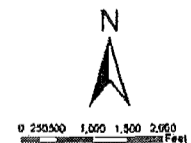


Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law



EXHIBIT B
ZONING PLAN FOR YAMHILL COUNTY
SCHRAGE LAND USE DISTRICT AMENDMENT
MAY 2010

Legend					



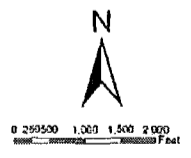
Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law



EXHIBIT C
ZONING PLAN FOR YAMHILL COUNTY
SCHRAGE LAND USE DISTRICT AMENDMENT
MAY 2010

Legend

Yamhill County Boundary	BRUSHY/LOW MAINTENANCE BRM	POBERRY P-30	LOW DENSITY RESIDENTIAL (LDR-1000)	INDUSTRY/COMMERCIAL (IC)	RESOURCE INDUSTRIAL (RI)
AGRICULTURE FOREST (AF-10)	CITY	NON-WAY TOWN BY COMMERCIAL (NWC)	LOW DENSITY INDUSTRIAL OUTLET (LDI)	PUBLIC ASSEMBLY/RECREATIONAL (PAR)	VERY LOW DENSITY RESIDENTIAL (VLDR-1)
AGRICULTURE FOREST (AF-20)	EXCLUSIVE FARM USE (EF-20)	HEAVY AGRICULTURAL (HA)	MEDIUM DENSITY RESIDENTIAL (MDR-2000)	PUBLIC AREA/OPEN FIELD (PAF)	VERY LOW DENSITY RESIDENTIAL (VLDR-2.5)
AGRICULTURE FOREST (AF-40)	EXCLUSIVE FARM USE (EF-40)	LOW DENSITY RESIDENTIAL (LDR-1000)	MEDIUM DENSITY RESIDENTIAL (MDR-1000)	TRAILS AND RECREATION OPEN SPACE (PRO)	VERY LOW DENSITY RESIDENTIAL (VLDR-5)
AGRICULTURE FOREST (AF-80)	EXCLUSIVE FARM USE (EF-80)	LOW DENSITY RESIDENTIAL (LDR-2000)	MULTI-RESOURCES (MR-2)	PUBLIC UTILITIES (PU)	



Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law

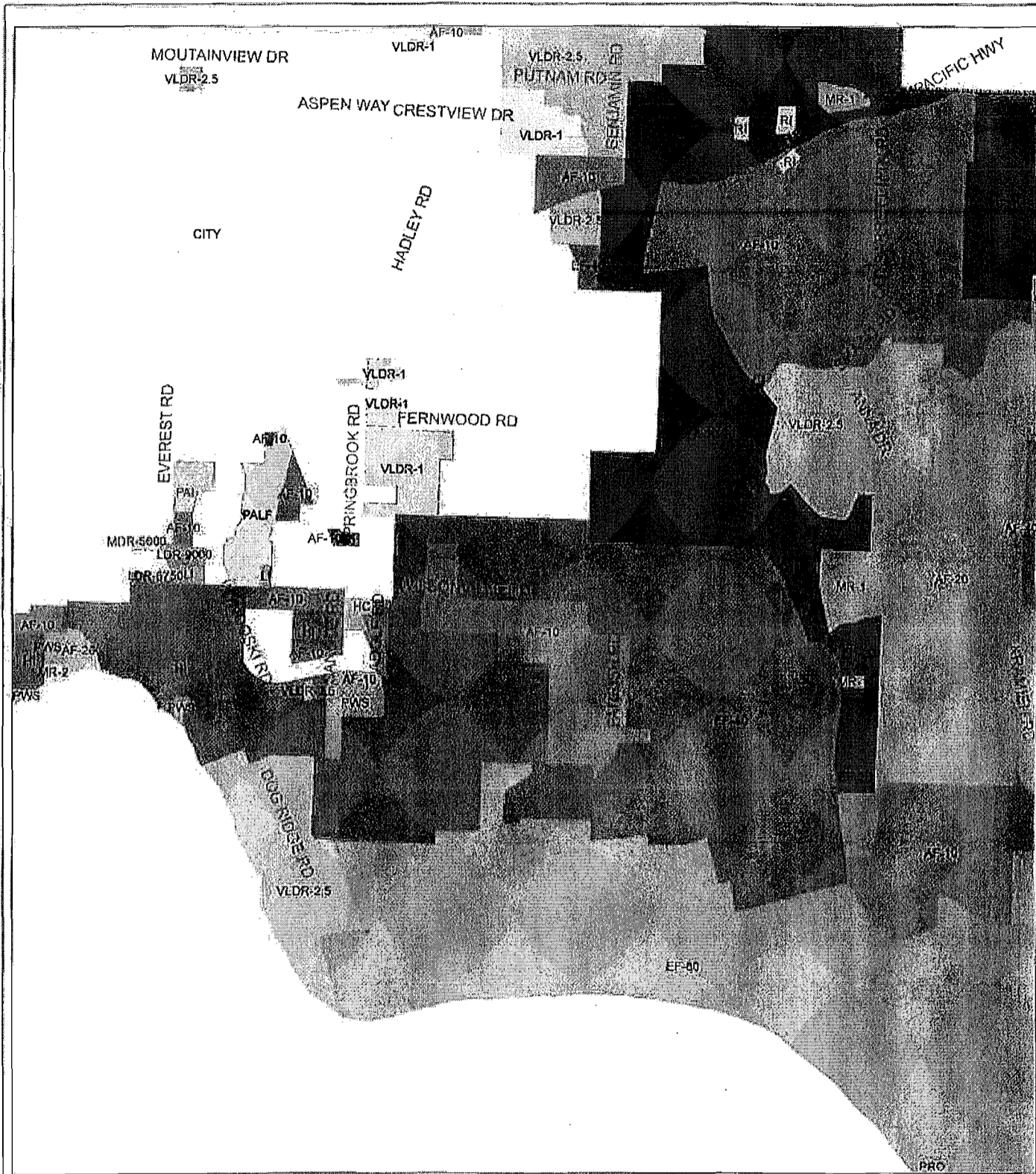
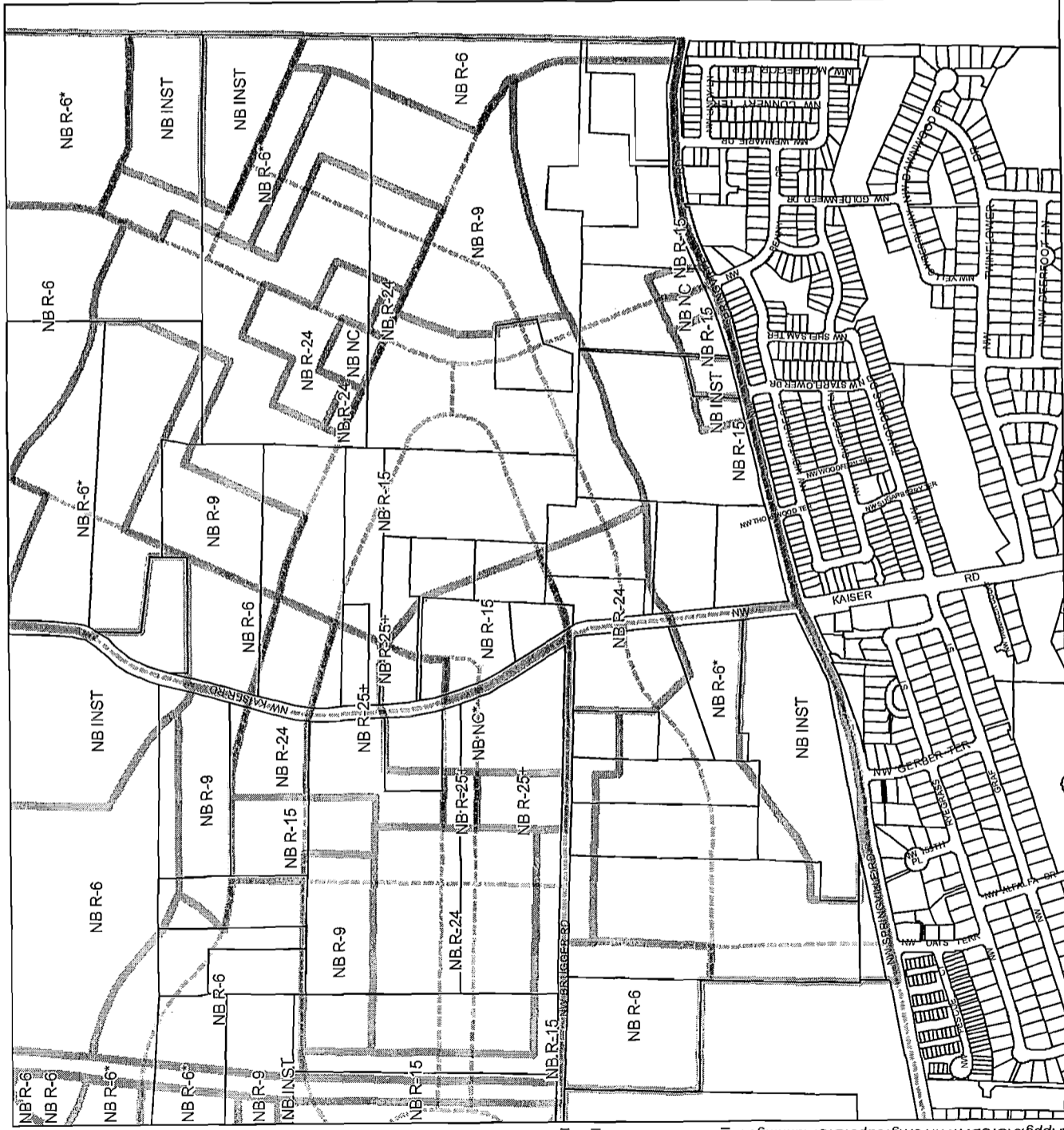


EXHIBIT D
ZONING PLAN FOR YAMHILL COUNTY
SCHRAGE LAND USE DISTRICT AMENDMENT
MAY 2010

Legend					



Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law



Amend the 'Local Street Connectivity Lands' map for the North Bethany Subarea Plan as indicated.

- R-6 NB North Bethany Residential 6 units per acre
- R-6* NB North Bethany Residential 6 units per acre Eligible for Cluster Housing Type
- R-9 NB North Bethany Residential 9 units per acre
- R-15 NB North Bethany Residential 15 units per acre
- R-24 NB North Bethany Residential 24 units per acre
- R-25+ NB North Bethany Residential +25 units per acre
- NC NB North Bethany Neighborhood Commercial
- NC* NB North Bethany Neighborhood Commercial - Mixed Use
- INST NB North Bethany Institutional
- Primary Streets



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

May 28, 2010

John T. Bridges
Brown, Tarlow, Bridges, Palmer & Stone PC
515 E. First Street
Newberg, OR 97132

RE: 27500 SW Garland Road

John,

I have reviewed all core area projects for 2007, 2008, and 2009 in response to the county's recent request for additional information. The core area is defined by the locations of the majority (almost 70% of jobs) of our projects, and includes those portions of Yamhill, Marion and Washington counties west of Rex hill. This data was extensive, as you might imagine, and revealed the following information.

We were asked what percentage of these jobs supported resource activities (agricultural and forestry businesses). We have previously stated that 100% of the aggregate we buy comes from quarries located outside of city limits. As a result, our purchasing supports rural mineral extraction jobs. We also looked at who we did the jobs for, and whether the work supported the resource activities.

Eighty percent of our 15 largest customers by sales are businesses or individuals having a direct correlation to the use, processing, or harvesting of rural natural resources and agricultural resources. 66.3% of all aggregate materials processed and installed were performed for clients directly engaged in the farming and forestry industries. This same work generated 61% of total revenues.

Completion of this work generally involved the following tasks:

- Repair and resurfacing of rural county roads.
- Construction and repair of private logging and farm access roads.
- Construction and repair of paved lumber mill surfaces and log scaling/sorting yards.
- Construction and repair of paved vineyard/ winery processing and tasting room surfaces.
- Construction of parking, staging, and sales areas for agriculture and forestry equipment and building manufacturers.

Although asphalt is often associated with urban environments, our customer data suggests we spend the majority of our time meeting the needs of the agriculture and forestry community in rural Marion, Washington, and Yamhill County. Over 62% of all employee hours were spent on projects supporting these and other natural resource industries. The following projects are actual contracts completed and ongoing, and should provide a sense of the type of work Signature Paving typically performs:

- **Boise Cascade Lumber Products.** We maintain an annual revolving contract to construct and repair asphalt surfaces at various mill sites. This work usually involves removal and replacement of asphalt failures resulting from the use of high point load equipment in and around the mill.
- **Oregon Vineyard Supply (OVS).** SPS, Inc. has completed several new construction projects related to parking and farm/vineyard equipment sales. Maintenance and repair services are also provided as needed.
- **Lebold Road, Yamhill County.** SPS, Inc. provided grading, drainage improvement, and asphalt surfacing services for this rural, county maintained roadway.
- **Stoller Vineyards.** One of many vineyards on our client list, SPS, Inc. has surfaced all or part of every parking lot, staging and processing area, and vineyard access road on the property. Grading and drainage improvements on non-surfaced areas throughout the vineyard have also been performed.
- **Wolfe private forest properties.** SPS, Inc. recently improved and surfaced an access road to facilitate lumber harvesting for several privately held parcels in rural Yamhill County. This required installation of a special base rock section as well as an increased thickness of asphalt to support the log trucks.

This is a small sampling of contracts that show Signature Paving is meeting the needs of our rural resource clients for asphalt and aggregate installation services. Even in the current economic climate, we consider this overall rural customer segment as "stable and likely to increase". This is based on a number of considerations, including the current success of the Oregon wine industry, and the fact that over 66% of these contracts are repeat customers.

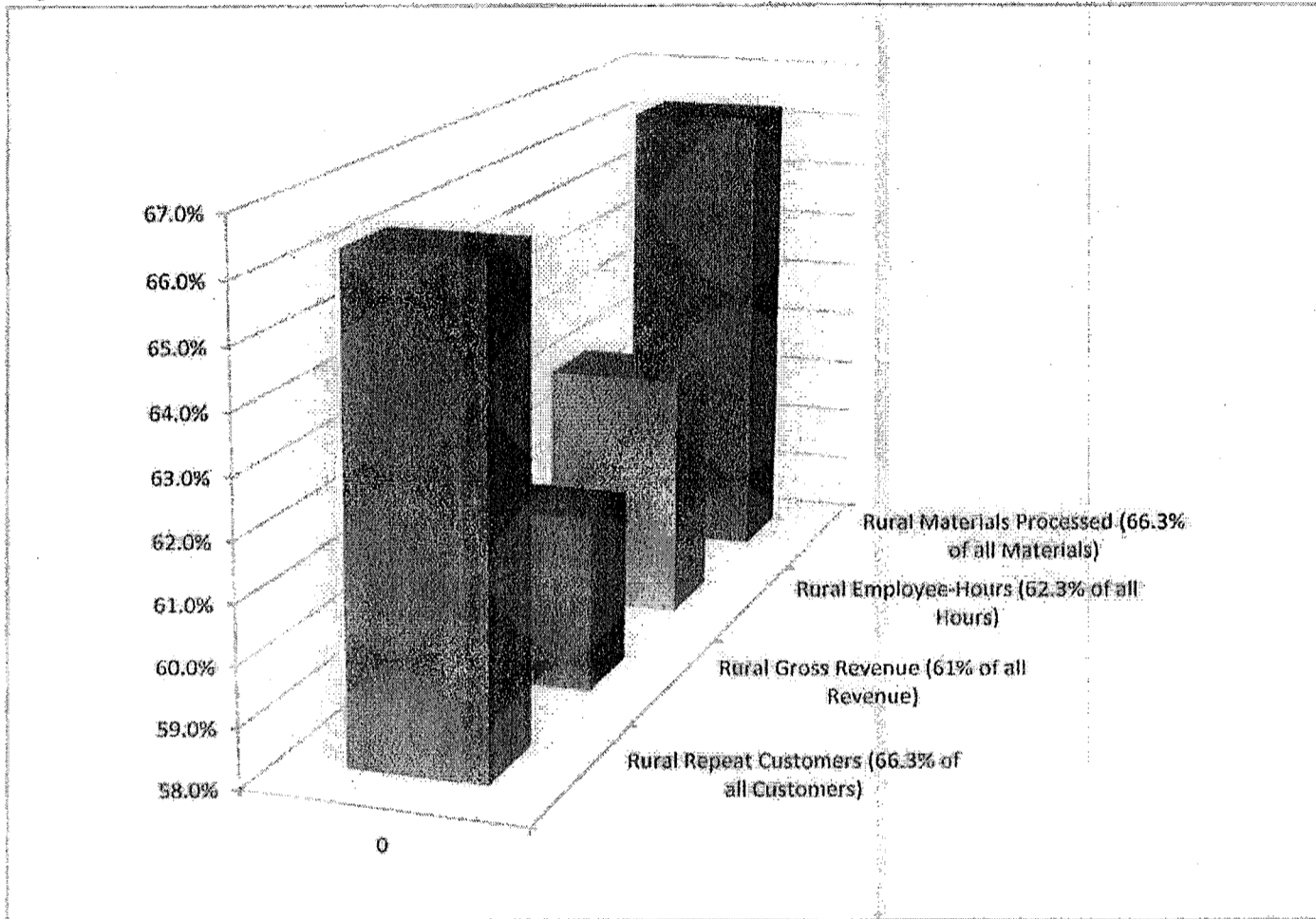
This repeat business can be attributed to a number of factors, not the least of which is our understanding of the rural customer. The majority of farmers, foresters, vintners, and ranchers want to hire local contractors with good ties to the community, and they appreciate the small businessman who is in the field everyday while his spouse handles payroll and billing from the home office. This describes Signature Paving, and the Garland Road property is an appropriate extension of the business.

Warmest Regards,



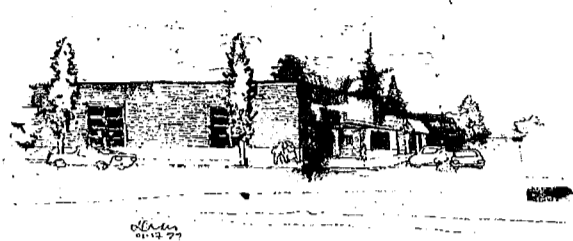
Mike Schrage, Principal
Signature Paving Services, Inc.

Figure 1.



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May 10, 2010

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124-3072

RE: *Mike and Brenda Schrage Property - 27500 SW Garland Road*

Dear Ms. Willits:

You have requested some additional information to address Criteria II, alternative sites. You had asked for additional information about our client's business, why this site works, and why others do not. Enclosed with this letter is a letter dated May 5, 2010 from Signature Paving Service, Inc. It explains the nature of the business, the search for a new location, and demonstrates that a Sherwood location would have a significant negative economic impact on the business. To further the analysis of the economic and environmental impact is a second letter dated May 10, 2010.

As you can tell by Mr. Schrage's letter, the majority of the company's work is done immediately in and around the Newberg area. Almost 70% of the work is done west of Rex Hill (Rex Hill is the large hill on 99W just east of Newberg). As a result, the natural area for locating this business would be in or around the Newberg area. Within the Newberg city limits, the use that the Applicant needs to operate his business can be located in the M1 or M2 zone as a conditional use, assuming he screens stock piling of materials, such as rock.

The Applicant needs a site that is a minimum of two acres in size. The breakdown of the Applicant's space needs currently are as follows:

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
May 10, 2010
Page 2

<u>Square Feet Need</u>	<u>Use</u>
3,000	Shop
10,000	Truck/Equipment Parking
1,200	Service Vehicle Parking
550	Employee Parking
1,100	Small Equipment Parking
1,700	Small Trailer Parking
2,500	Rock Stockpiling
750	Office

TOTAL: 20,800

We have taken the minimum current needs of 20,800 sq feet and doubled that to result in just under 42,000 square feet needed currently. The doubling is based upon needing to have appropriate flow of traffic, set-backs, and the need to respect the concerns of neighbors regarding noise and other items like dust. This means the minimum immediate need is one acre.

As indicated in Mr. Schrage's letter, he is moving from his current site as it only contains 14,000 square feet. Although it has significant buffers, because it is a 20 plus acre site, there is no additional flat area for expansion. Mr. Schrage has operated his business from this particular site since 1999. That area was sufficient in size for him ten years ago and is insufficient now. Likewise Mr. Schrage anticipates that in the coming ten years, he will have expansion needs. As a result, doubling the size of the current need is a reasonable assessment of what he should plan for in the future, at a minimum.

We first evaluated Newberg as a potential location. Enclosed is a copy of the Newberg city zoning map (Exhibit A). As you look at the zoning map, at the outset it appears that there is significant amounts of M1 and M2 property. However, this is misleading. On the eastern portion of the city, there is a long north/south strip that is zoned M1/SP. This site is actually developed as a golf course and a portion of it is set aside as a bypass corridor. The portion that is undeveloped, and set aside as a bypass corridor, is subject to a restriction on development for the next three years. Even after the restriction expires, it will not be developed in a fashion other than for a planned bypass based on the community politics.

Moving west, the next M1 parcel is a fully developed SunTron Manufacturing plant. South of this area there is a portion of M1 and M2 property, along Hwy 219. These parcels are all fully developed, built out and are being utilized as industrial property. There are no two acre parcels available anywhere within these areas. Moving north of the railroad right-of-way in the northern part of Newberg, there is some M1 and M2 property. All of this property is owned by the Austin Family, who are the owners and operators of Adec. Adec is the country's largest manufacture of

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
May 10, 2010
Page 3

dental equipment and have their main United States manufacturing on this site. Historically, they have indicated no interest in selling any of the parcel, reserving it for future expansion of Adec and/or other business opportunities. Moving west along the railroad, you will note some additional M2 parcels. All of these parcels are built out and operating with industrial uses. There are no two acre parcels available in this area.

It is not surprising, based on the lack of industrial property available, that the City of Newberg is engaged in a one hundred and thirty six acre urban growth boundary expansion, one hundred and twenty five of which would be designated as industrial land. They are also re-designating seven acres of current property in the UGB to industrial land. A copy of the City of Newberg's Newsletter identifying this proposed expansion is enclosed as Exhibit B. To double check our analysis of the unavailability of sites, we searched the State of Oregon Commercial Building and Land Site Selector providing an entry of Newberg, seeking parcels of two acres either in the vacant land category and/or the industrial building category, with a minimum lot size of two acres and a maximum lot size of twenty five acres (please note that anything bigger than five acres would be too much), and both inquiries resulted in a search result that indicated no properties were found (it is unclear to me why the return on the search does not indicate what your search was seeking, but I have placed the information in the field that was searched and the response together in Exhibits C and D).

The City of Dundee was also evaluated as a potential site for location of this business because it is just two miles from Newberg. Dundee has a light industrial zone, as shown in the attachment, Exhibit E. The light industrial zone does allow for the type of use that the Applicant needs. Exhibit F contains a zoning map for the City of Dundee, (Please note that it is in two separate pages). There are only a few light industrially zoned parcels, none of which meet the minimum necessary size of two acres. It should also be noted that all of them are occupied and fully utilized. To confirm this, we once again ran a search of all industrial buildings and/or vacant land that is available for lease or sale on Oregon Prospector.com (the website mentioned above which is a tool the government has provided to spur job growth) and the result was no available property within the City of Dundee of two acres to twenty five acres (See Exhibits G and H).

It is our position when engaging in an alternatives analysis both for economic and environmental reasons, your analysis should be focused on the service area of the business. In this application, more than fifty percent of the service provided by the Applicant is provided in and around the Newberg area. Almost seventy percent of the business is west of Rex Hill. As a result we believe that the only reasonable alternatives analysis would be within five miles centered on the center of Newberg. Within that area, there are two urban jurisdictions, Newberg and Dundee. Neither Newberg nor Dundee has property available for the use that the Applicant seeks.

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
May 10, 2010
Page 4

We have also evaluated property in the rural areas of Yamhill County and Washington County (See Page 10 of the Application and Exhibits 5 and 6). The Garland Road site is approximately four miles from the center of Newberg. We have searched the area from the site all the way to Newberg and south of Newberg. The application contains that search and Exhibit 6 shows that there were only a couple of sites that could have allowed the use, but they are insufficient for the Applicant's needs. We additionally searched approximately two to two and a half miles into Washington County, which would be six to six and a half miles from the Applicant's major service area and did not find any vacant properties that were appropriately zoned. That information is also contained in the application and shown graphically in Exhibit 5.

The Applicant's team met on at least three occasions with Washington County Planners. On each of the occasions, the alternatives analysis was discussed. Specifically, there was a discussion about what the reasonable scope of that analysis should be. The Planners instructed the Applicant to study the southern half of Sherwood's city limits. We do not believe that it is reasonable to study any of Sherwood because it is approximately eleven miles from the main service area. That is almost three times as far as the proposed site. You will also note from a review of the Applicant's May 10, 2010, letter, that all of his employees live in and around the Newberg area, and that locating in the Sherwood area would require all of the employees to drive to Sherwood, start up all of the heavy equipment and then drive it back to the Newberg area for almost seventy percent of their jobs. This would cause significant economic costs as well as environmental costs that is completely unnecessary. One economic cost that will be immeasurable is the loss of a key employee. One employee would seek other employment if the business was forced to locate in Sherwood.

Notwithstanding disagreeing with the Planners requested alternatives analysis, we did the analysis of the south half of Sherwood. It resulted in three potential properties in the southern part of Sherwood, two of which are fully utilized, and as you will note below, the third of which is outside the city limits and will not be capable of being utilized in the near future. Now, a week and a half before the hearing, and only two business days before producing the Staff Report, the County Staff requests that we review the whole of Sherwood for our alternatives analysis. We believe that is unreasonable and not required under the policy.

In our application we indicated the Tonquin property (Site 3) was in the Sherwood city limits. We have more carefully examined the property noted on Exhibit 7 and identified as "Site 3" Tonquin Employment Area. We wish to correct an error in our Application. We stated Site 3 was "zoned" for Light Industrial but it is "planned" for Light Industrial and currently zoned Future Development District (FD-20). In addition, we wish to clarify that the seven tax lots within this Site 3 study area are not within the Sherwood City Limits as we had noted on Exhibit 7. We have revised Exhibit 7, which is attached.

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
May 10, 2010
Page 5

Site 3 which is “planned” for Light Industrial is a part of Area 48, the subject of a Concept Planning program currently underway by the City of Sherwood. The north/northwest part of Area 48 is within the city limits and the south/southeast part is in unincorporated Washington County. The area we identified as Site 3 is approximately 48.5 acres of the 300 acre Tonquin Employment planning area.

We have learned that this planning program has been underway for approximately one and a half years and a final draft plan is being readied for review by the City Planning Commission. We understand from Heather Austin, City Planner, that the Tonquin Employment Area Concept Plan is expected to be presented to the Commission in late July. After the review by the Planning Commission, the Concept Plan will be forwarded to the City Council for adoption in the Fall 2010.

The Sherwood City Council has not decided whether the City will initiate annexation of the planning area outside the City limits or rely on individual property owners to annex their properties as they identify the need for City services. Under either circumstance, the earliest election when an annexation petition could be considered by the voters in Washington County is May 2011.

The proposed plan contains three alternatives. In all three alternatives, the transportation and utilities for the area identified on Exhibit 7 as Site 3 are to come from the north. Normal development patterns would suggest that development of parcels would start up by the Tualatin Sherwood Road. The utilities and transportation are available there. It would be reasonable to assume that with normal development patterns, the utilities and roads would not be extended to Site 3 for years, if not more than a decade.

A reasonable alternatives search should not include the City of Sherwood. We capitulated in searching the southern 50% of Sherwood’s city limits (as originally requested). Mr. Schrage’s letter shows that a location anywhere in Sherwood will interfere economically with the business (loss of a key employee, and added fuel and tax costs). This industry is very tight on their margins. Locating in Sherwood would place an unreasonable economic strain on the business because of the labor and fuel charges required to travel back to Newberg and beyond for two-thirds of their work. There is also a large environmental cost of having all of the employees drive from the Yamhill County area to Sherwood, only to turn around and drive the heavy equipment back to the Newberg area seventy percent of the time. Even if that economic or environmental cost were not there, we have determined that there are no industrial sites within the southern 50% of the Sherwood city limits study area that will meet the requirements of the applicant. We have reached this conclusion because:

Sites 1 and 2 are fully developed;

The tax lots in Study Area 3 are not within the Sherwood City Limits;

Aisha Willits
Washington County Department of Land Use
Long Range Planning Division
May 10, 2010
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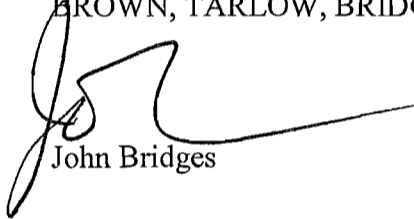
Were the area to be annexed in May 2011, completing the design, funding and construction of the infrastructure could take three to five years or even up to ten years;

Current economic conditions and credit conditions suggest developers are reluctant to undertake a project of the scope of the Tonquin area.

The Applicant's needs are immediate and the proposed site is the only one that reasonably meets his needs. We have evaluated the two logical urban areas (Newberg and Dundee) and they have no sites available. We have also evaluated the rural areas and find no available parcels. It is not reasonable to study Sherwood because it would triple the economic and environmental cost of the business. Notwithstanding that we studied the southern half of Sherwood and found no available sites.

Very truly yours,

BROWN, TARLOW, BRIDGES, PALMER & STONE, PC

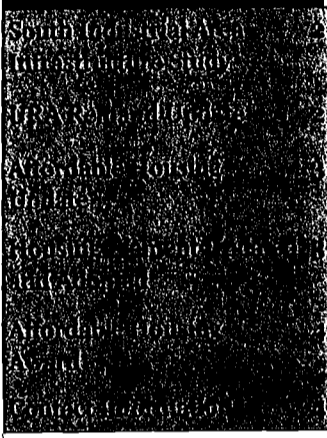


John Bridges

JTB:kdv
Enclosures

News of Newberg's Future

INSIDE THIS ISSUE:



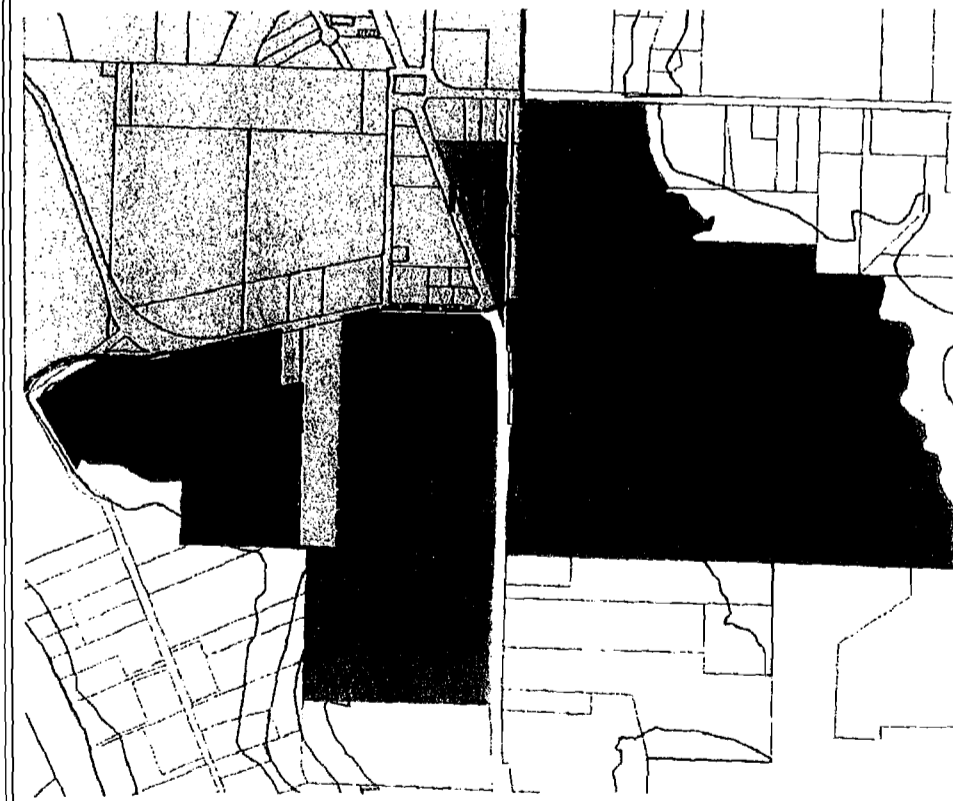
Industrial Urban Growth Boundary Expansion Proposed

Newberg is proposing an Urban Growth Boundary (UGB) amendment to include industrial land. According to the recently adopted Economic Opportunities Analysis, Newberg has a shortage of 127 acres of industrial land to meet our employment needs over the next 20 years. In addition, Newberg needs approximately 10 acres of industrial type public and quasi-public land for things such as a new water treatment plant and expansion of the existing garbage transfer station.

Proposal: The UGB proposal is to bring in approximately 136 buildable acres (260 total acres). 125 acres would be designated Industrial (IND) and approximately 11 acres would be Public/Quasi Public (PQ). In addition, 7 acres of land already in the UGB would be redesignated IND.

Where: The UGB amendment would bring in land south of Wynooski Rd and Wilsonville Rd, on either side of Highway 219 (see map below).

When: The Newberg Urban Area Management Commission will hold a hearing to consider the proposed South Industrial UGB Amendment on Tuesday, June 1, 2010 at 7 pm in the Newberg Public Safety Building, 401 E Third St.



Please send any written comments to:

Written Comments
File #UGB-09-001
Attn: Jessica Nunley
PO Box 970
Newberg, OR 97132

Note: written comments must be turned in by 5 pm on May 25, 2010 to be considered by the Commission.

You may find more information about the Industrial UGB Amendment on our website at:
<http://www.newbergoregon.gov/planning/south-industrial-ugb-amendment>

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Oregon is in a five-way tie for the lowest effective business state and local tax rate in the country.

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Oregon has reliable providers with tailored energy management programs, cash incentives and renewable power options.

Low workers' compensation rates
Cumulative cuts in insurance premiums since 1990 total 57.5%; saving employers more than \$10 billion.

City: Newberg

County: All

- Type:
- All Property Types
 - Office Building
 - Industrial Building
 - Refrigerated Space
 - Warehouse Building
 - Vacant Land (Industrial)**
 - Call Center/Customer Support

Units: Acres

Minimum Size: 2

Maximum Size: 25

- properties for lease
- properties for sale
- only certified properties

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Instructions

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 Select a city or county (optional).
 Select the type of property you want.
 Select Square Feet (for buildings) or Acres (for land).
 Type in a number for the minimum or maximum size property you want.
 Select if you want a property that is for lease.
 Select if you want a property that is for sale.
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 Click on the Search Properties button.



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Property Type:
(hold CTRL to select multiple)

All Property Types

- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land
- Call Center/Customer Support

Minimum Size:

Maximum Size:

Units:

Acres

- Properties for Sale
- Properties for Lease
- only certified properties

City:

All

County:

All

Address/Street Name (Optional):

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County:

Baker County

Report:

Demographics Report

- Consumer Expenditures
- Business and Workforce

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City Profiles

City:

Adair Village city

Report:

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Ted Werth
 State of Oregon
admin@oeda.biz
 503-986-0156

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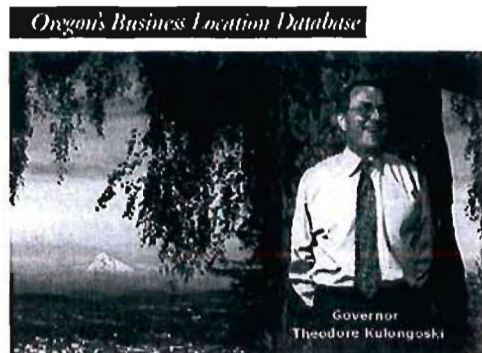
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Oregon is in a five-way tie for the lowest effective business state and local tax rate in the country.

Abundant and low-cost energy
Oregon has reliable providers with tailored energy management programs, cash incentives and renewable power options.

Low workers' compensation rates
Cumulative cuts in insurance premiums since 1990 total 57.5%; saving employers more than \$10 billion.

City: **Newberg**

County: All

Type:
 All Property Types
 Office Building
Industrial Building
 Refrigerated Space
 Warehouse Building
 Vacant Land (Industrial)
 Call Center/Customer Support

Units: Acres

Minimum Size: **2**

Maximum Size: **25**

properties for lease
 properties for sale
 only certified properties

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Property Type:
(hold CTRL to select multiple)

- All Property Types**
- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land
- Call Center/Customer Support

Minimum Size:

Maximum Size:

Units:

Acres

- Properties for Sale
- Properties for Lease
- only certified properties

City:

All

County:

All

Address/Street Name (Optional):

Search Properties

County Profiles

County:

Baker County

Report:

- Demographics Report**
- Consumer Expenditures
- Business and Workforce

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City Profiles

City:

Adair Village city

Report:

- Demographics Report**
- Consumer Expenditures
- Business and Workforce

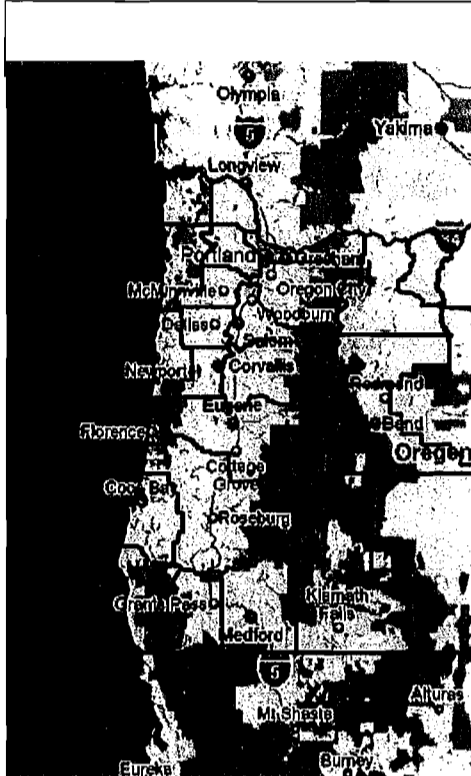
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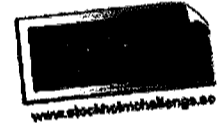


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EXHIBIT D
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2.109 LIGHT INDUSTRIAL ZONE (LI)

2.109.01 Purpose

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

2.109.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial Zone:

- A. Dwelling for a caretaker or watchman.
- B. Public utility and public service installations, including repair and storage facilities
- C. Commercial activities:
 - 1. Lumber yard, building material supply
 - 2. Special trade contractor facilities for plumbing, roofing, sheet metal, electrical, heating and air-conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. Permitted activities include the establishment of an office, storage of equipment and materials, and fabrication and repair
 - 3. Automotive repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities; subject to the development provisions in Section 2.308
 - 4. Repair and maintenance activities for other vehicles, such as motorcycles, aircraft, boats, recreational vehicles, and trucks; subject to the development provisions in Section 2.308
 - 5. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service; subject to the development provisions in Section 2.308
 - 6. Welding and blacksmith shop

7. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses

D. Industrial uses:

1. Beverage bottling facility, including warehousing and distribution
2. Feed and seed facilities, including grain elevators and storage
3. Finished textile and leather products manufacture
4. Dairy products manufacturing, such as butter, milk cheese, and ice cream
5. Manufacture of wood products, including sawmills, paper and allied products, and secondary wood products
6. Machine shop, and sales, service and repair of machinery
7. Manufacture of metal products
8. Cement, glass, clay and stone products manufacturing
9. Food processing, including canning, freezing, drying and similar food processing and preserving

E. Uses clearly accessory and subordinate to the above

F. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

G. Temporary Uses subject to provisions in Section 2.310.

H. Wireless communication facilities, subject to provisions in Section 2.311.

2.109.03 Conditional Uses

The following uses may be permitted in the LI zone when authorized by the Planning Commission pursuant to Section 3.103.

- A. Bulk storage of flammable liquids or gases. Petroleum products, storage and distribution, including wood fuel dealers.
- B. Outdoor storage of materials of an industrial character
- C. Concrete or asphalt batch plants
- D. Chemical, fertilizer, insecticide, paint product manufacturing 2.1-32
- E. Auction yard
- F. Airport, and heliport facilities
- G. Wrecking, demolition, junk yards, including recycling firms
- H. Metal Plating

2.109.04 Prohibited Uses

- A. Rendering plants

2.109.05 Limitation of Use

The following special development limitations shall apply:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence.
- B. Fence Requirements
 - 1. The fence shall obstruct the storage from view on the sides of the property abutting or facing these zones.
 - 2. The fence shall be of such material and design and must be maintained so as not to detract from the adjacent residences or commercial activities.
 - 3. The fence shall be free of advertising.
- C. Outside storage in a required yard shall not exceed 10 feet in height.

2.109.06 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Light Industrial (LI) District.

- A. Minimum Lot Size: 5,000 square feet
- B. Setback Requirements:
 - 1. Front yard None
 - 2. Side yard
 - Adjoining other than a residential zone None
 - Adjoining a residential zone 20 feet
 - 3. Rear yard
 - Adjoining other than a residential zone None
 - Adjoining a residential zone 20 feet
- C. Maximum Building Height: 45 feet

2.109.07 Development Standards

All development in the Light Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the Light Industrial District shall conform to the standards of Section 2.203.
- B. Signs. Signs in the Light Industrial District shall conform to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development or expansion of existing structure or use in the Light Industrial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Light Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Access. Site access points shall be located to minimize traffic hazards.

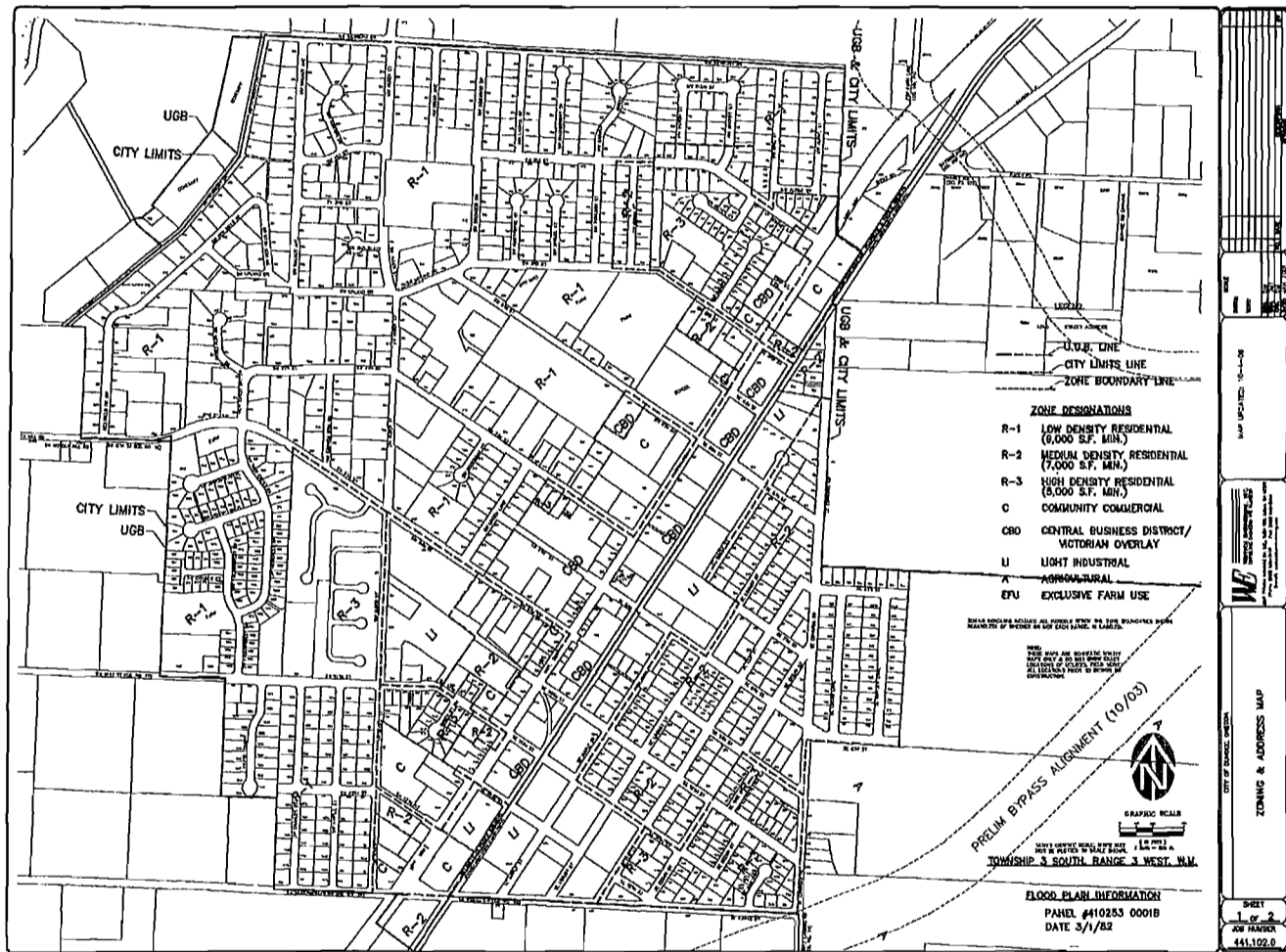


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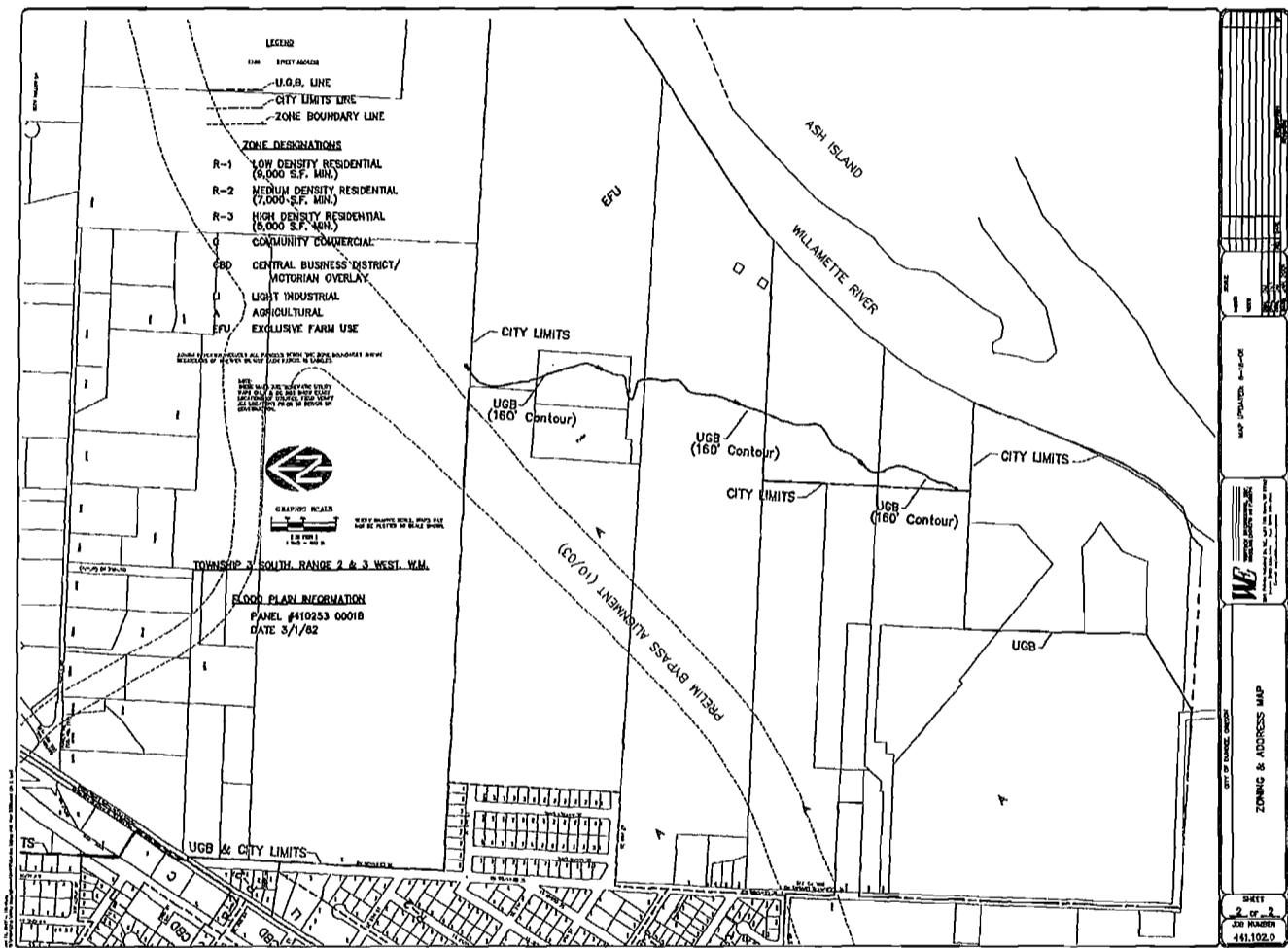


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Low business taxes
Oregon is in a five-way tie for the lowest effective business state and local tax rate in the country.

Abundant and low-cost energy
Oregon has reliable providers with tailored energy management programs, cash incentives and renewable power options.

Low workers' compensation rates
Cumulative cuts in insurance premiums since 1990 total 57.5%; saving employers more than \$10 billion.

City: Dundee

County: All

Type:

- All Property Types
- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land (Industrial)**
- Call Center/Customer Support

Units: Acres

Minimum Size: 2

Maximum Size: 25

- properties for lease
- properties for sale
- only certified properties

Search Properties

Instructions

To search for an available site or vacant building:

- Select a city or county (optional).
- Select the type of property you want.
- Select Square Feet (for buildings) or Acres (for land).
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Search by Property Type & Size

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Property Type:
(hold CTRL to select multiple)

All Property Types

- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land
- Call Center/Customer Support

Minimum Size:

Maximum Size:

Units:

Acres

- Properties for Sale
- Properties for Lease
- only certified properties

City:

All

County:

All

Address/Street Name (Optional):

Search Properties

County Profiles

County:

Baker County

Report:

Demographics Report

- Consumer Expenditures
- Business and Workforce

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City Profiles

City:

Adair Village city

Report:

Demographics Report

- Consumer Expenditures
- Business and Workforce

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State of Oregon

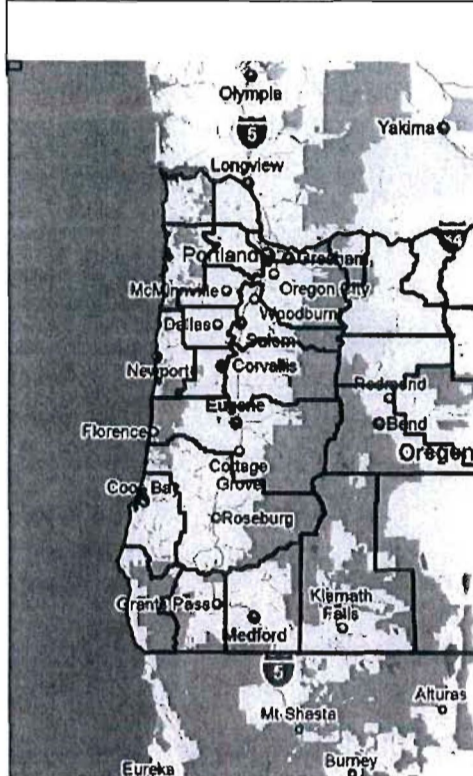
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- Oregon contacts
- Help



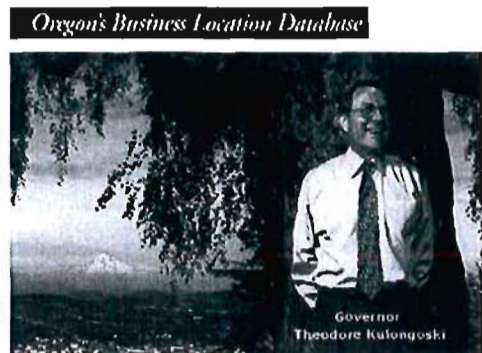
EXHIBIT 6
PAGE 3 OF 4

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EXHIBIT 6
PAGE 7 OF 4



- Search sites
- Certified sites
- City/County Profiles
- Add a site
- Incentives
- About certification
- Oregon contacts
- Help

OregonProspector is Oregon's official web site for those interested in relocating or expanding a business in Oregon. It connects companies with Oregon communities delivering good jobs and unlimited economic opportunity.

Smart workers and workforce resources Oregon has skilled workers and an array of training opportunities.

Low business taxes
Oregon is in a five-way tie for the lowest effective business state and local tax rate in the country.

Abundant and low-cost energy
Oregon has reliable providers with tailored energy management programs, cash incentives and renewable power options.

Low workers' compensation rates
Cumulative cuts in insurance premiums since 1990 total 57.5%; saving employers more than \$10 billion.

City: Dundee

County: All

Type:

- All Property Types
- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land (Industrial)
- Call Center/Customer Support

Units: Acres

Minimum Size: 2

Maximum Size: 25

properties for lease

properties for sale

only certified properties

Search Properties

Instructions
To search for an available site or vacant building:
Select a city or county (optional).
Select the type of property you want.
Select Square Feet (for buildings) or Acres (for land).
Type in a number for the minimum or maximum size property you want.
Select if you want a property that is for lease.
Select if you want a property that is for sale.
Select if you want a certified property.
Click on the Search Properties button.



COME FOR A WEEK. STAY FOREVER.

EXHIBIT H

PAGE 1 OF 4



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EXHIBIT H
PAGE 2 OF 4

About Oregon Oregon contacts Help

Oregon's Business Location Database

Search by Property Type & Size

Your current search resulted in no found properties. To increase the chances of finding a matching property please select a lower minimum and expand your maximum search requirements.

Property Type:
(hold CTRL to select multiple)

All Property Types

- Office Building
- Industrial Building
- Refrigerated Space
- Warehouse Building
- Vacant Land
- Call Center/Customer Support

Minimum Size:

Maximum Size:

Units:

Acres

- Properties for Sale
- Properties for Lease
- only certified properties

City:

All

County:

All

Address/Street Name (Optional):

Search Properties

County Profiles

County:

Baker County

Report:

Demographics Report

- Consumer Expenditures
- Business and Workforce

Show County Profile

City Profiles

City:

Adair Village city

Report:

Demographics Report

- Consumer Expenditures
- Business and Workforce

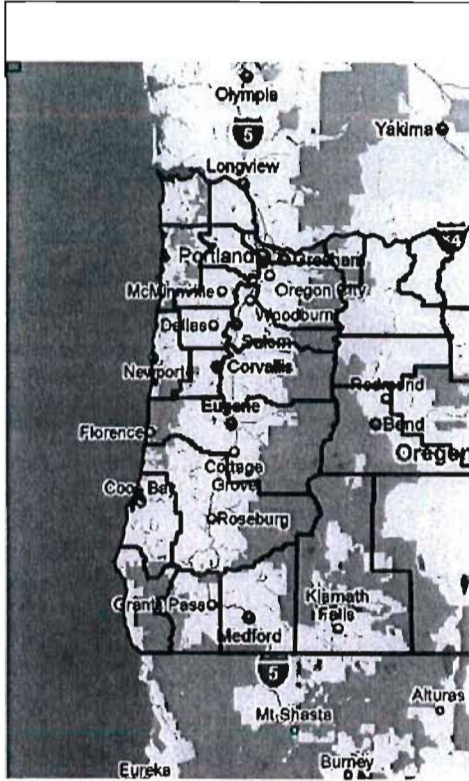
Show City Profile

For more information, please contact:

Ted Werth
State of Oregon
admin@oeda.biz
503-986-0156

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Available Property Report



Display on Map: County Limits

- Search sites
- Certified sites
- City/County Profiles
- Add a site
- Incentives
- About certification
- Oregon contacts
- Help



EXHIBIT H
PAGE 3 OF 4

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EXHIBIT H
PAGE 4 OF 4

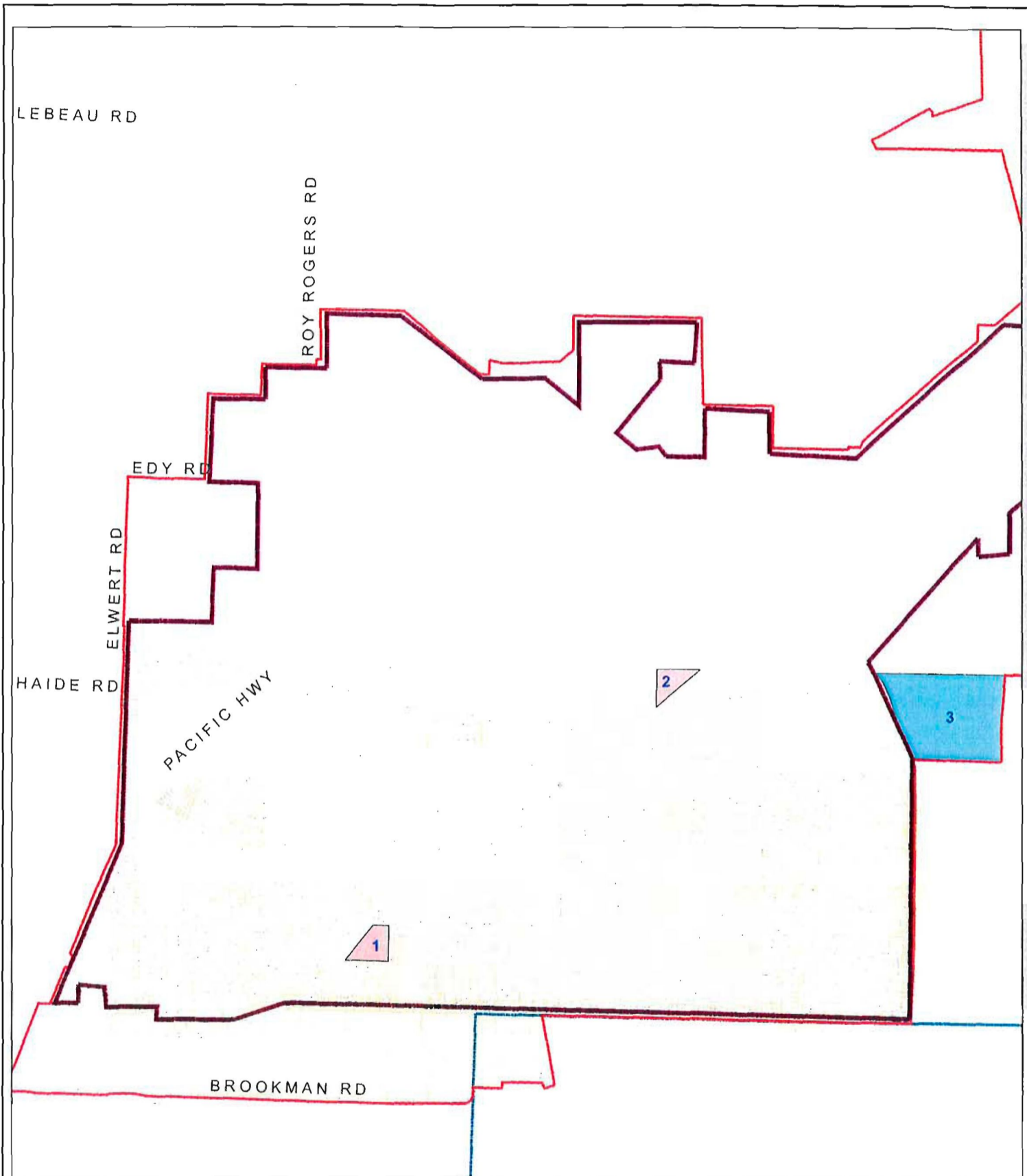
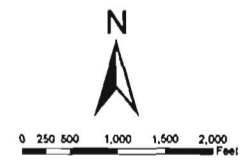


EXHIBIT 7 - REVISED

INDUSTRIAL SITES IN STUDY AREA - CITY OF SHERWOOD
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MAY 2010

Legend	
	County Boundary
	Sherwood_UGB
	City Limits
	Study Area
	1 LIGHT INDUSTRIAL FULLY DEVELOPED WITH SINGLE FAMILY RESIDENTIAL - 5 ACRES
	2 LIGHT INDUSTRIAL FULLY DEVELOPED FOR INDUSTRIAL USE BY BILET PRODUCTS CO. - 4 ACRES
	3 TONQUIN EMPLOYMENT AREA (PARTIAL) RURAL RESIDENTIAL ON LARGE LOTS, SOME STEEP SLOPES, WOODED, NO IMPROVEMENTS - 48 ACRES 7 LOTS WITH RESIDENCES ON 3



Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law

May 5, 2010

John T. Bridges
Brown, Tarlow, Bridges, Palmer & Stone PC
515 E. First Street
Newberg, OR 97132

RE: 27500 SW Garland Road

John,

I hope the following response addresses the issues we discussed in our meeting last week. All of the information is verifiable with our records. Please let me know if you need anything else.

Suitability of the Current Location:

Signature Paving has leased and maintained an equipment yard at the Renne quarry since 1999. The quarry is located at 31615 NE Wilsonville Road, and encompasses 21 acres of unsuitably sloping and heavily wooded terrain. A series of terraced grades and retaining walls have been constructed over the years, making it possible to utilize approximately 14,000 square feet of relatively level space for equipment staging and maintenance. The size of this area is no longer sufficient and the adjacent terrain will not allow further expansion. The inadequacy of the site is further compounded by the following concerns:

1. The space constraints and cross slope of the grade compromise the safety and efficiency of equipment loading and unloading. One piece of equipment is often moved in order to gain access to another.
2. The location is remote with several incidences of theft and vandalism of our equipment. There is no reasonable way to secure the perimeter, and as an active quarry, the gates are open to the public all day while we are in the field.
3. There is no water source on the property. Although very little water is required, the lack of a reliable and potable source impedes efficiency. We currently utilize rain water collected from roof drains.

4. The monthly rent has increased from \$275.00 to \$1000.00 over the last five years, representing an average annual increase of 30%.
5. There is no possibility of purchasing the property due to its size, current use, and owner disposition.

Service Area:

Signature Paving is a small paving operation. More than 50% of the jobs contracted are in and around the Newberg area, and nearly 70 percent are west of Rex Hill, which is the steep grade on Hwy 99 just east of Newberg. The nature of the industry demands a close proximity between the place of business and its jobsites. Numerous pieces of heavy equipment must be mobilized to the projects daily, and then returned to the equipment yard at day's end.

We will generally bid against two other paving companies for a job located in the Newberg-Dundee area. The same job located in or near the Portland metro area will often receive a dozen or more proposals. As a result, our success rate is three times greater for projects west of Rex Hill than those located east, meaning 3 out of every 10 jobs bid in Yamhill county are converted to contracts, whereas only 1 for every 10 is converted elsewhere. Our proximity to Newberg-Dundee also plays a great role in profitability. A job cost analysis of all contracts performed in the last year found that projects west of Rex Hill were 23% more profitable than those located to the east. In the paving industry, being in close proximity to the available work has a measurable effect on success.

Acquisition of the Garland Road Property:

The five issues noted above, and the desire to reinforce the company's future through ownership, have caused the Renne quarry location to become increasingly unsuitable in recent years. The necessity of an alternative site had become evident by late 2006, and the search began in earnest in 2007 after an offer to purchase 15 acres adjacent to the quarry was declined. Since that time, at least ten different properties have been considered, and each was either pursued or rejected based on the following criteria:

1. Size ranging from 5 to 10 acres with predominantly level terrain.
2. Appropriately zoned, or being a reasonable candidate for amendment.
3. Located near or within our core service area, with good access to a major arterial.
4. Move-in ready with minimal cost or time associated with physically improving the property.
5. Priced appropriately within the market.

These requirements seemed reasonable, and were based on actual needs. I had no idea it would be so difficult to find a match. With the exception of the Garland Road property, none of the parcels identified since 2007 have met all of the criteria. Those noted below came reasonably close, and for that reason were either negotiated for acquisition, or had formal, written offers submitted.

1. 10350 NE Renne Road: 15 acres zoned EF-20, adjacent to 21 acres zoned MR-1 owned by the same individual. The seller rejected the offer due to timing.
2. 31735 NE Wilsonville Road: 5 acres total, approximately 3 acres zoned MR-1. The seller accepted the offer but did not close due to an undisclosed public easement running diagonally across the property.
3. 31824 NE Wilsonville Road: 107 acres zoned EF-40. Planted in grass seed with a large developed equipment staging area. The seller accepted a competing offer.
4. 2808 Wynooski Street: 3 acres zoned Light Industrial after a proposed lot line adjustment. The seller rejected the offer at the last minute and cancelled the listing for undisclosed reasons.
5. 27500 SW Garland Road: 6 acres zoned AF-5, developed and formerly utilized as a contractor's establishment. Seller accepted the offer and closed in October of 2009.

Proposed Daily Use of Garland Road:

Signature Paving installs gravel and asphalt materials at our customer's location - no manufacturing or processing of asphalt occurs on our premises. Our employees acquire gravel or batched hot-mix asphalt at a quarry near the project, and truck it to the jobsite for installation. If gravel is to be removed from a project to make room for the new asphalt, the rock is occasionally stockpiled at the equipment yard until it can be reused on another job. The rock import occurs infrequently and is in small quantities.

As a true site based contractor, our effort to acquire a suitable property for relocation has essentially been a search for an equipment staging area; a parking lot with maintenance shop. No employees are regularly scheduled to remain at the yard during the day, and only 7.3 percent of the total hours worked by all employees in the last three years occurred at our equipment yard. This number includes all winter maintenance activities within the shop.

During the paving season, a typical day begins with two employees starting their shift at 8:00 am readying equipment for the remaining 3 to 5 crew members that arrive one-half hour later. The employees will spend about twenty minutes discussing the day's project, safety concerns, and directions with the superintendent, and then leave as a single unit. With some exceptions based on job requirements, a normal departure includes the following vehicles:

1. A regular pick-up truck and trailer.
2. A single axle service truck.
3. One or two dump trucks, with one towing a transfer-trailer on occasion.
4. A truck/tractor towing a lowboy equipment trailer.

All locks are secured on departure, and there is usually no activity on the premises during business hours. Only field personnel are dispatched from the equipment yard, as estimating and clerical work are performed at the office located on Fernwood Road. The average day ends between 3:00 and 6:00 pm as the crew returns and parks the equipment for the evening. Each vehicle is equipped with a fuel card, so

all fueling occurs off site. There is usually no activity after the equipment is staged for the evening because we do not operate a swing or a graveyard shift.

This daily scenario reflects a five day work-week during the summer season only. This peak period typically runs between the months of June and October. Asphalt is a time and temperature sensitive product, so as winter approaches our workload declines significantly. The number of active employees is reduced by half in the off-season, and the total days in the work week is reduced to 2.6 – based on the most recent two year average.

Proposed Configuration of Staged Equipment and Materials at Garland Road:

Relocating the business to Garland Road will not necessitate any significant changes to the daily operations noted above, and no physical changes to the property will be required to utilize the site. The existing graveled area and shop constructed by the former tenant are perfectly suited in their current configuration. As a site formerly used for industrial purposes, there is approximately 63,000 square feet (1.45 acres) of gravel staging area, and the shop measures just over 3,000 square feet. The attached map depicts a proposed lay-out of staged equipment and materials. Although the final arrangement may differ slightly, it will incorporate at a minimum the following considerations:

1. Vehicles will enter the yard and travel around the perimeter to a final staging location with little or no reversing so as to reduce safety and noise concerns.
2. Rock stockpiles will be accessible from at least two sides to avoid “pile shove”.
3. Commonly used equipment and vehicles will be positioned for the most efficient loading and manipulation.

The Economic Effects of Relocating to Garland Road:

In addition to meeting all of the acquisition criteria, the Garland Road property also provides specific economic advantages. One example is a reduction in labor costs. The paving industry is competitive, and has become more so with the recent volatility in the petroleum market. Increases in the cost of raw materials have reduced the number of available projects, and the differences among competing contractor’s bid values are often just a few dollars. Any savings derived of shortened travel times and reduced equipment mobilization costs can mean the difference between winning and losing a project.

The Garland Road property is closer to our core area than any other parcel, including our current location at the Renne quarry. Staging our equipment at the Garland property represents a cost savings every time a job requires traveling into or through Newberg. Nearly two-thirds of the contracts (217 out of 346) in the last three years required the crew to go into Newberg or pass through Newberg traveling west.

Using our current location as a baseline, we expect a move to Garland Road to save two minutes of travel time for every employee, each way, representing a *savings* in labor costs of \$14.07 every time the crew travels west to Newberg. Consequently, any parcels east of Garland Road represent an *increase* in labor costs. This increase can be significant when you consider the closest comparable parcel we've identified for purchase or lease is located at 25675 SW Grahams Ferry Road. Relative to our current location, this parcel adds 24 minutes of travel time to every employee, each way. Using the same actual labor rates, a move to Sherwood represents an increase in daily labor costs of \$168.80 for every job west of Rex hill – which is the majority of our work. These figures are based on our current full-crew payroll liability of \$211.00/hour, and do not account for overtime expenses. Additional savings are anticipated through reduced fuel consumption, vehicle wear, and annual liability and workman's compensation premiums that are calculated on gross payroll.

Summary:

All of the data reviewed supports the Garland Road property as the most appropriate location for our equipment yard. This comes as no real surprise as much of the same information was used to confirm the property prior to purchase. What is surprising is that similar trends are apparent regardless of criteria. For example, this property is a winner if you replace "proximity to our core service area" with "proximity to local quarries", or "proximity to long term employee residences" – both having measurable positive effects on the paving company.

As a business owner, part of my charge is to continually analyze the company's position and adjust for inefficiencies and improvements. The acquisition of Garland Road is just such an adjustment. There are clear inadequacies associated with our current equipment yard, and great effort has been made to find an alternative site. Due to a distinct shortage in industrial property near our market, the only reasonable alternative is to amend the Garland Road property. Our operation will have little effect on the surrounding properties, and will actually become more efficient and competitive as a result.

Please let me know if I can furnish additional information.

Warmest Regards,

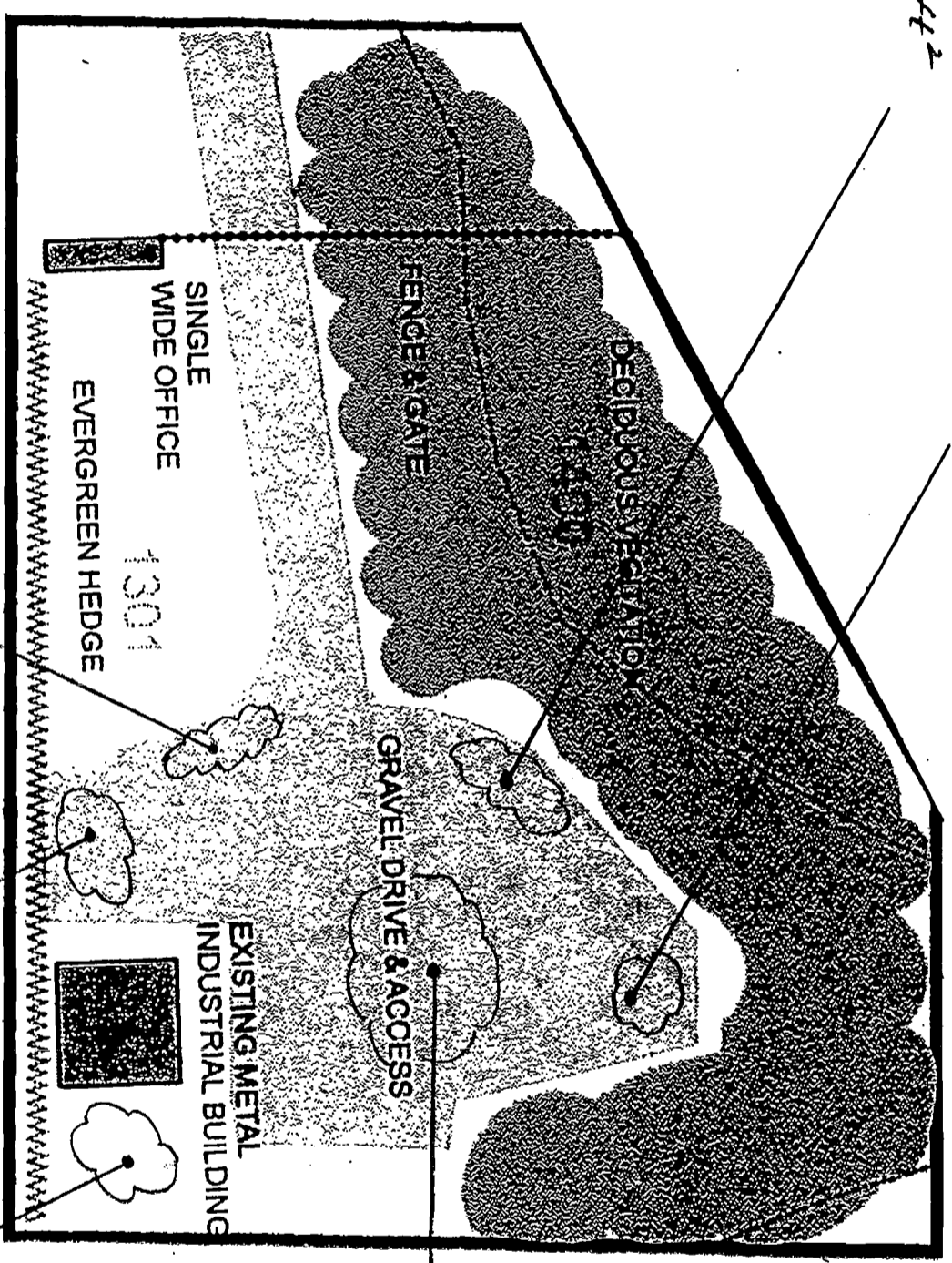


Mike Schrage, Principal
Signature Paving Services, Inc.

Encl.

SMALL TRLR.
PARKING
1700 FT²

RSLK STOCKPILE
2500 FT²



TRUCK/EQUIP.
PARKING
10,000 FT²

SMALL EQUIP.
PARKING. 1100 FT²

EMPLOYEE
PARKING. 550 FT²

SERVICE VEH.
PARKING. 1200 FT²

May 10, 2010

John T. Bridges
Brown, Tarlow, Bridges, Palmer & Stone PC
515 E. First Street
Newberg, OR 97132

RE: 27500 SW Garland Road

John,

Please find attached the information you requested regarding the additional fuel costs associated with operating from a Sherwood location. I have also included a few other points of concern.

Fuel Expenses: Fuel costs for the last three years have represented over 20% of our total expenses, averaging \$39,145 per year. This is our largest individual expense excluding payroll and cost of goods sold, and is managed continually to minimize its affects on company profitability. The five commercial vehicles dispatched each day average 5.9 miles per gallon, which will make a move to Sherwood result in an additional 10 gallons of fuel consumed each day the crew heads south towards Newberg and points beyond. As we've noted, this occurs approximately 66% of the time, and will lead to an estimated annual increase in fuel consumption of 1,250 gallons, or an estimated annual cost increase of \$3,788. There will admittedly be some cost savings for the other 33% of the time, but this is not a straight correlation, as the crew must travel a considerable distance back towards Newberg to access Hwy 99 at Six Corners when headed for the Metro area.

Weight mile tax: This is a state tax due monthly or quarterly, depending on the distance traveled, and is calculated on the total miles operated within the state of Oregon. The rate varies according to the declared weight of the vehicle, and in our case averages 8.5 cents per mile. Considering four of the same five commercial vehicles (one weighs less than 26,000 pounds and is therefore not subject to the tax), a move to Sherwood adds 48 miles daily, and results in an annual tax increase of \$510.

Heavy Highway use Tax (HVUT Form 2290): This is a federal tax due annually on highway motor vehicles with a taxable gross vehicle weight of 55,000 pounds or more. The tax is suspended if the vehicle travels less than 5,000 miles annually. Our equipment truck has qualified for the mileage suspension every year

since inclusion in our fleet; qualifying the last several years by a narrow margin. The increase in miles traveled as a result of a move to Sherwood will undoubtedly subject us to payment of this tax which is currently \$550.

Equipment and personnel transportation is a large component of any site contracting business, and Signature Paving is no exception. You may find it interesting that the bid documents for most public and large private jobs include a separate lump-sum line item just for mobilization/demobilization. Traveling is expensive, and in the case of a move to Sherwood adds up to \$4,848 annually. This figure excludes the labor costs noted in my previous correspondence, and does not account for ancillary expenses such as tire wear and vehicle depreciation.

This data is obviously problematic for anybody trying to operate a business in our current economic climate. Of equal concern, however, is the fact that the expenses noted above are not limited to the corporation. My employees will also face the expenses derived of increased travel, and will do so everyday regardless of which direction the job lies. No one is immune, as every employee lives in Newberg, Dundee, Lafayette, or McMinnville (please see the attached map). As is typical among individuals in the construction business, all except for one drive full size pick-ups. My discussions with the crew in recent months regarding the amendment and permitting process, and the relocation of the equipment yard towards Sherwood and Tualatin in general, leads me to believe the employee residing in McMinnville will be forced to seek other employment. He was previously employed by Morrison Trucking at 16710 SW Stellar Drive in Sherwood, and cited the daily commute to that location as a primary reason for quitting. This is unacceptable as he is relied upon as a lowboy driver and paver operator, which are two of the most difficult positions to fill. I cannot recall an employee in 19 years of paving crews that possessed both of these skill sets together, and his departure will be a great detriment to the company.

Environmental Concerns of Sherwood Locations:

“With a position among the leading paving contractors, we’re trying to set an example for minimizing resource consumption.” This statement is straight off our website and genuinely reflects the culture of environmental awareness at Signature Paving. I am clearly aware that as a paving contractor, my carbon footprint is enormous, and so every reasonable effort is made to reduce both our consumption of fossil and non-renewable fuels, and to limit our introduction of hydrocarbon emissions into the atmosphere. This isn’t just a bunch of rhetoric, we actually practice what we preach; it’s a component of our business plan, and we have found ways to make it profitable. Considering Sherwood locations as alternatives to the Garland Rd. site contradicts this plan and has measurable and immediate consequences on the environment. The attached table 4-39 illustrates these consequences in terms of the per-vehicle/per-mile emission of Exhaust Hydrocarbons, Carbon Monoxide, and Nitrogen Oxide. This data suggests that the additional mileage associated with Sherwood will increase our annual vehicle emissions by 780.7 pounds. This figure uses Garland Rd. as the baseline with five commercial vehicles traveling an additional 12 miles per day 66% of the time, and six employee vehicles traveling an additional 12 miles per day 100% of the time. In comparison, the EPA reports that an average passenger car traveling 12,500 miles annually at 21.5 mpg will emit approximately 690.3 pounds of the same components. The

bottom line is that every six miles east of Garland Road is the environmental equivalent of placing another 1.1 cars on the road (see attached table from EPA-420-F-00-013, April 2000).

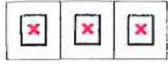
I hope some of this information assists you in defining the limits of our true locational area, and in demonstrating the inappropriateness of Sherwood locations. In consideration of the timeline, I have adjusted my schedule Monday to provide any assistance you might require. Let me know.

Warmest Regards,

A handwritten signature in black ink, appearing to read "M. Schrage".

Mike Schrage, Principal
Signature Paving Services, Inc.

Encl.

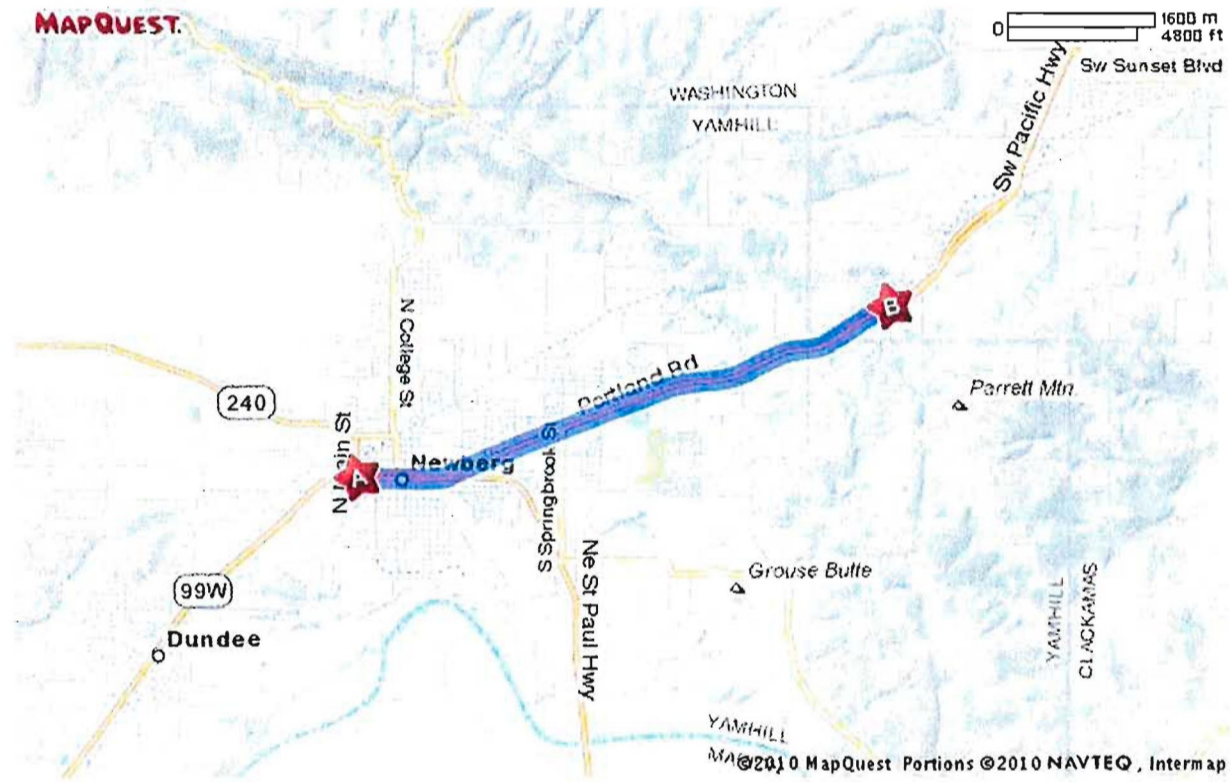


Trip to 27500 SW Garland Rd
Sherwood, OR 97140-8804
4.38 miles - about 8 minutes

Notes

Central Newberg to 27500 SW Garland Road.

Route Map [Hide](#)



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MAPQUEST.

Trip to 21287 SW Oregon St
Sherwood, OR 97140-9806
10.60 miles - about 16 minutes

Notes

Central Newberg to general Sherwood address.

Route Map [Hide](#)



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Trip to 21287 SW Oregon St
Sherwood, OR 97140-9806
10.60 miles - about 16 minutes

Notes

Locations of employee residences relative to central Newberg, Garland Rd., and general Sherwood address.

Route Map [Hide](#)



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Table 4-39: Estimated National Average Vehicle Emissions Rates per Vehicle by Vehicle Type using Reformulated Gasoline and Diesel

Excel CSV

(Grams per mile)

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
RFG (assuming 100% RFG)														
Light-duty vehicles														
Exhaust HC	1.45	1.28	1.15	1.04	0.97	0.84	0.76	0.68	0.62	0.55	0.47	0.41	0.38	0.35
Nonexhaust HC	0.89	0.87	0.86	0.84	0.82	0.64	0.63	0.61	0.59	0.57	0.54	0.51	0.47	0.43
Total HC	2.34	2.15	2.01	1.88	1.78	1.48	1.39	1.29	1.21	1.12	1.02	0.92	0.85	0.78
Exhaust CO	22.78	20.84	19.43	18.25	17.21	15.36	14.68	13.88	13.17	12.49	11.44	9.81	9.29	8.84
Exhaust NO _x	1.78	1.64	1.55	1.46	1.35	1.24	1.19	1.12	1.06	1.00	0.90	0.77	0.72	0.66
Light-duty trucks														
Exhaust HC	2.09	1.85	1.69	1.55	1.44	1.27	1.18	1.07	0.97	0.89	0.71	0.63	0.59	0.50
Nonexhaust HC	0.93	0.91	0.89	0.87	0.85	0.68	0.67	0.64	0.62	0.59	0.56	0.53	0.50	0.47
Total HC	3.02	2.75	2.58	2.42	2.29	1.96	1.84	1.71	1.59	1.48	1.28	(R) 1.16	1.09	0.97
Exhaust CO	31.86	29.46	27.70	26.19	24.63	22.25	21.09	19.71	17.78	16.66	14.47	15.79	12.03	11.22
Exhaust NO _x	1.84	1.73	1.65	1.59	1.55	1.47	1.45	1.41	1.36	1.31	1.20	1.07	1.01	0.93
Heavy-duty vehicles														
Exhaust HC	2.14	1.91	1.70	1.48	1.32	1.16	1.03	0.92	0.77	0.70	0.62	0.51	0.45	0.40
Nonexhaust HC	1.72	1.64	1.56	1.50	1.43	1.12	1.07	1.03	1.01	0.97	0.90	0.83	0.78	0.73
Total HC	3.86	3.55	3.26	2.98	2.75	2.28	2.10	1.96	1.78	1.67	1.51	1.34	1.23	1.13
Exhaust CO	46.02	41.15	36.62	32.80	29.12	25.87	22.88	20.41	16.87	15.33	13.89	12.01	11.25	10.41
Exhaust NO _x	6.13	5.90	5.74	5.57	5.41	5.18	5.01	4.86	4.75	4.63	4.36	3.79	3.39	3.00
Motorcycles														
Exhaust HC	1.69	1.63	1.63	1.62	1.61	1.61	1.61	1.61	1.61	1.61	1.61	1.61	1.61	1.61
Nonexhaust HC	0.55	0.54	0.53	0.53	0.53	0.43	0.43	0.43	0.44	0.44	0.43	0.43	0.42	0.41
Total HC	2.24	2.17	2.16	2.16	2.14	2.04	2.04	2.04	2.05	2.05	2.04	2.04	2.03	2.02
Exhaust CO	12.64	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56	12.56
Exhaust NO _x	1.26	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
DIESEL														
Light-duty vehicles														
Exhaust HC	0.77	0.79	0.81	0.81	0.82	0.80	0.76	0.73	0.73	0.60	0.58	0.48	0.36	0.29
Exhaust CO	1.69	1.73	1.76	1.78	1.79	1.78	1.75	1.73	1.74	1.59	1.57	1.41	1.21	1.09
Exhaust NO _x	1.89	1.89	1.88	1.86	1.85	1.81	1.72	1.62	1.54	1.43	1.32	1.11	0.85	0.69
Light-duty trucks														
Exhaust HC	1.67	1.69	1.63	1.51	1.42	1.02	0.88	0.96	0.97	0.98	0.80	0.79	0.63	0.55
Exhaust CO	2.85	2.89	2.79	2.60	2.44	1.77	1.54	1.66	1.68	1.68	1.37	1.34	1.06	0.93
Exhaust NO _x	2.46	2.42	2.31	2.17	2.07	1.76	1.64	1.67	1.66	1.59	1.37	1.30	1.09	0.94
Heavy-duty vehicles														
Exhaust HC	1.23	1.10	1.00	0.92	0.85	0.79	0.74	0.69	0.61	0.58	0.54	0.51	0.48	0.45
Exhaust CO	6.32	5.73	5.23	4.80	4.43	4.10	3.82	3.58	3.37	3.19	3.05	2.90	2.66	2.31
Exhaust NO _x	20.49	20.24	20.04	19.84	19.14	18.05	16.68	15.52	13.92	12.50	11.45	10.55	9.60	8.61

5 commercial vehicles

6 employee vehicles

x 2

Average Emissions Per Vehicle, RFG and Diesel Fleet

Exhaust HC	1.65	1.46	1.34	1.23	1.15	1.02	0.94	0.86	0.78	0.71	0.60	0.53	0.50	0.44
Nonexhaust HC	0.86	0.84	0.82	0.80	0.78	0.62	0.60	0.58	0.57	0.54	0.52	0.49	0.46	0.42
Total HC	2.51	2.30	2.16	2.03	1.93	1.64	1.55	1.44	1.35	1.26	1.12	1.02	0.95	0.87
Exhaust CO	24.92	22.93	21.56	20.38	19.27	17.44	16.62	15.64	14.43	13.62	12.18	10.66	10.12	9.52
Exhaust NO _x	3.36	3.24	3.18	3.12	3.02	2.85	2.71	2.58	2.40	2.24	2.06	1.86	1.71	1.57

KEY: CO = carbon monoxide; HC = hydrocarbon; NO_x = nitrogen oxide; RFG = reformulated gasoline; R = revised.

NOTES

As of July 1 of each year. Vehicle types are defined as follows: light-duty vehicles (passenger cars up to 6,000 lb gross vehicle weight rating GVWR) ; light-duty trucks (pickups and minivans up to 8,500 lb GVWR); heavy-duty vehicles (8,501 lb or more GVWR); motorcycle (on-highway only). The data in this table are based on MOBILE6, and reflect the introduction of RFG starting in 1995. Interested readers can learn more about the MOBILE6 model at the following USEPA Internet site <http://www.epa.gov/otaq/m6.htm>. Emissions factors are national averages based on the following assumptions: ambient temperature 75 °F, daily temperature range 60 -84 °F, average traffic speed 27.6 mph (representative of overall traffic in urban areas), standard operating mode (cold-start, hot-start, stabilized), vehicle-miles traveled fractions and no inspection/maintenance or antitampering programs. Emissions estimates in this table assume 100% RFG. Average emissions per vehicle rates assume a fleet comprised exclusively of reformulated gasoline and diesel vehicles. For emissions estimates of a fleet using gasoline and diesel, see table 4-38.

SOURCE

U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, personal communication, Nov. 23, 2009.

Research and Innovative Technology Administration (RITA) • U.S. Department of Transportation (US DOT)
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Emission Facts: Average Annual Emissions and Fuel Consumption for Passenger Cars and Light Trucks

EPA420-F-00-013, April 2000

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The figures presented in this document are averages only. Individual vehicles may differ in miles traveled and pollution emitted per mile than indicated here. Emission rates and fuel consumption totals may differ slightly from original sources due to rounding.

Background

The emission rates for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NOx) shown in the following tables are from U.S. Environmental Protection Agency (EPA) highway vehicle emission factor models. They assume an average, properly maintained vehicle on the road in July 2000, operating on typical gasoline on a warm summer day (72-96 degrees F). Emissions may be higher in very hot (especially HC) or very cold (especially CO) weather.

The calculations for Total Annual Pollution Emitted and Fuel Consumed are based on an average annual passenger car mileage of 12,500 miles and an average annual light truck mileage of 14,000 miles. Fuel consumption is based on fleetwide average in-use fuel economy of 21.5 miles per gallon (mpg) for passenger cars and 17.2 mpg for light trucks, as reported in the 19th edition of the "Transportation Energy Data Book," prepared for the U.S. Department of Energy.

Passenger Car

Component	Emission Rate and Fuel Consumption per mile (mi) ³	Calculation	Total Annual Pollution Emitted and Fuel Consumed
Hydrocarbons	2.80 grams (g)	(2.80 g/mi) x (12,500 mi) x (1 lb/454 g)	77.1 pounds of hydrocarbons
Carbon Monoxide	20.9 grams	(20.9 g/mi) x (12,500 mi) x (1 lb/454 g)	575 pounds of carbon monoxide
Oxides of Nitrogen	1.39 grams	(1.39 g/mi) x (12,500 mi) x (1 lb/454 g)	38.2 pounds of oxides of nitrogen
Carbon Dioxide ²	0.916 pound (lb)	(0.916 lb/mi) x (12,500)	11,450 pounds of carbon dioxide
Gasoline	0.0465 gallon	(0.0465 gallon/mi) x (12,500 mi)	581 gallons of gasoline

(Ab. 3#5 annually)

Mike and Brenda Schrage
SIGNATURE PAVING SERVICES, INC.
Comprehensive Plan Amendment from Agriculture &
Forest (AF-5) to Rural Industrial (R-IND)

March, 2010

Prepared for:

Washington County
Department of Land Use & Transportation
155 N. First Avenue
Hillsboro, Oregon 97124

Prepared by:

Brown, Tarlow, Bridges and Palmer, P.C.
515 E. First Street
Newberg, OR 97132

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- Owner/Applicant Mike & Brenda Schrage
31615 NE Wilsonville Rd.
Newberg, OR 97132

Signature Paving Services contracts as a hot-mix asphalt installer. Paving and grading work is performed by seven field employees that start and finish each day at the shop facility; generally no employees remain in the shop during the day with the exception of winter maintenance operations, usually occurring in the first quarter of the year. Two of the seven field personnel handle these repairs and maintenance in the off-season.

- Property Address 27500 SW Garland Road
Sherwood, OR 97140

The property is on the south side of Highway 99W, east of its intersection with South West Garland Road. – See **Exhibit 1 – Site Location**

- Existing Washington County Land Use District

Agriculture and Forest District (AF-5) – See **Exhibit 2 – Existing Use Land District**

- Proposed Land Use District – Comprehensive Plan Map Amendment (CPMA)

Rural Industrial District (R-IND) – See **Exhibit 3 – Proposed Land Use District**

- Request: The purpose of the application is to amend the Washington County Rural/Natural Resource Plan Land Use District on Tax Lots 3S211D 1301 and 1400 from Agriculture and Forest (AF-5) to Rural Industrial (R-IND).

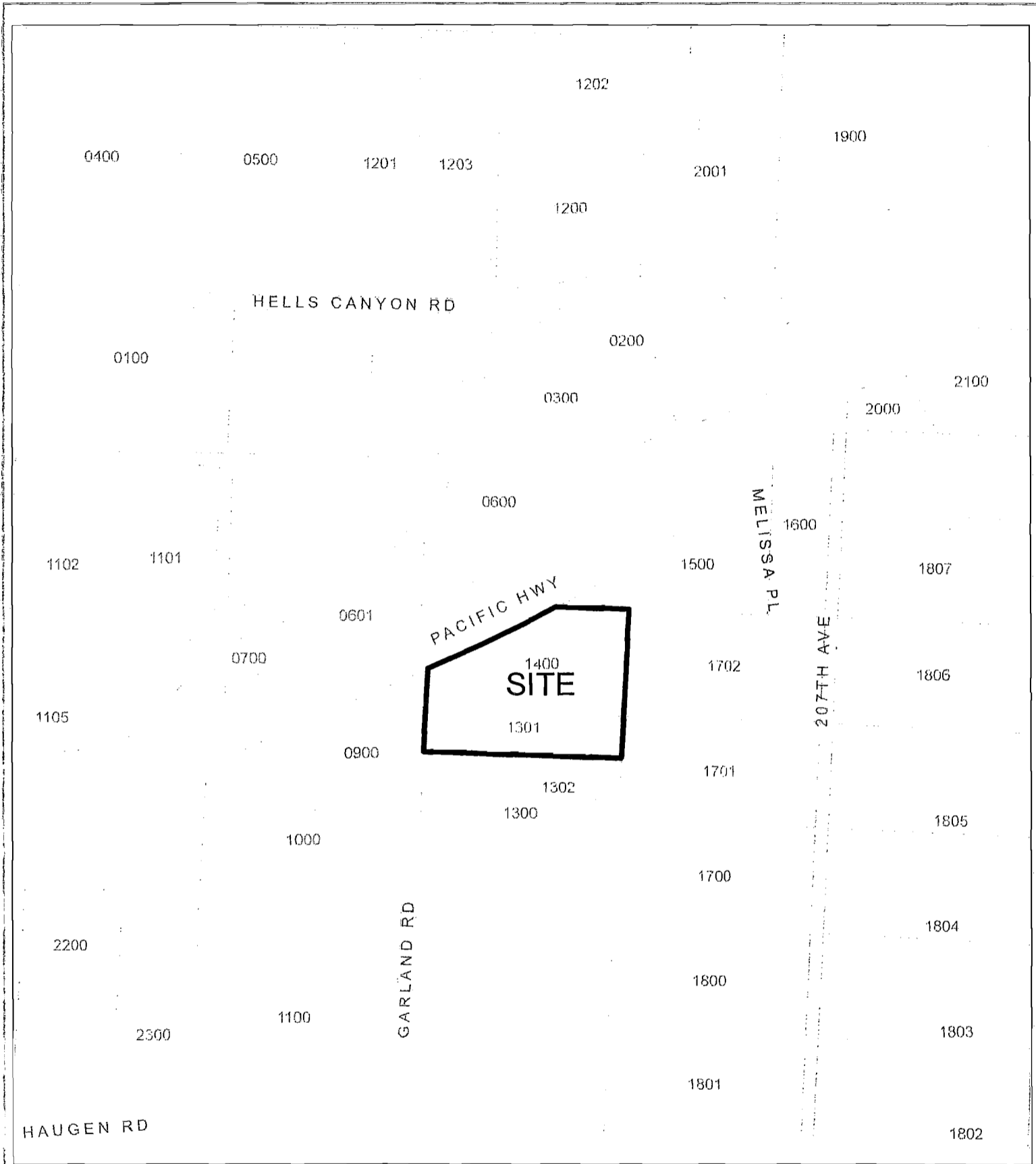
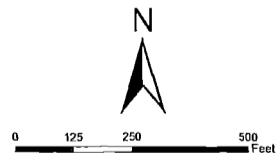


EXHIBIT 1
SITE LOCATION
SCHRAGE LAND USE DISTRICT AMENDMENT
MARCH 2010

Legend
[Thick black line] Site Boundary



Brown, Tarlow, Bridges, and Palmer, P.C.
Attorneys at Law

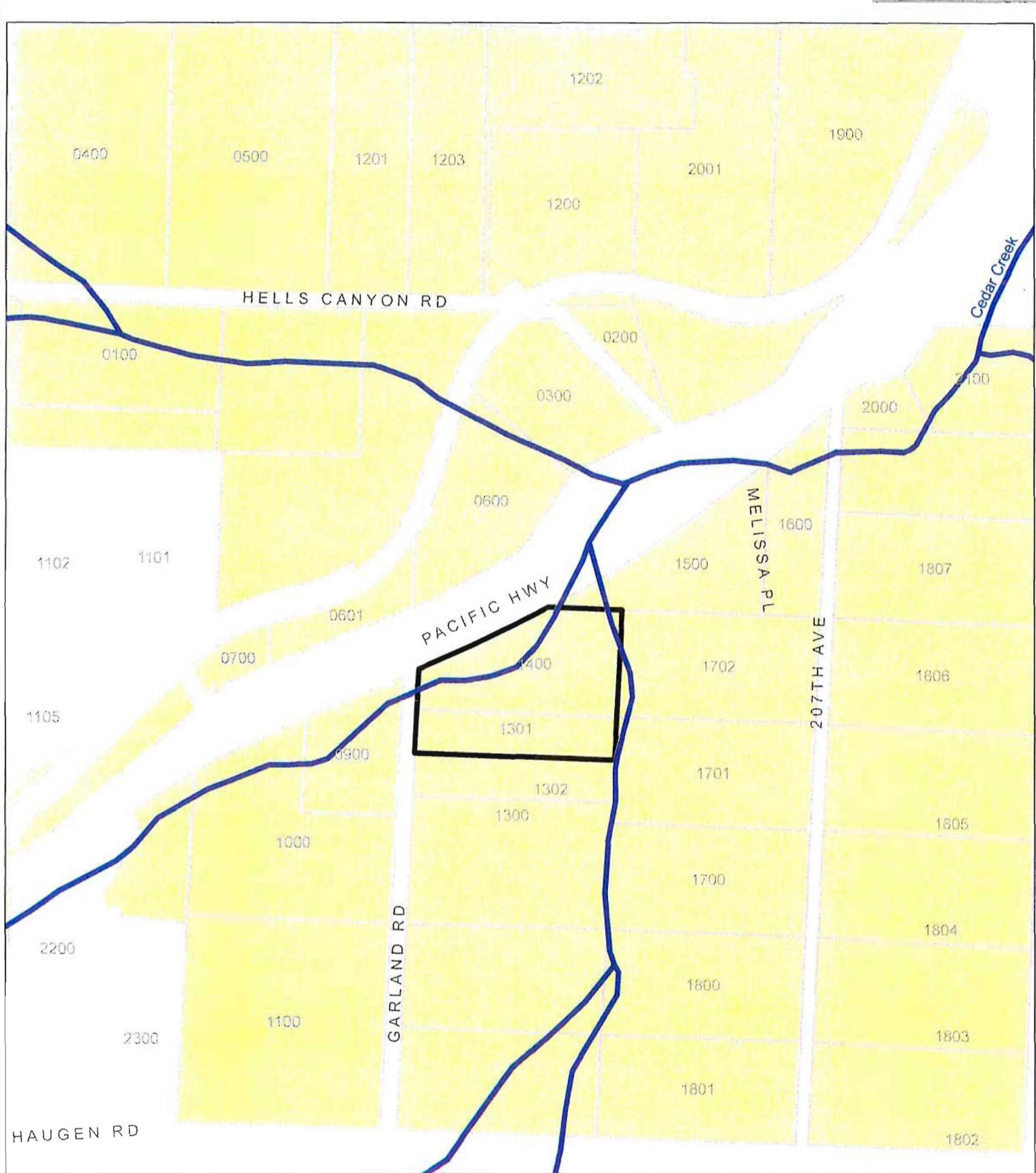



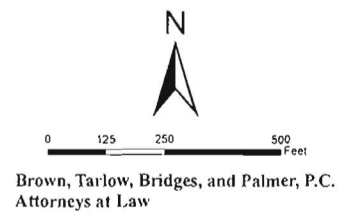


EXHIBIT 2
 EXISTING LAND USE DISTRICT
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MARCH 2010

Legend

-  Site Boundary
-  Agriculture & Forest (AF-5)
-  Significant Natural Resource
(Water, Wetland, Wildlife Habitat)



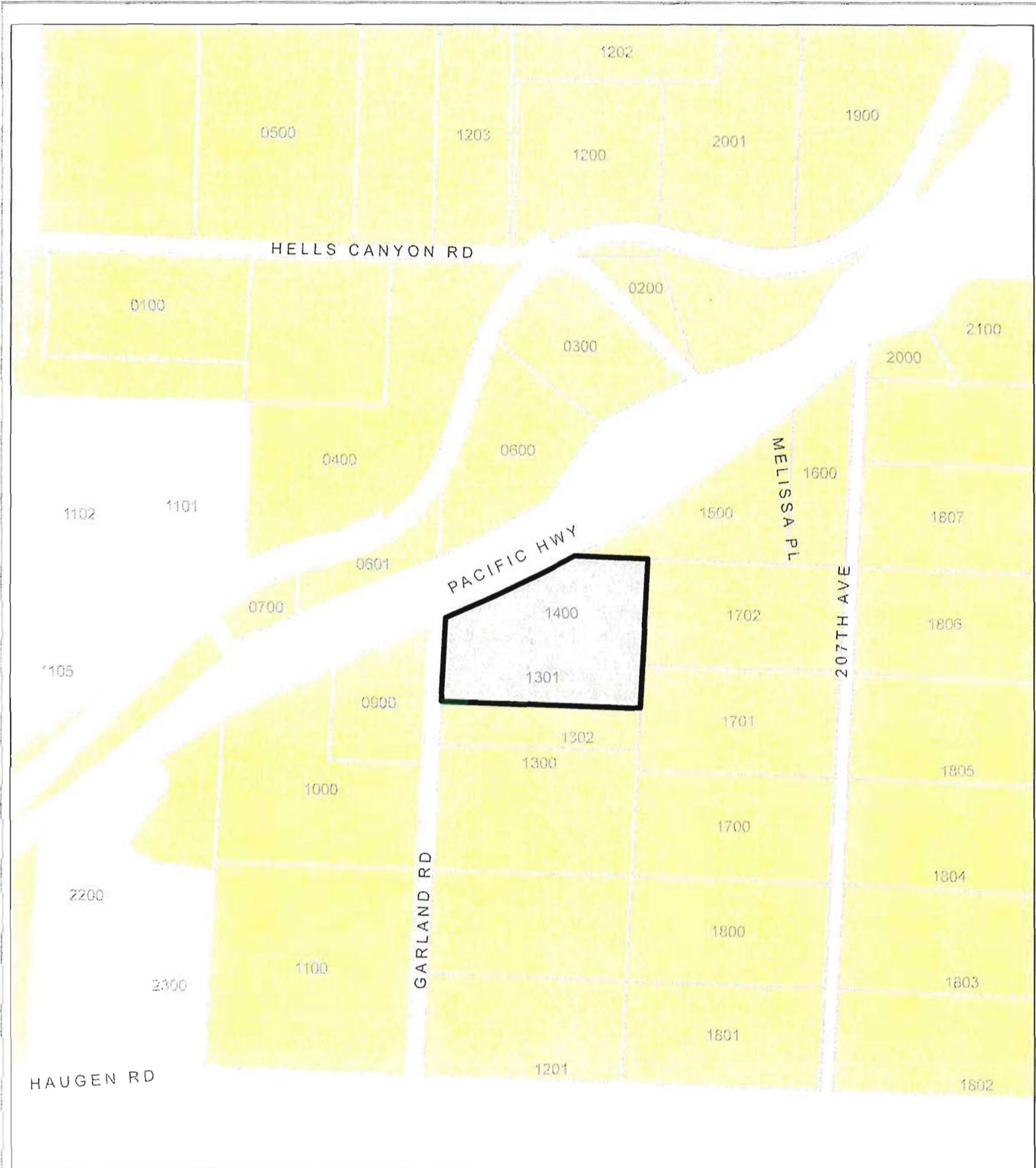





EXHIBIT 3

PROPOSED LAND USE DISTRICT
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MARCH 2010

Legend

-  Site Boundary
-  Rural Industrial (R-IND)
-  Agriculture & Forest (AF-5)

N



0 125 250 500
Feet

Brown, Tarlow, Bridges, and Palmer, P.C.
Attorneys at Law

II.

BACKGROUND FACTS

A. SITE SIZE AND TAX LOTS

The site is comprised of Tax Lots 1301 and 1400 as noted above. Tax Lot 1301 is 1.92 acres and Tax Lot 1400 is 3.95 acres for a site total of 5.87 acres.

B. SITE DEVELOPMENT HISTORY

The site was purchased by a former owner in 1989 and clearing and grading began shortly thereafter. The water well was drilled in January and the industrial building was started in August of 1990. The manufactured home was installed with county approval in early 1991. As noted in Section II.E., there are two septic systems on the site, one of which has never been activated.

C. SITE CHARACTERISTICS

1. Topography – The site is essentially flat with a gentle slope to the north. There is a shallow depression that serves as Cedar Creek near the northern boundary of Tax Lot 1400 and a similar drainage way depression on the eastern boundary of the site.
2. Floodplain and Drainage – The subject property contains two Drainage Hazard Areas (DHA's) according to the County Flood Plain Maps. The east west drainage way is designated as Cedar Creek on the county's plat map 3S 2 11D. A delineation of these DHA's was prepared by a registered engineer as part of Case File 92-736-SU/D/DHA. The delineation was accepted by the County's Principal Engineer. A Conservation Easement was prepared by a prior applicant in 2003 to protect the DHA's and the associated vegetation and wildlife. Our research and the new Owner have determined that the Conservation Easement was never recorded. The Owner is prepared to record the Easement as a condition of the Development Review application.
3. Vegetation – The major vegetation is within the boundary of the conservation easement with one exception. The vegetation is primarily deciduous trees and shrubs consisting of ash, poplar and snowberry. The vegetation outside of the easement is an arborvitae hedge on the southern boundary. The hedge begins at the southeast corner and continues west and adjacent to the property line up to the east corner of the manufactured structure/office. The remainder of the property not in the driveway or turn around/outdoor storage area is in miscellaneous grasses.
4. Habitat – The wildlife habitat area is coterminous with the conservation easement and the vegetated area. The creek was completely dry in October, 2009, the time of the site inspection. For that reason, no fish habitat was observed.
5. Existing Use – Because of the size of the Proposed Conservation Easement, a large part of the site will remain in a natural condition. The remainder of the site, especially Tax Lot 1301 contains two buildings – a manufactured structure/office and a metal pole building. The pole building is near the

southeastern corner of the property and the manufactured structure is closer to the western boundary and set back approximately forty feet from Garland Road. The other improvements to the site include a fence and driveway gate and a gravel driveway and outdoor storage/vehicular maneuvering area. See **Exhibit 4 – Existing Site Conditions**

6. Access – The site is at the south east corner of the intersection of state Highway 99W and Garland Road. Highway 99W is a divided highway and at this location the travel lanes are in an east/northeast direction toward Sherwood. The driveway access to the site is from Garland Road which is improved with gravel only. There is no direct access from the site to Highway 99W.

D. SURROUNDING LAND USES

The following land uses adjoin the subject property.

- o North - Highway 99W, a divided four lane highway connecting Portland with Highway 101 at the Oregon Coast.
- o West – Garland Road and a vacant (posted) single family residence immediately beyond the road right of way. An abandoned, deteriorated single wide mobile home is immediately south of the residence noted above. An occupied residence is further west of the mobile home.
- o South – There is an existing residence immediately south of the property line at the western boundary. The residence is also very close (15-20 feet) to Garland Road. There is a second residence further south (150-200 feet) of the middle section of the property.
- o East – The large lots to the east are accessed via 207th Avenue. Like the residences on Garland Road, the uses are on four to five acre lots. East/Northeast of the site is a mobile home park with approximately 10-15 residences. Immediately East of the subject property are four large green houses. No activity was observed which may indicate that they are not currently in use. The residences on the other lots to the east/southeast are approximately 400 feet from the eastern property line of the subject site.

E. UTILITIES

1. Water and Sewer – The subject property utilizes an on-site well for water supply and two on-site septic systems for sanitation.

- A water well was drilled in 1990 to a depth of 185 feet. The estimated flow rate was 25 gallons per minute (gpm), at that time. An analysis of the water quality was completed on October 9, 2009 by Alexin Analytical Laboratories, Inc. According to the test results provided by Alexin, the water samples passed the bacteria and nitrate tests. See the Appendix.
- There are two septic systems on the property. One of them serves the manufactured home/office and is currently in use. The second system was installed near the center of Lot 1301 for the expansion of the proposed shop building. This system was inspected and approved but has never been put in to service. See the Appendix.

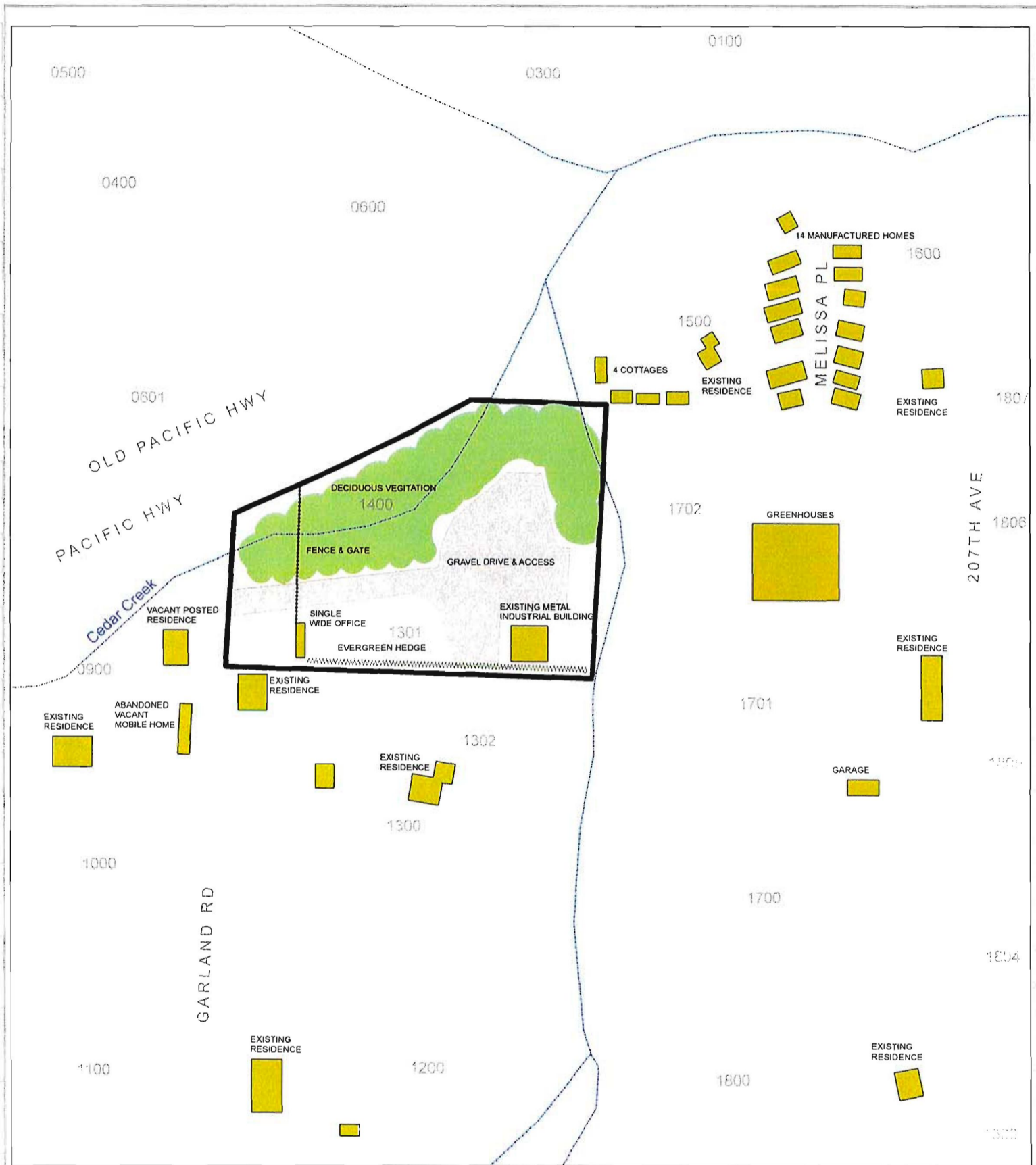







EXHIBIT 4
EXISTING SITE CONDITIONS
SCHRAGE LAND USE DISTRICT AMENDMENT
MARCH 2010

Legend

-  SITE BOUNDARY
-  EXISTING STRUCTURES
-  EVERGREEN HEDGE
-  FENCE & GATE

N



0 100 200 400 Feet

Brown, Tarlow, Bridges, and Palmer, P.C.
Attorneys at Law

The property is not eligible to receive municipal services because it is not within a City urban services boundary. The property is also not within Clean Water Services district boundary.

2. Storm Water Drainage – The site slopes very gently to the north and Cedar Creek. Any additional site improvements will be reviewed by the County and pursuant to Section 423-10 of the Community Development Code, “All development shall comply with the State department of Environmental Quality Water Quality Standards for all runoff, drainage and waste water.”

3. Other Utilities – The Proposed Comprehensive Plan Map Amendment does not impact the provision of any private utilities to the subject property or neighboring properties.

III.

APPROVAL CRITERIA AND ANALYSIS

A. RURAL/NATURAL RESOURCE PLAN

The following Rural/Natural Resource Plan policies were identified by the Washington County staff as relevant to this application. The policies include:

- Policy 1, The Planning Process
(Section 5. Amendments to Rural Industrial)
- Policy 2, Citizen Involvement
- Policy 6, Water Resources
- Policy 8, Natural Hazards
- Policy 10, Fish and Wildlife Habitat
- Policy 14, Plan Designations
- Policy 18, Rural Lands
- Policy 21, Rural Industrial Development
- Policy 22, Public Facilities and Services
- Policy 23, Transportation

1. Policy 1, The Planning Process

5. Amendments to Rural Industrial shall be based upon:

- A. A mistake (clerical error) in this 1983 plan; or

Response: No mistake was made by Washington County when the Natural Resource Plan was adopted in 1982.

- B. A demonstration of a need for the proposed use to accommodate a rural or natural resource oriented industry;

Response: The applicant uses asphalt and gravel processed in the rural areas of Washington and Yamhill Counties. These supplies are acquired by the truckload at one of sixteen (16) regular vendors whomever is closest to the project underway at that time. A review by the Owner of all materials purchased for installation over the past three years indicates that one-hundred percent (100%) originated in rural districts.

There is a need to construct, improve and maintain driveways and roads in the rural areas of the counties to accommodate the forecasted population growth and the winery visitors to the rural areas of both counties.

- I. An Exception to the applicable LCDC Goal 2 Exception Process (OAR Chapter 660, Division 04).

Response: The Goal 2 Exception for this property was included in the adoption of the Rural/Natural Resource Plan by Washington County in 1982.

- II. Demonstration that an alternative site within UGBs would be inappropriate and no other site, properly designated, is available within a reasonable area.

Response: An alternative site within the Sherwood or Newberg Urban Growth Boundary is inappropriate because the aggregate and asphalt utilized by the applicant is located in the rural areas of Washington and Yamhill counties. See Affidavit in Appendix. In addition, and on average, approximately 50% of the projects for which Signature Paving has been the contractor are outside of UGBs and the urbanized areas of the southwestern part of the Portland metropolitan area.

The reason the applicant is requesting this CPMA from AF-5 to R-IND is because no properties zoned Rural Industrial and located on a major arterial/highway are available within the market area served by the applicant.

*Washington County - The existing zoning within the unincorporated area north and northwest of the site within Washington County was reviewed. Based on the review of properties 2.5 miles to the north and 2 miles to the northeast, no vacant properties are zoned Rural Industrial. See **Exhibit 5***

*Yamhill County - The unincorporated area of Yamhill County to the west and southwest up to the Newberg city limits was also reviewed. Three areas, zoned Resource Industrial(RI), were identified. All three sites are occupied by existing wineries. Three sites zoned Mineral Resource(MR) are also illustrated on Exhibit 6. Site 1 is an existing aggregate extraction area on Quarry Road one mile west of the site. Sites 2 and 3 are also existing aggregate extraction areas on Wilsonville Road east of Renne Road and approximately two miles from the site. No vacant relatively flat site, zoned for rural industrial use, and approximately 5 acres in size was identified in this area. See **Exhibit 6***

*Sherwood – South 50% of City Limits – Three sites zoned for light industrial purposes were identified within the south 50% of the City limits. Site 1 is fully developed with Single Family residential and Site 2 is a fully developed industrial business – Bilet Products Co. Site 3 is a part of the Tonquin Employment Area (TEA) and contains seven tax lots, 3 with residences. A Concept Plan is required for all of the area by the City of Sherwood. This part of the TEA is mostly wooded with moderate slopes and no improvements. See **Exhibit 7***

Based on the analysis of these three areas, the applicant has concluded there is no properly designated vacant Rural Industrial parcel in excess of 5 acres with frontage on a major street within a reasonable distance of the site.

- III. Demonstration that the use is compatible with the surrounding resource uses and will not limit or adversely affect the existing or potential commercial farm or forest uses; and

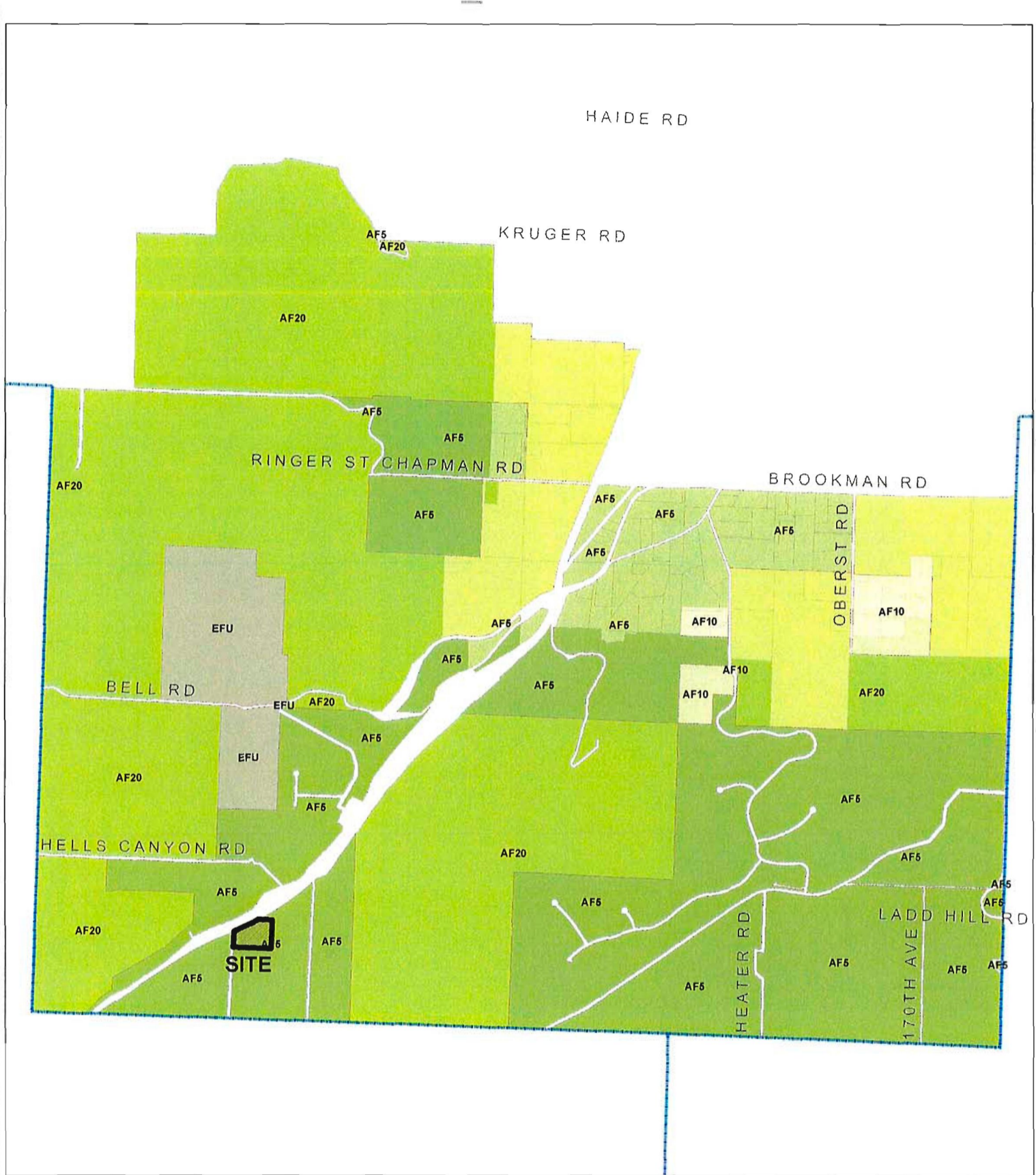
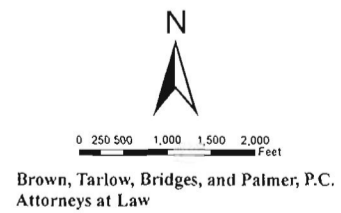
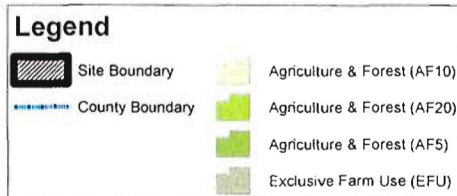


EXHIBIT 5
 ZONING PLAN FOR WASHINGTON COUNTY
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MARCH 2010



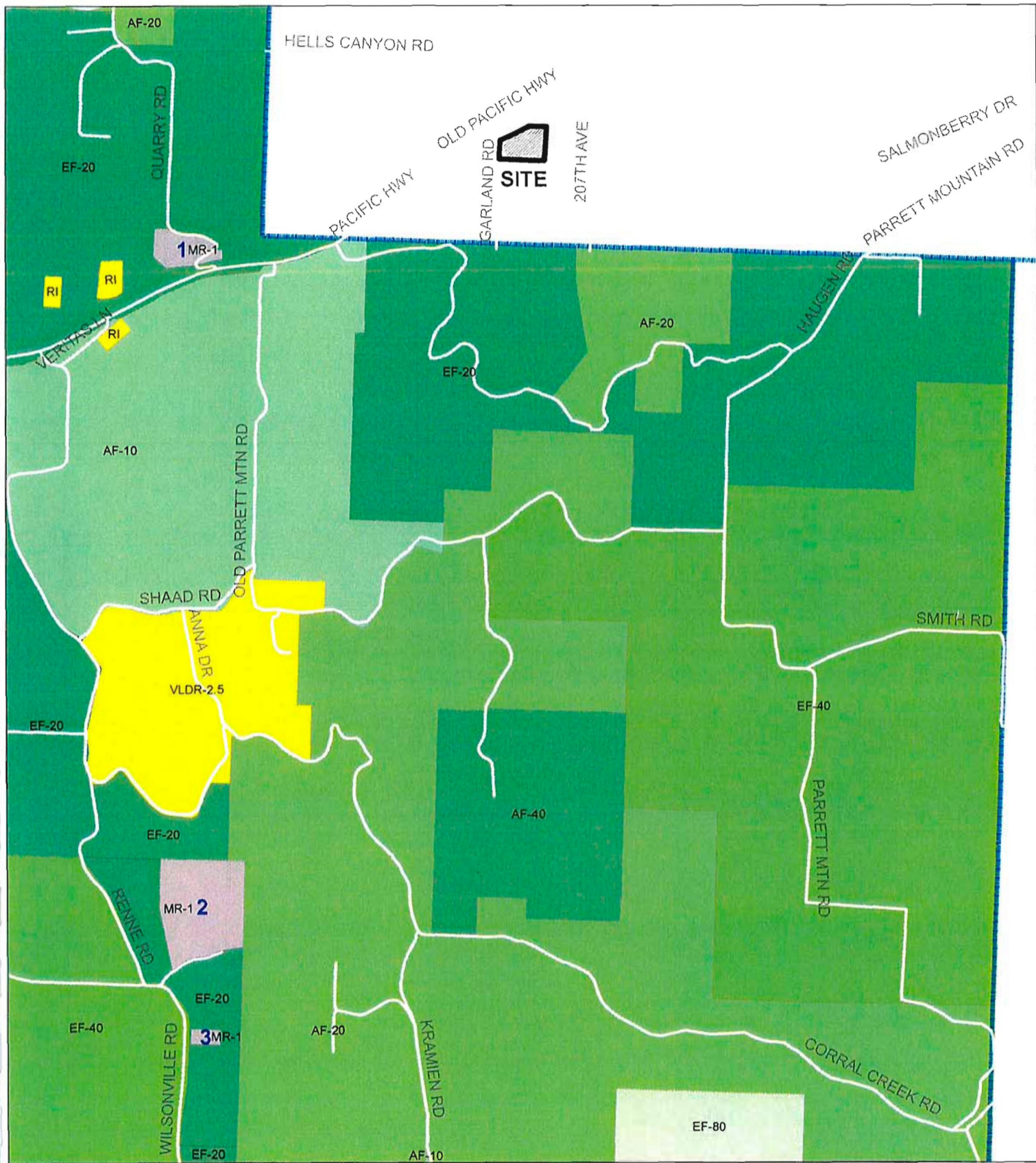


EXHIBIT 6
 ZONING PLAN FOR YAMHILL COUNTY
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MARCH 2010

Legend	
	Site Boundary
	Yamhill County Boundary
	AGRICULTURE & FOREST (AF-10)
	AGRICULTURE & FOREST (AF-20)
	AGRICULTURE & FOREST (AF-40)
	EXCLUSIVE FARM USE (EF-20)
	EXCLUSIVE FARM USE (EF-40)
	EXCLUSIVE FARM USE (EF-80)
	MINERAL RESOURCE (MR-1)
	MINERAL RESOURCE (MR-2)
	MINERAL RESOURCE (MR-3)
	PUBLIC WORKS/ SAFETY (PWS)
	RESOURCE INDUSTRIAL (RI)
	VERY LOW DENSITY RESIDENTIAL (VLDR-2.5)
	1 EXISTING QUARRY - 9.3 ACRES
	2 EXISTING QUARRY - 35 ACRES
	3 INADEQUATE SIZE - 18 ACRES

N

0 250 500 1,000 1,500 2,000
Feet

Brown, Tarlow, Bridges, and Palmer, P.C.
Attorneys at Law

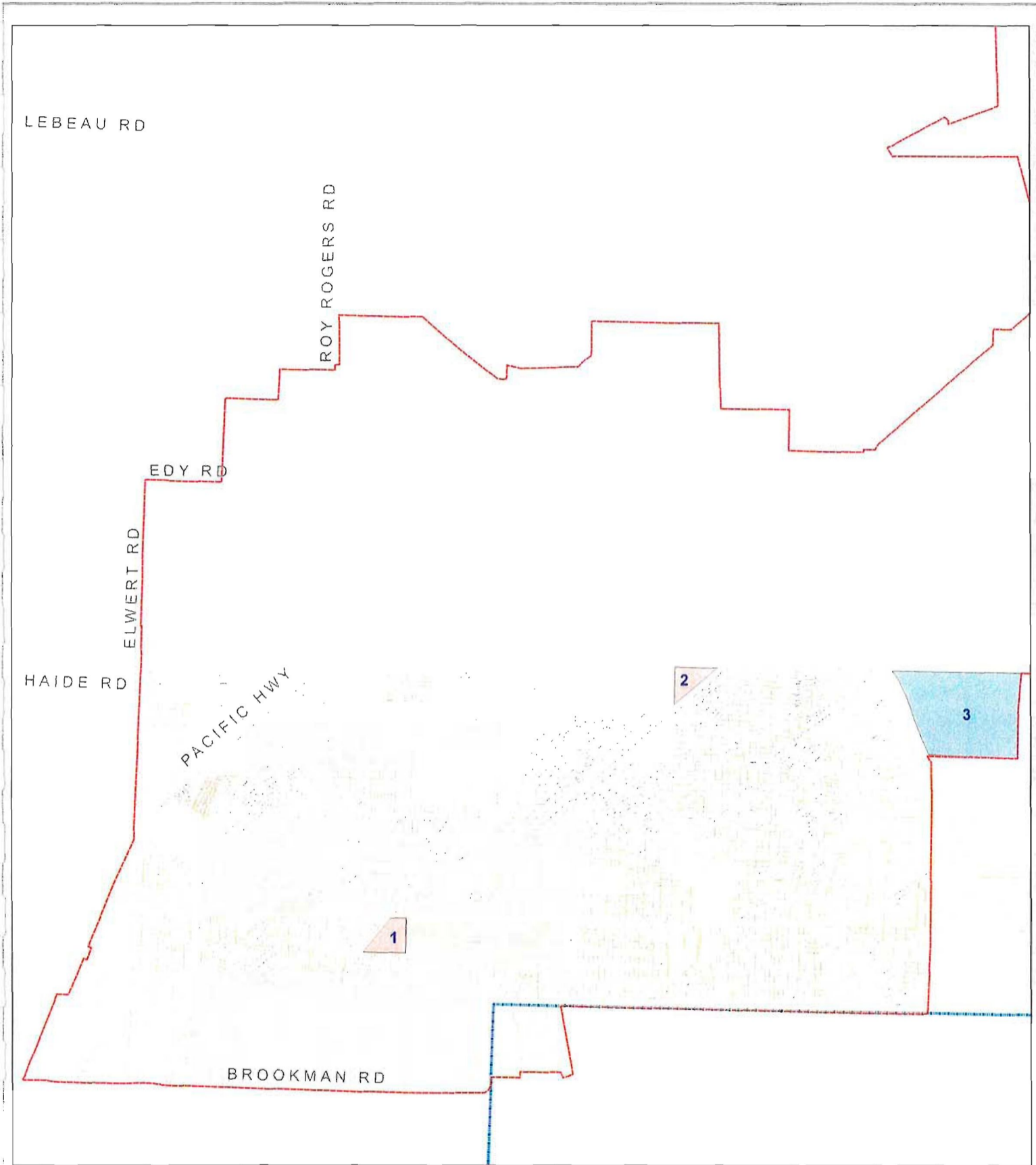
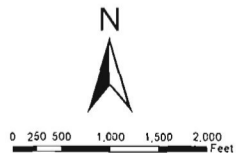


EXHIBIT 7
 INDUSTRIAL SITES IN STUDY AREA - CITY OF SHERWOOD
 SCHRAGE LAND USE DISTRICT AMENDMENT
 MARCH 2010

Legend	
	County Boundary
	Sherwood_UGB
Study Area	
	1 LIGHT INDUSTRIAL FULLY DEVELOPED WITH SINGLE FAMILY RESIDENTIAL - 5 ACRES
	2 LIGHT INDUSTRIAL FULLY DEVELOPED FOR INDUSTRIAL USE BY BILET PRODUCTS CO. - 4 ACRES
	3 TONQUIN EMPLOYMENT AREA (PARTIAL) RURAL RESIDENTIAL ON LARGE LOTS, SOME STEEP SLOPES, WOODED, NO IMPROVEMENTS - 48 ACRES 7 LOTS WITH RESIDENCES ON 3



Brown, Tarlow, Bridges, and Palmer, P.C.
 Attorneys at Law

Response: There are no existing resource uses surrounding the property and there are no existing commercial farm and forest uses in the immediate area. The surrounding area is zoned Agriculture Forest 5 acre minimum and has developed as a rural residential area. A goal Exception for farm and forest uses was acknowledged when the Rural/Natural Resource Plan was adopted in 1982.

- IV. Demonstration that adequate rural services are or will be available concurrent with the use and that the use will not require extension of any urban services into the area.

Response: As noted in section IID, there is an existing water well and two septic drainfields on the property. The County Sheriff and Fire District have indicated they will be able to adequately serve the site. For this reason, no extension of any urban services is required.

- C. For all amendments there shall be a requirement that the applicant will record in the deed records a restrictive covenant that the occupant of the property will not object to commonly accepted farm or forest practices which may occur on adjacent lands.

Response: The applicant will sign the restrictive covenant regarding the acceptance of farm or forest practices on adjacent lands.

2. Policy 2, Citizen Involvement

It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.

Response: The proposed CPMA is consistent with this policy because the review process established by the Community Development Code allows and encourages participation by surrounding property owners and others who may be impacted by the proposal.

All property owners within 1,000 feet of the subject property must be notified by mail and a public hearing will be conducted by the Planning Commission during which time citizens are offered an opportunity to comment on the proposal. The applicant will comply with CDC 204-1.4 and post notice of the public hearing within 28 days of acceptance of a complete application by County staff.

3. Policy 6, Water Resources

It is the policy of Washington County to maintain or improve surface and ground water quality and quantity.

Response: A water well was drilled in 1990 to a depth of 185 feet. The estimated flow rate was 25 gallons per minute (gpm), at that time. An analysis of the water quality was completed on October 9, 2009 by Alexin Analytical Laboratories, Inc. According to the test results provided by Alexin, the water samples passed the bacteria and nitrate tests. See the Appendix.

The site is in the Parrett Mountain Limited Ground Water Area. According to the Watermaster-Tualatin Basin State Water Resources Department, the well water can only be used for domestic use and up to ½ acre for lawn and garden irrigation. No irrigation is permitted for commercial purposes without a permit from the department. The applicant plans to use the well water for domestic use only. The water will not be used in conjunction with the industrial use, other than as would be in any small office. There is no need for a water right.

- a.5. Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.

*Response: The following four sections are included in the well log inventory 3S2 11, 3S2 12, 3S2 13 and 3S2 14. The "log" for each of the 171 wells has been submitted separately. A summary table of the wells illustrates the time period when the wells were drilled, the number, average depth and gallons per minute (GPM). See **Exhibit 8***

The Well Log Summary indicates that the well depths in the four sections adjacent to the property were reasonably stable with aberrations in specific 10 year increments. For example, in Section 3 S 2 11 the well depths from 1970 to 2008 were as shallow as 231.1 feet and no deeper than 271.9 feet in the later eight year period. In Section 3 S 2 12 the well depths from 1970 to 1989 and from 2000 to 2006 averaged from 311.5 to 386.7. From 1990 to 1999 the average depth jumped to 606 feet, although the gallons per minute was within the range of the prior decades.

In Section 3 S 2 13, there was a noticeable increase in the well depths from 2000 to 2007 at an average of 826 feet, although only two wells were drilled. In the prior 20 years the depths had ranged from 557.7 to 593.5 feet. In Section 3 S 2 14, from 1970 to 1989 and 2000 to 2007 the depths ranged from 385.3 to 465.7 for 31 wells. From 1990 to 1999, ten wells averaged 590.9 a substantial increase similar to what occurred in Section 12.

As noted in Section II.E, a well was drilled on the subject property in 1990 to a depth of 185 feet with an estimated flow rate of 25 gpm. The well was inspected on October 9, 2009 and passed the tests for bacteria and nitrate. The well is intended to be more than adequate for a small office staff and the truck and equipment operators who will be spending no more than one to two hours on the property daily, prior to departing to material suppliers or project sites.

EXHIBIT 8
Well Log Summary

Section	Time Period	Number of Wells	Average Depth	Average G.P.M.
3S2 11	1956-1959	5	199.4	19.8
	1960-1969	7	186.9	21
	1970-1979	15	231.1	63.6
	1980-1989	10	256.5	31.7
	1990-1999	14	231.4	32.1
	2000-2008	11	271.9	57.3
3S2 12	1960-1969	5	257.6	17
	1970-1979	12	335.8	26.8
	1980-1989	2	311.5	55
	1990-1999	6	606	35.5
	2000-2006	3	386.7	40.7
3S2 13	1950-1959	2	170	5
	1960-1969	4	399.3	4.8
	1970-1979	8	744.8	15.9
	1980-1989	7	557.7	22.7
	1990-1999	8	593.5	31.25
	2000-2007	2	826	21
3S2 14	1960-1969	4	260.5	17.25
	1970-1979	12	385.3	13.3
	1980-1989	10	465.7	20
	1990-1999	15	590.9	21.4
	2000-2007	9	443.7	12.8

b. Ensure adequate quality of surface and ground water by:

1. Promoting compliance with the Healthy Streams Plan, as adopted by Clean Water Services and in compliance with the CWS-county intergovernmental agreement, to the extent that the Healthy Streams Plan and associated CWS programs apply outside the UGB.

Response: The applicant will comply with the Healthy Streams Plan.

2. Promoting compliance with Department of Environmental Quality(DEQ) water quality standards.

Response: The applicant will comply with the DEQ water quality standards.

3. and 4. Cooperating with the Soil and Water Conservation District and the Oregon State Department of Forestry in the implementation of effective methods of controlling non-point sources of water pollution in agricultural and forest areas.

Response: The site is not in an agricultural or forest area and therefore these two policies are not applicable to this application.

5. Ensuring that the establishment of subsurface sewage disposal systems (e.g., septic tanks) will not adversely affect ground water quality.

Response: The existing septic tank was inspected by the Public Health Sanitarian (Washington County Department of Health and Human Services) in October 2003 and Approved. See the Appendix for the certificates.

c. Protect and maintain natural system channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.

Response: The existing development does not encroach on the existing natural system channels and any additional development will occur outside the proposed Conservation Easement. The easement will include the existing natural vegetation which will serve as a buffer between the drainage channels and the development.

d. Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands

Response: No planned alteration to the existing natural vegetation in the riparian zones. The existing development is south and east of the natural vegetation.

h. Support measures to conserve vegetation in drainage basin watersheds as a means of controlling the release of water to downstream farm lands and urban areas.

Response: The existing vegetation will be protected by the conservation easement and use of the site will not impact the water runoff from the property.

4. Policy 8, Natural Hazards

It is the policy of Washington County to protect life and property from natural disasters and hazards.

Response: All of the information relative to the two Natural Hazard Areas on the property is included in Casefile 92-736-SU/D/DHA. A Hearings Officer's final decision on the application was made in 1995. According to the Staff Report Attachment C for Casefile 04-192-RC/D, the background summary and chronology on Casefile 92-736-SU/D/DHAW can be found on pages 2-3 of the Recommendation and Staff Report for Casefile 01-605-RC/M.

*The applicant will comply with the Hearings Officer's decision on Casefile 04-192 RC/D. See **Appendix A-1**.*

5. Policy 10, Fish and Wildlife Habitat

It is the policy of Washington County to protect and enhance Significant Fish and Wildlife Habitat.

Response: The protection and enhancement of any significant fish and wildlife habitat will be achieved by the applicant's compliance with the Hearings Officer's decision referenced in the response to Policy 8, noted immediately above.

6. Policy 14, Plan Designations

It is the policy of Washington County to maintain distinct comprehensive plan map designations for the area outside the county's Urban Growth Boundaries and to provide land use regulations to implement the designations.

Response: The site is designated AF-5 but has been used for a light industrial business in the past. As noted in Section II. B. the first building, a metal shop structure, was constructed beginning in the Fall of 1990 and a manufactured home shortly thereafter. An application for a Contractor's Establishment was filed in 1992 (92-736-SU/D/DHAW). Apparently, the conditions of the approval were not all completed. As a result, since 1992 a number of applications have been filed to cure the violation. (01-605-RC/M, 03-086-FA, 04-192-RC/D). The purpose of this application is to correct the deficiencies of the site use relative to the County's land use regulations and make the proposed use lawful by designating the site Rural Industrial.

As shown on Exhibit 4, the site is developed with a large gravel area and industrial shop. The gravel area is sufficient to maneuver the equipment necessary for the applicant's business. The applicants proposed use will allow the continued processing of minerals and aggregate from rural areas. In contrast, the site can not be farmed or effectively used as a small forest plot because half of it is set aside with stream protections and the other half is developed.

7. Policy 18, Rural Lands

It is the policy of Washington County to recognize existing development and provide lands which allow rural development in areas which are developed and/or committed to development of a rural character.

Response: The site is in an area adjacent to Highway 99W that is committed to a rural character. The surrounding area has been designated AF-5 since adoption of the Plan in 1982. There is no apparent agricultural or forestry use adjacent to the property. While there are four commercial sized green houses East of the subject property, no activity was observed, which may indicate that they are not currently in use. The property is not in a Farm Deferral Tax category.

- d. Ensure that proposed development will not adversely affect surrounding agricultural and/or forestry activities by requiring that applicants for residential, commercial or industrial uses on land designated for rural development record a waiver of the right to remonstrate against accepted farm or forestry practices on nearby lands.

Response: The site is surrounded by rural residential uses and there are no intensive agriculture or forestry uses adjacent to the property. That being said, the applicant will "record a waiver of the right to remonstrate against accepted farm or forestry practices on nearby lands."

8. Policy 21, Rural Industrial Development

It is the policy of Washington County to provide areas for resource-related industrial uses and to recognize existing lawful industrial uses.

Response: The proposed CPMA is consistent with this Policy. The proposed change from AF-5 to R-IND is consistent with Washington County's practice of maintaining land use designations for all land outside Urban Growth Boundaries and implementing the corresponding regulations. No use of the property is proposed that is not consistent with the proposed R-IND zoning, the rural character of the area and Highway 99W adjoining the northern property line. Because the materials are obtained from another location and delivered to the project site, the proposed use has a very low impact industrial activity.

Currently the property is unused and therefore provides no support to resource related industrial uses. The proposed business purchased 100% of its materials from businesses in the rural area in the past three years, and is supportive of the rural natural resource base. See Appendix A-9, an affidavit by the applicant describing the source of his materials and several invoices as evidence.

When prior applications were submitted to the County for similar rural industrial uses, they received support from the neighboring property owners and were approved by Washington County. The proposed uses will be screened from the surrounding

property. The service providers have indicated they have adequate levels of rural service available. Lastly, most of the use is off-site and therefore, it will be similar to other rural housing where people are gone for most of the day.

9. Policy 22, Public Facilities and Services

It is the policy of Washington County to provide Public Facilities and Services in the Rural/Natural Resource area in a coordinated manner, at levels which support rural type development, are efficient and cost effective, and help maintain public health and safety.

Response: The subject property utilizes an on-site well for water supply and two on-site septic systems for sanitation.

- *A water well was drilled in 1990 to a depth of 185 feet. The estimated flow rate was 25 gallons per minute (gpm), at that time. An analysis of the water quality was completed on October 9, 2009 by Alexin Analytical Laboratories, Inc. According to the test results provided by Alexin, the water samples passed the bacteria and nitrate tests. See the Appendix.*
- *There are two septic systems on the property. One of them serves the manufactured home/office and is currently in use. The second system was installed near the center of Lot 1301 for the expansion of the proposed shop building. This system was inspected and approved but has never been put in to service. See the Appendix.*

The property is not eligible to receive municipal services because it is not within a City urban services boundary. The property is also not within Clean Water Services District boundary.

10. Policy 23, Transportation

It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an Element of the Comprehensive Plan.

Response: The proposed CPMA is subject to seven policies from the County's Transportation Plan. These include:

- *1.0 Travel Needs Policy*
- *2.0 System Safety Policy*
- *4.0 System Funding Policy*
- *5.0 System Implementation and Management Policy*
- *6.0 Roadway System Policy*
- *10 Functional Classification Policy*
- *19 Transportation Planning Coordination and Public Involvement Policy*

These policies are addressed on Pages 5 and 6 in a Transportation Analysis of this proposal by Lancaster Engineering, dated November 5, 2009. The analysis has been submitted as a separate document with the application.

B. COMMUNITY DEVELOPMENT CODE CONSIDERATIONS

1. Land Use District Section 354-1 (Intent and Purpose)

The Rural Industrial District is intended to provide areas for industrial uses outside the Urban Growth Boundary where an exception to Goals 3 or 4 has been taken and where a full range of urban services will not be required.

The purpose of the district is to provide for the processing and manufacture of timber and forest related products, farm crops and produce, minerals and aggregates near the resources, and for the repair of mechanical equipment related to farm and forest uses.

Response: An Exception to Goals 3 and 4 was taken when Washington County adopted the Rural/Natural Resource Plan in 1982 for the unincorporated areas of the county. This site is included in that Plan.

A full range of urban services is not required for the intended use of the site. As noted in Section II.D.1, there is a water well on the property with 25 gpm which in October 2009 passed the quality standard for domestic use. There are also two septic systems on the site; one of which is in use and the second system was inspected and approved but has never been used. For these reasons, a full range of urban services are not required.

The site is patrolled by the Washington County sheriff and the Tualatin Valley Fire and Rescue District provides emergency services and fire protection to this location.

The intended use of the site by Signature Paving is consistent with one of the purposes of the Rural Industrial District – “provide for the processing..(of) minerals and aggregates near the resources..”.

As noted in Section 1 and III.B.2 the site is within one mile of an existing quarry to the west and a second quarry on Wilsonville Road approximately two miles southwest of the site. These sites along with 14 other locations in rural areas are the material (aggregate and asphalt) sources that were used 100 per cent (100%) of the time by the Owner in the past three years. Therefore, this use is very consistent with one of the four major purposes of the Rural Industrial District.

2. Article IV. 421 Flood Plain and Drainage Hazard Area Development

Response: A Wetlands Natural Resource Area Conservation Easement and a Drainage Easement have been prepared including an Exhibit A Legal Description and B Conservation Easement Diagram for each proposed easement. These easements were prepared in consideration of “Special Use and Development Review Approval, Item No. 92-736-SU/D/DHA, 01-605-RC/M and 03-086-FA, which is the whole consideration granted by Washington County.

These easements have NOT been recorded, however the property Owner is prepared to do so as a condition of approval of a Development Review application. Any future development proposed by the Owner will comply with the terms of these easements and not encroach on the delineated Flood Plain or Drainage Hazard Area.

IV.

CONCLUSIONS

In conclusion, we believe the proposed amendment to the Rural/Natural Resource Plan is consistent with Washington County's criteria for the Rural Industrial District for the following reasons.

- A. The proposed use by Signature Paving Services, Inc. (SPS) is consistent with the purpose of the Rural Industrial District. The business processes aggregate resources found in the rural/unincorporated areas of Washington and Yamhill County.
- B. As noted in A above, SPS's business activity supports other rural resource businesses in the unincorporated areas of the Counties.
- C. Based on a review of the unincorporated areas within a "reasonable" distance from the site, there are no other vacant/suitable sites adjacent to a major arterial or highway zoned for Rural Industrial purposes.
- D. The services necessary for the proposed use have either been installed on the site (water and septic systems) or the site is within the service districts (emergency services and sheriff) that provide the required services.
- E. There was support of prior applications for "contractors establishments" on the subject property by two property owners and Washington County. See **Appendix 1**
- F. The property Owner, Mike and Brenda Schrage, is accepting of the Wetland Conservation and Drainage Easements included within the Appendix and will record the easements at the time the Development Review application is approved in accordance with Washington County's requirements.

APPENDIX

1. Attachment B: Recommended Conditions of Approval 04-192-RC/D
Attachment C – III.A. Background
2. Wetlands Natural Resource Conservation Easement
3. Drainage Easement
4. Certificate of Satisfactory Completion – Subsurface Sewage System
5. Certificate of Satisfactory Completion – Washington County Department of Health & Human Services
6. Completed Septic Tank System Inspection Report
7. Alexin Analytical Laboratories, Inc.
8. Water Well Report – State of Oregon
9. Affidavitt by Mike Schrage regarding Source of Company Material
10. Plan Amendment Pre-Application Conference Summary
11. Statements of Service Availability



A1. ATTACHMENTS A AND B



Washington County
Department of Land Use and
Transportation
Land Development Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE III

CPO: 5
RURAL/NATURAL RESOURCE PLAN

LAND USE DISTRICT:
AF-5 District (Agriculture & Forestry, 5 ac min.)

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 3S2 11 D0
LOT#: 1301, 1400
SITE SIZE: 5.87 acres
ADDRESS: 27500 SW Garland Road

PROPOSED DEVELOPMENT ACTION: Review of Conditions of Casefile 01-605-RC/M, and
Development Review for an Expansion of the Shop Building and Relocation of the Office Building.

October 21, 2004

RECOMMENDATION:

Based upon the evidence in the Casefile and the findings and conclusions set forth in the Staff Report (Attachment C), Staff recommends the Hearings Officer approve the applicant's request for the Review of Conditions on the subject parcel, and Development Review for the Shop Building Expansion, subject to the Recommended Conditions of Approval set forth in Attachment B.

Attachments A. -- Vicinity Map
 B. -- **RECOMMENDED CONDITIONS OF APPROVAL**
 C. -- Staff Report
 D. -- Hearings Officer's Decision, Casefile 01-605-RC/M

CASEFILE: 04-192-RC/D

APPLICANT:
QUADCO
P. O. Box 687
Newberg, OR 97132
CONTACT PERSON:
Robert Osborne

APPLICANT'S REPRESENTATIVE:
Same as applicant

OWNER:
Edith Nottley
904 S. Portland
Mesa, AZ 85206

LOCATION: On the southeast corner of the
intersection of SW Garland Road and Pacific
Highway 99 West.

Attachment B
RECOMMENDED
CONDITIONS OF APPROVAL

- I. The conditions of Casefile 01-605-RC/M continue to apply to the contractor's establishment on the subject property.
- II. By April 1, 2005, the Applicant Shall Submit to Land Development Services, Project Planner (Suzanne Savin, 503-846-3831):
 - A. Evidence that the grading permit required by Condition B.5 of Casefile 01-605-RC/M has been reviewed and approved by the Building Division.
 - B. Evidence that the drainage and conservation easements required by Condition B.6 of Casefile 01-605-RC/M have been recorded.
- III. Prior to issuance of a building permit for the proposed shop building expansion, the Applicant shall submit to Land Development Services, Project Planner (Suzanne Savin, 503-846-3831):
 - A. Evidence that the conditions in Condition II, above, have been met.
 - B. A planting plan for additional screening along the south property line, from the southeast corner of the property to a location 280 feet east of the southwest corner of the subject property. The additional screening shall consist of a row of Douglas firs spaced at 25 feet on center.
 - C. Engineering calculations, prepared by a registered professional engineer, demonstrating that the proposed pole building expansion complies with the standards for storm water quality set forth in OAR 340-41-455(3)(d-h).
 - D. Evidence that a Knox padlock has been installed at the gated entry into the yard, and that the padlock has been approved by Tualatin Valley Fire & Rescue.
- IV. Prior to final approval/occupancy of the proposed shop building expansion, the Applicant shall submit to Land Development Services, Project Planner (Suzanne Savin, 503-846-3831):
 - A. Evidence that the additional screening required by Condition III.A. above has been installed, consistent with the approved plan. The size of the Douglas firs at installation shall comply with CDC Section 407-8.4.
 - B. Evidence that an on-site firefighting water supply has been installed to serve the shop building expansion, and has been approved by Tualatin Valley Fire and Rescue.

- V. **This approval shall automatically expire two years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated (CDC Section 201-4).**

- VI. **A review of conditions, at the end of a 5-year period, beginning on the date of the Hearings Officer's decision for Casefile 01-605-RC/M, shall be requested by the applicant to determine if additional conditions are required to mitigate identified impacts from this use and to assure that the use continues to support the Rural/Natural Resource area (i.e. including a complete review of the financial records for the five-year period and the locations of work performed). The review of conditions shall be processed through the Type III procedure. (The request shall be subject to future review of conditions, to be held at 5 year intervals).**

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS:

- A. Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)
- B. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 (Type II Procedure)
 - Section 207-5 (Conditions of Approval)
 - 2. Article III, Land Use Districts:
 - Section 348 (AF-5 District Standards)
 - Section 407 (Landscape Design)
 - Section 409 (Private Streets)
 - Section 410 (Grading and Drainage)
 - Section 411 (Screening and Buffering)
 - Section 413 (Parking and Loading)
 - Section 423 (Environmental Performance Standards)
 - 4. Article V, Public Facilities and Services
 - Section 501-9 (Limited Application of Public Facilities and Service Standards Outside the UGB)

II. AFFECTED JURISDICTIONS

Washington County Health & Human Services
Tualatin Valley Fire & Rescue (TVFR)

III. FINDINGS

A. Background

1. This request contains two components. The first component is a review of Conditions of Casefile 01-605-RC/M. Casefile 01-605-RC/M, in turn, was a review of conditions of Casefile 92-736-SU/D/DHAW. Casefile 92-736-SU/D/DHAW granted special use approval and development review for a contractor's establishment (QUADCO) to operate on the subject property, as well as approval of a Drainage Hazard Area alteration and Wetlands Enhancement.

Casefile 92-736-SU/D/DHAW has a lengthy history, as the request was submitted in 1992 and the final Hearings Officer decision occurred in 1995. A total of four Staff Reports (dated 9/16/93, 2/24/94, 3/24/94, and 10/19/95) were produced for this request prior to the Hearings Officer's final 1995 decision. A background summary and chronology on Casefile 92-736-SU/D/DHAW can be found on pages 2-3 of the Recommendation and Staff Report for Casefile 01-605-RC/M (in the Casefile).

In the applicant's submittal for Casefile 92-736-SU/D/DHAW, the applicant describes the contractor's establishment as follows:

"...The business operates under the name Quadco and does small subcontracting jobs primarily in the rural area, including road and excavation work for farms, logging and rural utilities."

The subject property consists of two tax lots, Tax Lots 1301 and 1400. As shown on the applicant's site plan, Tax Lot 1301 contains a mobile home on the western portion of the property (former residence of the property owner).

A pole building and a manufactured structure are located in the eastern portion of Tax Lot 1301. These two structures serve as the headquarters for the contractor's establishment. The pole building (labeled "Shop Building" on the submitted site plan) serves as a storage area and a maintenance area for the contractor's establishment equipment. The manufactured structure serves as the contractor's establishment office. Vehicle parking and equipment storage, on a graveled parking area, is located in the northeastern portion of Tax Lot 1301 and the southeastern portion of Tax Lot 1400.

3. The present request also includes a second component, a request for Development Review approval to enlarge the shop building. The current size of the shop building is 56' x 52'; the applicant wishes to expand the shop building to the west, increasing its length by 80 feet, for an ultimate size of 136' x 52'. Currently, the applicant is storing some materials associated with the contractor's establishment in a storage container on the east side of the shop building. The applicant wishes to enlarge the shop building so that these materials may be stored inside the building itself, and wishes to incorporate the office component of the business (currently housed in the adjacent manufactured structure) within the proposed enlarged pole building. The applicant states that he does not intend to increase the number of employees or intensity of the business.

In the alternative, if the requested expansion of the shop building is not approved, the applicant wishes to replace the existing manufactured structure which serves as the contractor's establishment office, with a replacement 40' x 14' manufactured structure. The replacement office would be located approximately 40 feet west of the existing pole building.

4. Because the property is within Tualatin Valley Fire and Rescue's (TVFR) jurisdiction, a copy of this request was routed to TVFR, to give them an opportunity to comment on the proposed shop building expansion. TVFR responded that they will need a Knox padlock installed at the gated entry into the yard, and due to the proposed increased square footage of the shop building beyond 3600 square feet, an on-site firefighting water supply is required in accordance with NFPA 1142. These requirements are included as recommended conditions of approval in Attachment B.

5. This application was submitted on 11/21/03 and was accepted within 180 days of the submittal date. Therefore, this application is subject to the Development Code requirements in effect on 11/21/03.

Staff notes that on 11/27/03, the Development Code was amended to add Section 430-34 (Contractor's Establishment). Subsection 430-34.3 of that Section states, "*Contractor's establishments approved before the effective date of Section 430-34 (November 27, 2003) may be expanded through the development review process provided the total square footage of a building(s) or outside storage do not exceed a combined 3,000 square feet in the AF-10, AF-5 and R-COM Districts or a combined 8,000 square feet in the R-IND and MAE Districts.*" The subject property is zoned AF-5 and the requested pole building expansion will result in a pole building that is approximately 7,000 square feet. Thus, the proposed pole building expansion would be prohibited by Section 430-34. However, because the expansion request was made prior to the effective date of Section 430-34, that section is not applicable to the request.

6. This application was accepted on 5/13/04, and was originally scheduled for a July 2004 hearing date. However, the applicant's legal representative had a conflict with the July, August, and September 2004 hearing dates. Additionally, the applicant's legal representative stated that the applicant (Bob Osborne) and property owner (Edith Nottley) are involved in a civil suit regarding the legal ownership of the subject properties. For these reasons, the applicant's representative submitted an unencumbered waiver of the 150-day processing time for this request (in the Casefile), and requested an October hearing date. Staff agreed, and the present hearing date was scheduled.
7. According to the County's Flood Plain Maps, the subject property contains two Drainage Hazard Areas (DHA's). The applicant submitted a delineation of these DHA's, prepared by a registered engineer, as part of the submittal for Casefile 92-736-SU/D/DHA. The delineation was accepted by the County's Principal Engineer. According to the DHA delineation contained in Casefile 92-736-SU/D/DHA (Sheet 2, prepared by Harris-McMonagle Associates, dated 2/17/92), the limits of the onsite DHA's are located north of the existing driveway into the site, and east of the existing shop building on the site. The proposed shop building expansion shown on the applicant's site plan is outside of the delineated DHA limits. Therefore, Staff concludes that an address of Section 421 (Flood Plain and Drainage Hazard Area Development) is not warranted in the present Staff Report.
8. Two comment letters were received prior to completion of the Staff Report for this request, on October 11, 2004. The letters were from the residents of 27541 and 27557 SW Garland Road, which are properties that abut the subject property to the west. The comment letters were letters of support for the request.

A2. WETLANDS NATURAL RESOURCE CONSERVATION EASEMENT

After recording, please return to:
Washington County Surveyor's Office
155 North First #350-15
Hillsboro, Oregon 97124

**WETLANDS NATURAL
RESOURCE AREA
CONSERVATION EASEMENT**

Edith Nottley and William Nottley, Grantors, being lawfully seized in fee simple of the following described premises, in consideration of a Special Use and Development Review Approval, Item No. 92-736-SU/D/DHA, 01-605-RC/M and 03-086-FA, which is the whole consideration, heretofore granted by Washington County, a political subdivision of the State of Oregon, does hereby grant to Washington County a perpetual easement for wetlands and natural resource area conservation purposes over that certain real property situated in the County of Washington and State of Oregon, as shown on Exhibit "B", and being more particularly described as follows:

Wetlands Natural Resource Area
Conservation Easement
Described in Exhibit "A", and shown on Exhibit "B",
Attached hereto and by this reference made a part hereof.

To Have and to Hold, the above described easement unto County, its successors and public agency assignees, together with the right of ingress and egress to and from said easement over and across the adjacent land of Grantor.

For the purposes of this easement, significant natural resources shall be defined as those resources which provide for the identification, protection, enhancement and perpetuation of natural sites, features, objects, and organisms within the County, identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Wetlands are defined as those officially so designated by the Federal government, State of Oregon, or Washington County pursuant to duly established laws and regulations of said entities.

Grantors shall maintain, preserve and protect the significant natural resources and wetlands within the easement. Grantor shall not authorize, permit or suffer modification or alteration of said significant natural resources or wetlands without first obtaining all necessary government permits and approvals.

County shall have the right to maintain, preserve, protect and modify said areas as it determines to be in the public interest and in accordance with all governmental laws and regulations. County may correct any violations or damage caused or suffered by Grantors and shall be entitled to recover its costs from Grantors.

Conservation Easement, Page 1 of 2
Item No. 95-292-SU/D/FP
Jk

1995

This easement does not grant or convey to the County any right of title to the surface soil or water rights, nor does it grant to the general public the right of access or use of the area described herein.

County shall have no duty to inspect or maintain this easement, and no liability whatsoever for the use and maintenance of this easement by Grantor or any third party, excepting only for actions arising solely from County's own negligence. There shall be no fee charged for use of this easement by County.

Grantors warrant that they are the owners of said property which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Execution of this agreement in no way limits, restricts, or pre-empts the authority of Washington County from exercising any of its governmental authority applicable to said property.

This agreement shall be a covenant running with the land benefiting County and may be modified or removed only with the authorization of County.

For purposes of this Agreement, Grantors shall include their heirs, successors and assigns; County shall include its successors and public agency assigns. County is not authorized to transfer its rights to any private party without the approval of Grantors.

Dated this _____ day of _____, 2003.

By: _____
Edith Nottley

By: _____
William Nottley

STATE OF OREGON)
County of Washington)^{ss}

This instrument was acknowledged before me on _____ day of _____, 2003, by Edith Nottley and William Nottley.

Approved as to form:

Loretta S. Skurdahl
Senior Assistant County Counsel

Date: 1/13/00

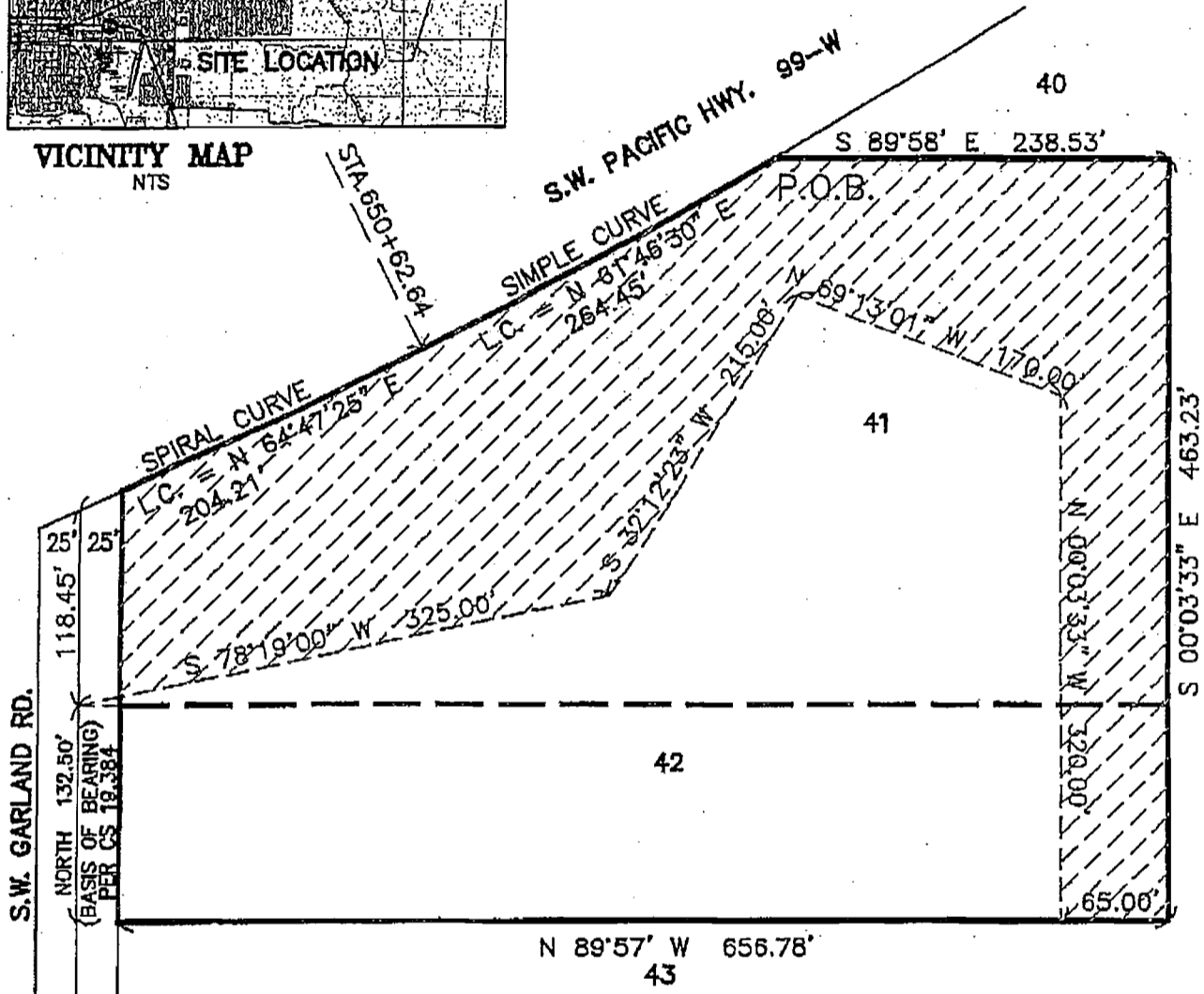
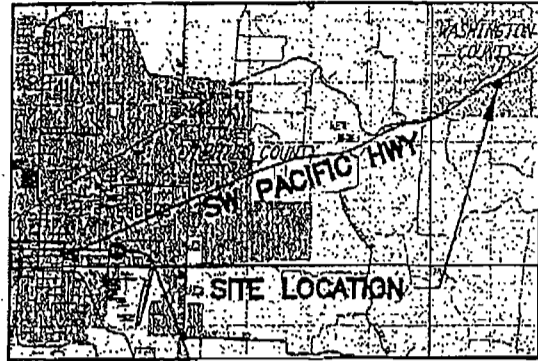
Notary Public for Oregon
My Commission expires: _____

Accepted on behalf of Washington County, Oregon.

Dated this _____ day of _____, 2003.

By: _____
Kenneth A. Bauer, County Surveyor

EXHIBIT 'B'



CONSERVATION EASEMENT DIAGRAM
IN LOTS 41 & 42
CHEHALEM MOUNTAIN ORCHARDS
IN THE SE 1/4 OF SECTION 11, T35, R2W W.M.
WASHINGTON COUNTY, OREGON
 BASIS OF BEARING CS 19,384



CHECKED
J.R.H.

DATE
10/09/03

HARRIS-McMONAGLE
ASSOCIATES, INC.
 ENGINEERS-SURVEYORS
 12555 S.W. HALL BLVD.
 TIGARD, OR 97223-8287
 PHONE: (503) 839-3463

QUADCO
 P.O. BOX 679
 NEWBERG, OR 97132

SCALE 1"=100'

DWG QC-SITE.DWG

SHEET 1

OF 1

A3.

DRAINAGE EASEMENT

After recording, please return to:
Washington County Surveyor's Office
155 North First #350-15
Hillsboro, Oregon 97124

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Edith Nottley and William Nottley, Grantors, in consideration of the granting of a Special Use and Development Review Approval, Item No. 92-736-SU/D/DHA/W, 01-605-RC/M and 03-086-FA, which is the whole consideration, do grant to Washington County, a political subdivision of the State of Oregon, Grantee, on behalf of the public, a perpetual easement for storm and surface drainage purposes through, under and across a strip of land as shown on Exhibit "B" and being described as follows:

Permanent Drainage Easement
Described in Exhibit "A", and shown on Exhibit "B",
Attached hereto and by this reference made a part hereof

This easement shall include the right to enter upon said easement area for the purpose of planting, digging, cleaning, and other activities that enhance and otherwise preserve the drainage function of the easement area.

Grantors hereby covenant to and with grantee, its successors and assign, that it is the owner of said property which is free from encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantors warrant that they are the owners of said property which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Execution of this agreement in no way limits, restricts, or pre-empts the authority of Washington County from exercising any of its governmental authority applicable to said property.

This agreement shall be a covenant running with the land benefiting County and may be modified or removed only with the authorization of County.

For purposes of this Agreement, Grantors shall include their heirs, successors and assigns; County shall include its successors and public agency assigns. County is not authorized to transfer its rights to any private party without the approval of Grantors.

Dated this _____ day of _____, 2003.

By: _____
Edith Nottley

By: _____
William Nottley

STATE OF OREGON)
County of Washington)^{ss}

This instrument was acknowledged before me on _____ day of _____, 2003, by Edith Nottley and William Nottley.

Notary Public for Oregon
My Commission expires: _____

Accepted on behalf of Washington County, Oregon.

Dated this _____ day of _____, 2003.

By: _____
Kenneth A. Bauer, County Surveyor

Approved as to form:

Lorerta S. Skurdahl
Senior Assistant County Counsel

Date: 1/13/00

EXHIBIT "A"

LEGAL DESCRIPTION

DRAINAGE EASEMENT

A tract of land in the southeast one-quarter of Section 11, Township 3 South, Range 2 West, W.M., Washington County, Oregon, being a portion of Lots 41 and 42, Chehalem Mountain Orchards a subdivision of record, and being more particularly described as follows:

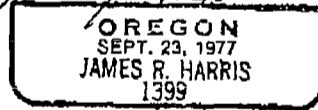
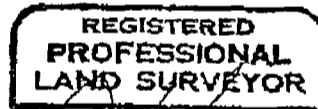
Beginning at the intersection of the north line of said Lot 41 and the southerly right-of-way line of Pacific Highway (99W); thence S 89°58' E 238.53 feet along the north line of said Lot 41 to the northeast corner thereof; thence S 00°03'33" E 463.23 feet along the east lines of said Lots 41 and 42 to the southeast corner of that tract described as Parcel 2 in deed recording 89-50986; thence N 89°57' W 65.00 feet along the south line of said Parcel 2; thence N 00°03'33" W 320.00 feet; thence N 69°13'01" W 170.00 feet; thence S 32°12'23" W 215.00 feet; thence S 78°19'00" W 325.00 feet to the southwest corner of said Lot 41, said southwest corner being on the centerline of SW Garland Road; thence North 118.45 feet along the west line of said Lot 41 and said centerline to the southerly right-of-way line of SW Pacific Highway; thence following said right-of-way line along a spiral curve to the left defined as being parallel with and 40.00 feet southerly of the highway centerline spiral which has a total spiral angle of 2°36'00", a total spiral length of 400.00 feet (the spiral chord along the right-of-way line bears N 64°47'25" E 204.21) to Highway Engineer's Station 620+62.64; thence continuing on said right-of-way line along the arc of a 4,447.37 foot radius curve to the left with a central angle of 3°24'27" (the chord of which bears N 61°46'30" E 264.45 feet) an arc length of 264.49 feet to the point of beginning.

Excepting therefrom that portion within the right-of-way of SW Garland Road.

Basis of bearing: Survey 19,384

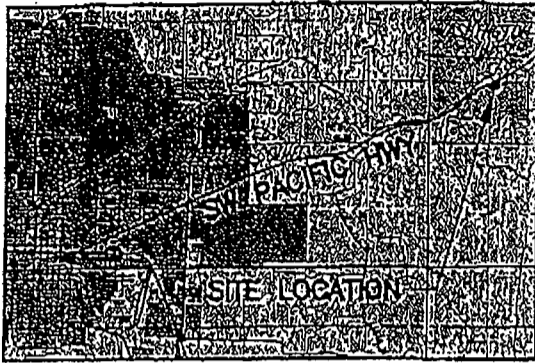
Attachment: Exhibit "B" - Diagram

10/9/03
quandco - drainage leg.doc

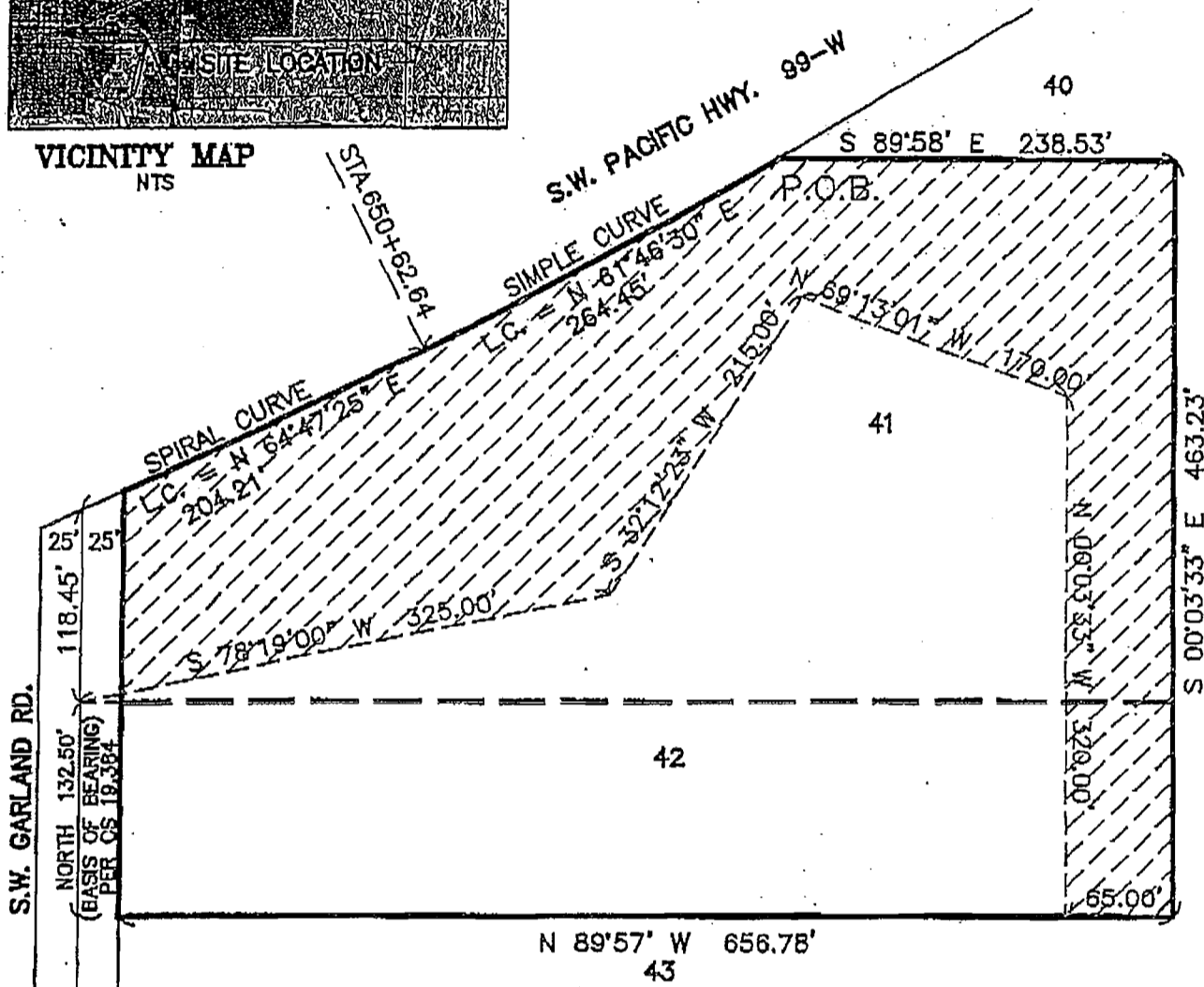


06/05

EXHIBIT 'B'



VICINITY MAP
NTS



**DRAINAGE EASEMENT DIAGRAM
IN LOTS 41 & 42
CHEHALEM MOUNTAIN ORCHARDS
IN THE SE 1/4 OF SECTION 11, T35, R2W W.M.
WASHINGTON COUNTY, OREGON
BASIS OF BEARING CS 19,384**

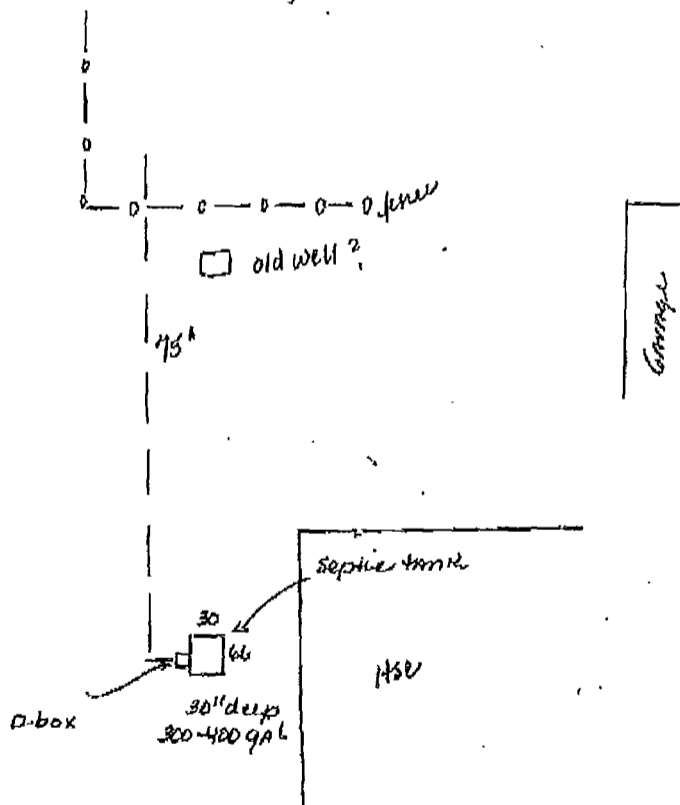


CHECKED J.R.H.	HARRIS-McMONAGLE ASSOCIATES, INC. ENGINEERS-SURVEYORS	QUADCO P.O. BOX 679 NEWBERG, OR 97132	SCALE 1"=100' DWG QC-SITE.DWG
DATE 10/09/03	12535 S.W. HALL BLVD. TIGARD, OR 97223-6287 PHONE: (503) 838-3453		SHEET 1 OF 1

A4. CERTIFICATE OF SATISFACTORY COMPLETION

SERVICES - SUBSURFACE SEWAGE SYSTEM
 CERTIFICATE OF SATISFACTORY COMPLETION / CORRECTION NOTICE

Map: 352-11D-1301 CR#: 54391
 Property Owner: Nattley Installer: Williams ERC
 Loc/Road/Address: 27500 SW Garland
 Type of Use (Resid./Comm./Indust.): Commercial Employees
 SEPTIC TANK: Capacity: 1000 Material: Conc Distance to Well: 50'
 Distance to Foundation: N/A Manufacturer/Model #: Waite
 Miscellaneous: 1 x CONC MH RISER w/ EFFL FILTER
 PUMP/SUMP: Pump Manufacturer: _____ Model #: _____ Size #: _____
 Pump Diameter/Cap.: _____
 DRAINFIELD: Type of system: Standard, serial, EZ DRAIN
 Distance from well: 100' Dist. from Foundation: N/A Dist. from Prop. Line: _____
10' Distance between lines: 10' Total line length: 140' Filter material: _____
 EZ DRAIN Depth, top of tile to finished grade: 16"
 Remarks, Reports: 2 bundles per trench
- 100' + to stream from drain field
- EFFLUENT FILTER ON OUTPUT OF TK
N/A = Building not constructed at
time of inspection
Note on CSC; maintain effluent filter
according to manufacturer's instructions
 PUBLIC HEALTH SANITARIAN: JAPS DATE: 24 Oct '03



352-11D-1302
 Pt 5, Pk 132-A

K/S 1/23/88

A5. CERTIFICATE OF SATISFACTORY COMPLETION – WASH. CO.

B-10

**CERTIFICATE OF SATISFACTORY
COMPLETION/CORRECTION NOTICE
WASHINGTON COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

155 N. First Avenue, Hillsboro, MS 5 846-8722

CR #: 54371 31. 2. 11 2. 12. 01

Address/Legal: 27500 Se Central

Owner/Builder: Nepley

Installer: William's

This on-site sewage disposal system is:

Commercial
Approved. This certifies that the system described above has been satisfactorily completed.

Disapproved. Before a Certificate of Satisfactory Completion will be issued, the following corrections must be made:

- install a vent pipe
- install a cleanout
- install a backflow preventer
- install a backflow preventer

In accordance with Oregon Revised Statutes 454.665, if approved, this Certificate is issued as evidence of satisfactory completion of an on-site sewage disposal system at the location identified above.

Signed: [Signature] Title: [Signature]

Date: 24. 6. 2001

A6. COMPLETED SEPTIC TANK SYSTEM INSPECTION REPORT

COMPLETED SEPTIC TANK SYSTEM
INSPECTION REQUEST

Legal (Tax Account #): 352-117-1301
Address: 27500
Road Name: SW Garland
Date Inspection Called In: 10/22/03
Date Ready: 10/22/03
Tank Size: 1,000 gal
Number of Lines: 2
Number of Bedrooms: Shop
Water: Public Private
Owner: Nottley
Builder: _____
Installer: Phil Wilmes Exc. Inc.
Phone #: _____

F:\...linda/completed septic request.doc-2/11/00

000

10/20/2007 10:51 FAX
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF SEASIDE, CALIFORNIA

A7. ALEXIN ANALYTICAL LABORATORIES, INC.

FAX COVER SHEET

Alexin Analytical Laboratories, Inc.

13035 SW Pacific Hwy.
Tigard, OR 97223

phone 503-639-9311
fax 503-684-1588

SEND TO Company name	From
Attention	Date
Fax number	Phone number

Urgent
 Reply ASAP
 Please comment
 Please review
 For your information

Total pages, including cover: _____

COMMENTS

Date Collected 10/9/09	Time Collected 12:00	Collected By Ted S	Alexin Analytical Laboratories 13035 SW Pacific Hwy. Tigard, OR 97223 503-639-9311 OR100013	Date/Time Received: 10/9/09 12:00	Received By: MS	Sample No. 475244
Phone 538-4825	Fax 503-520-2289			Date/Time Analyzed: 10/9/09 4:15P	Analyzed By: AE	Paid: OK-7384
<input type="checkbox"/> Well <input type="checkbox"/> Spring <input type="checkbox"/> Other			Bacteria Test Results: <input checked="" type="checkbox"/> PASSES <input type="checkbox"/> FAILS	Comments: SPC		
Address or location where sample collected: 27500 SW Garland Rd			Total Coliforms: E. coli / Fecal: <input checked="" type="checkbox"/> Absent <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Present			
Return address for return report: Rob Malzahn Prudon Tion NW 2318 Portland Rd Suite 100 Newberg, OR 97132			WATER BACTERIOLOGICAL EXAMINATION Test Methods: Coliform Bacteria <input checked="" type="checkbox"/> Colilert/Colilert-18 (9223B) <input type="checkbox"/> Colisure <input type="checkbox"/> Fecal (9221E) <input type="checkbox"/> Quanti-Tray (9223B) <input type="checkbox"/> SPC (9215B)	NITRATE TEST REQUESTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NITRATE: <0.5 mg/L Method: 4500-NO ₃ D Limit is 10.0 mg/L <input checked="" type="checkbox"/> PASSES <input type="checkbox"/> FAILS		
Approved by: R. [Signature] Title: Microbiologist Date: 10/12/09				Date/Time Analyzed: 10/9/09 5:05P	Analyzed By: SD	

Test results as reported on this document represent this sample only, as submitted, and may not be indicative of the results of any previous or subsequent testing of this water supply. The laboratory certifies that the test results meet all requirements of NELAC.

This information transmitted by this facsimile is considered confidential information. It is intended for the use of only the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmittal in error, please notify us by telephone and destroy this facsimile.

A8. WATER WELL REPORT – STATE OF OREGON

JAN 08 1990

1990 35/2W/11dc
16501

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 637.746)

WATER RESOURCES DEPT.
SALEM, OREGON

(STATE CARD) #16501

(1) OWNER:
Name W. K. Nettles
Address 29600 Kaituma Lane
City Newburg Ore State Ore Zip 97132
Well Number 2

(2) TYPE OF WORK:
 New Well Deepen Reconition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 185 ft.
Explosives used Yes No Type _____ Amount _____

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds. Rows show hole diameters from 10" to 6" and seal materials like Portland Cement.

How was seal placed: Method A B C D E
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER: Table with columns: Diameter, From, To, Gravel, Steel, Plastic, Welded, Threaded. Rows for Casing and Liner.

Final location of above(s) _____

(7) PERFORATIONS/SCREENS:
 Perforations Method Screen
 Screens Type _____ Material _____

Table with columns: From, To, Slot size, Number, Diameter, Telepipe size, Casing, Liner. Row shows perforations from 170' to 185' with 2x7" slot size.

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bore Air Artesian
Yield gal/min 12 Drawdown 55' Drill stem at _____ Time 2 hr.

Temperature of water 53° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Oily Colored Other _____
Depth of strata: 210-22'

(9) LOCATION OF WELL by legal description:
County Washington Latitude _____ Longitude _____
Township 35 N or S, Range 2 W E or W, WM.
Section 11 SW or SE
Tract Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Garland Rd.

(10) STATIC WATER LEVEL:
31 ft. below land surface. Date 1-3-1990
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 174'
Table with columns: From, To, Estimated Flow Rate, BWL. Row shows zone from 174' to 180' with 25 GPM flow rate.

(12) WELL LOG: Table with columns: Material, From, To, BWL. Lists geological layers like Top Soil, Brown Clay, Brown Clay & gravel, Coarse gravel, Brown Rock soft, Black Basalt Hard, Brown cemented Rock soft, Black Basalt Hard, Gray Basalt Hard, Black Basalt med., Gray Basalt Hard, Black Basalt Soft, Broken Black Basalt, Black Basalt med.

Date started Nov. 13, 1989 Completed Jan. 3, 1990
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed John Pessen WWC Number 284 Date Jan 4, 1990

185' 12 gal/minute

A9.

AFFIDAVITT BY MIKE SCHRAGE

**AFFIDAVIT BY MIKE SCHRAGE
REGARDING SOURCE OF COMPANY MATERIAL**

State of Oregon)
) ss.
County of Yamhill)

1.

I, along with my wife, own and operate Signature Paving Services. Signature Paving Services is a general paving business. We have been in business for ten years.

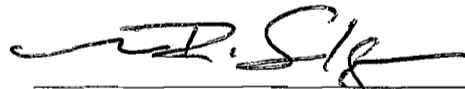
2.

The general work we do includes creation of roads and driveways. The roads and/or driveways are either gravel constructed or paved. As a result of the work we do, our raw material is generally aggregate, whether it just be crushed aggregate, or aggregate that has been batched into asphalt.

3.

One hundred percent of the raw materials sold to us by our suppliers come from sources outside of the city limits. Eighty seven percent of all raw materials loaded on our trucks occurs outside city limits. Examples of representative invoices that we regularly pay are attached to this Affidavit. Although some of the billings offices are inside city limits, the materials come from outside city limits and are picked up at quarries and batching plants outside city limits.

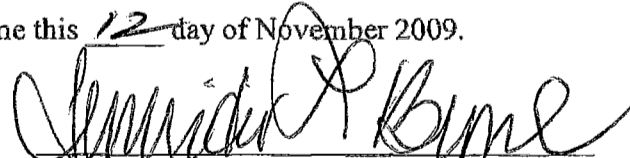
DATED this 12th day of November 2009.



Mike Schrage

SUBSCRIBED AND SWORN to before me this 12 day of November 2009.





Notary Public for the State of Oregon

OREGON ASPHALTIC PAVING, LLC



Mailing Address: P.O. BOX 4810, Tualatin, OR 97062
 Tonquin Hot Plant Address: 21455 SW 120th Ave, Tualatin, OR 97062
 Gresham Hot Plant Address: 1300 SE 190th Ave, Portland, OR 97233

Invoice #: 46229-1
 Date: 1/24/09
 Customer No: 1078

Gresham Phone: (503) 665-5600 Tonquin Phone: (503) 692-1845
 Billing Office Phone: (503) 254-5517 Fax: (503) 255-6147

PO #:

INVOICE

Sold To: Signature Paving Services, Inc
 30410 NE Fernwood Rd
 Newberg, OR 97132

Delivered To:

Sale Date	Ticket	Units-UM	Unit Price	Matl Total	Tax Code	Tax	Tota
MATERIAL: DRIVEWAY MIX T-C							
1/21/09	14226-1	-15.070 TON	57.50 E	-866.53		0.00	-866.53
1/21/09	14222-1	-15.090 TON	57.50 E	-867.68		0.00	-867.68
1/21/09	14221-1	-15.050 TON	57.50 E	-865.38		0.00	-865.38
Total : Material DRIVEWAY MIX T-C				-2,599.59		0.00	-2,599.59
Total Invoice:				-2,599.59		0.00	-2,599.59

Payment Type: On Account

10 Pay Terms 10TH FOLLOWING

Total: -2,599.59

OREGON ASPHALTIC PAVING, LLC



Mailing Address: P.O. BOX 4810, Tualatin, OR 97062
 Tonquin Hot Plant Address: 21455 SW 120th Ave, Tualatin, OR 97062
 Gresham Hot Plant Address: 1300 SE 190th Ave, Portland, OR 97233

Invoice #: 45941
 Date: 12/6/08
 Customer No: 1078

Gresham Phone: (503) 665-5600 Tonquin Phone: (503) 692-1845
 Billing Office Phone: (503) 254-5517 Fax: (503) 255-6147

PO #:

INVOICE

Sold To: Signature Paving Services, Inc
 30410 NE Fernwood Rd
 Newberg, OR 97132

Delivered To:

Sale Date	Ticket	Units	UM	Unit Price	Matl Total	Tax Code	Tax	Tota
MATERIAL: 12.5MM DG LEVEL 2 (COMM C)								
12/1/08	13868	5.030	TON	55.00 E	276.65		0.00	276.65
12/2/08	13879	11.510	TON	55.00 E	633.05		0.00	633.05
Total: Material		12.5MM DG LEVEL 2 (COMM C)			909.70		0.00	909.70
Total Invoice:					909.70		0.00	909.70

DEC 10 2008



*Order enter
 Markson
 Vineyard*

Payment Type: On Account

10 Pay Terms 10TH FOLLOWING	Total:	909.70
-----------------------------	---------------	---------------

INVOICE

Invoice #: 42551
Date: 11/10/07
Customer No: 1078

From: OREGON ASPHALTIC PAVING
P.O. BOX 4810
TUALTIN OR 97062

Sold To: Signature Paving Services, Inc
30410 NE Fernwood Rd
Newberg, OR 97132

Delivered To:

Sale Date	Ticket	Units	UM	Unit Price	Matl Total	Tax Code	Tax	Total
MATERIAL: 12.5MM DG LEVEL 2 (COMM C)								
11/9/07	7201	4.040	TON	42.00 E	169.68		0.00	169.68
Total : Material		12.5MM DG LEVEL 2 (COMM C)			169.68		0.00	169.68
Total Invoice:					169.68		0.00	169.68

NOV 19 2007

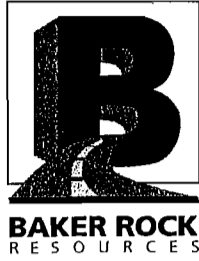


*OK for
enter
Coyote Commercial
Members*

Payment Type: On Account

10 Pay Terms 10TH FOLLOWING

Total: 169.68



Baker Rock Resources

21880 SW Farmington Road
Beaverton, OR 97007

Phone: (503) 642-2531

(800) 340-7625

Fax: (503) 642-2534

CCB #: 3838

Please remit payment to:

Unit 90

P.O. Box 4900

Portland, OR 97208-4900

06/25/09

SI3487

1

Signature Paving Services, Inc
30410 NE Fernwood Rd.
Newberg, OR 97132

JUL 13 2009

STATEMENT

Invoice No	Description	Inv Date	Invoice Amt	Payments	Balance Due
107486	Regular	05/08/09	38.27	38.27	0.00
107534	Regular	05/11/09	41.54	41.54	0.00
107563	Regular	05/12/09	275.89	275.89	0.00
107658	Regular	05/15/09	193.25	193.25	0.00
107667	Regular	05/15/09	1,331.27	1,331.27	0.00
107698	Regular	05/18/09	912.92	876.21	36.71
107954	Regular	05/28/09	15,610.11	15,610.11	0.00
060209C	Credit Memo	06/02/09	-122.88		-122.88
108093	Regular	06/02/09	3,609.62	3,609.62	0.00
108171	Regular	06/03/09	6,362.72	6,362.72	0.00
060409C	Credit Memo	06/04/09	-113.58		-113.58
108192	Regular	06/04/09	195.83	195.83	0.00
108204	Regular	06/04/09	5,404.54	5,404.54	0.00
108291	Regular	06/09/09	1,160.58		1,160.58
108470	Regular	06/15/09	332.64		332.64
108597	Regular	06/17/09	249.57		249.57
108606	Regular	06/17/09	577.07		577.07
108811	Regular	06/24/09	56.33		56.33
108661	Regular	06/25/09	6,530.56		6,530.56
Total Statement Amount					8,707.00

Curr Activity	31-60 Balance	61-90 Balance	Over 90 Balance	Future Ret Due
8,670.29	36.71			

OPEN ACCOUNT TERMS: Net 30 days, up to 1-1/2% per month (equal to 18% per annum) service charge will be applied to all past due accounts. In the event of any default in relation to this agreement, purchaser(s) agree to pay all Baker Rock Resources' attorneys' fees and costs including those on appeal, even if no action is filed.



21880 SW FARMINGTON ROAD
 BEAVERTON, OR 97007-5470
 (503) 642-2531
 FAX (503) 642-2534
 CCB # 3838

REMIT PAYMENT TO:
 Unit 90
 P.O. Box 4900
 Portland, OR 97208-4900

INVOICE	99698
PAGE	1
DATE	6/11/08
TERMS	Net 30 Days

ACCOUNT NO. SI3487

SOLD TO Signature Paving Services, Inc
 30410 NE Fernwood Rd.
 Newberg, OR 97132

P/P Victoria Estates

Quote is \$1. off list price

Ticket	Date	P.O.	Order	Product	Qty	Rate	Amount	Total
#136132	06/11/08		34263	OSHD "C" Mix	15.41	48.75	751.24	751.24
#136139	06/11/08		34263	OSHD "C" Mix	15.04	48.75	733.20	733.20
#136143	06/11/08		34263	OSHD "C" Mix	15.58	48.75	759.53	759.53
#136148	06/11/08		34263	OSHD "C" Mix	15.60	48.75	760.50	760.50
#136150	06/11/08		34263	OSHD "C" Mix	15.03	48.75	732.71	732.71
#136151	06/11/08		34263	OSHD "C" Mix	15.80	48.75	770.25	770.25
#136154	06/11/08		34263	OSHD "C" Mix	15.05	48.75	733.69	733.69
#136155	06/11/08		34263	OSHD "C" Mix	15.39	48.75	750.26	750.26
#136159	06/11/08		34263	OSHD "C" Mix	15.11	48.75	736.61	736.61
#136164	06/11/08		34263	OSHD "C" Mix	15.38	48.75	749.78	749.78
#136166	06/11/08		34263	OSHD "C" Mix	15.09	48.75	735.64	735.64
Subtotal					168.48	Ton	\$8,213.41	\$8,213.41
Invoice Total					168.48	Ton	\$8,213.41	\$8,213.41
							Total Invoice ----- >	\$8,213.41

OK

PAID

*OK to enter
 the sons
 Victoria Estates*

OPEN ACCOUNT TERMS: Net 30 days, up to 1-1/2% per month (equal to 18% per annum) service charge will be applied to all past due accounts. In the event of any default in relation to this agreement purchaser(s) agree to pay all Baker Rock Resources attorney's fees and costs including all those on appeal, even if no action is filled.



Baker Rock Resources

21880 SW Farmington Road

Beaverton, OR 97007

Phone: (503) 642-2531

(800) 340-7625

Fax: (503) 642-2534

CCB #: 3838

Please remit payment to:

Unit 90

P.O. Box 4900

Portland, OR 97208-4900

06/25/07

SI3487

1

Signature Paving Services, Inc
30410 NE Fernwood Rd.
Newberg, OR 97132

JUL 05 2007

STATEMENT

Invoice No	Description	Inv Date	Invoice Amt	Payments	Balance Due
85358	Regular	05/10/07	1,720.50	1,720.50	0.00
85822	Regular	05/22/07	250.69	250.69	0.00
85844	Regular	05/23/07	131.33	127.62	3.71
85854	Regular	05/23/07	312.21	312.21	0.00
85885	Regular	05/24/07	243.90	243.90	0.00
85934	Regular	05/25/07	215.86	215.86	0.00
86019	Regular	05/29/07	419.89	419.89	0.00
86132	Regular	05/30/07	934.34	934.34	0.00
86056	Regular	05/31/07	11,260.30	11,260.30	0.00
86773	Regular	06/11/07	1,343.00		1,343.00✓
86635	Regular	06/12/07	578.29		578.29✓
86664	Regular	06/13/07	498.04		498.04✓
86704	Regular	06/14/07	377.89		377.89✓
86747	Regular	06/15/07	251.03		251.03✓
86875	Regular	06/18/07	3,054.47		3,054.47✓
86960	Regular	06/20/07	1,251.16		1,251.16✓
87013	Regular	06/21/07	717.86		717.86✓
87187	Regular	06/22/07	1,270.72		1,270.72✓
87204	Regular	06/25/07	4,180.31		4,180.31✓
Total Statement Amount					13,526.48

*short paid
called again*

verify against previous

Curr Activity	31-60 Balance	61-90 Balance	Over 90 Balance	Future Ret Due
13,522.77	3.71			

PEN ACCOUNT TERMS: Net 30 days, up to 1-1/2% per month (equal to 18% per annum) service charge will be applied to all past due accounts. In the event of any default in relation to this agreement, purchaser(s) agree to pay all Baker Rock Resources' attorneys' fees and costs including those on appeal, even if no action is filed.

Coleman T, Inc.

Coleman Truck & Trackhoe
Newberg Rock & Dirt
5555 Champoeg Rd NE
St. Paul, OR 97137


Invoice

Date	Invoice #
2/28/2009	3

Bill To
Signature Paving 30410 NE Fernwood Road Newberg, OR 97132

MAR 03 2009

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
96	Yards of 3/4-0 @  <i>GH to center Waverly & Coyote Commercial</i>	10.00	960.00

Thank-you for your business Chris & Marne @ Newberg Rock & Dirt (503)538-4088	Total	\$960.00
---	--------------	----------

Coleman T, Inc.


Coleman Truck & Trackhoe
Newberg Rock & Dirt
5555 Champoeg Rd NE
St. Paul, OR 97137

Invoice

Date	Invoice #
9/30/2008	10

Bill To
Signature Paving 30410 NE Fernwood Road Newberg, OR 97132

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
103	Yards of 3/4-0 @ <i>Chaplan No Farms Sprecher Calls</i> <i>ok to enter calls driveway</i> 	10.00	1,030.00
Thank-you for your business Chris & Marne @ Newberg Rock & Dirt (503)538-4088			Total \$1,030.00

Coleman T, Inc.

Coleman Truck & Trackhoe
Newberg Rock & Dirt
5555 Champoeg Rd NE
St. Paul, OR 97137

Invoice

Date	Invoice #
7/31/2007	8

Bill To
Signature Paving 30410 NE Fernwood Road Newberg, OR 97132

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
167	Yards of 3/4-0 @ AUG 0 1 2007 <i>OK to order MBC</i>	8.50	1,419.50
Thank-you for your business Chris & Marne @ Newberg Rock & Dirt (503)538-4088			Total \$1,419.50



A.10 PLAN AMENDMENT PRE-APPLICATION CONFERENCE SUMMARY



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519 fax (503) 846-4412

PLAN AMENDMENT PRE-APPLICATION CONFERENCE SUMMARY

PRE-APPLICANT:

Mike Newman

PROPERTY OWNER:

Edith Nottley
904 S. Portland
Mesa, AZ 85206

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 35211D

TAX LOT NO(S): 1400, 1301

SITE SIZE: 5.87 acres

ADDRESS: 0/27500 SW Garland Rd.

LOCATION: South side of Hwy 99,
east of its intersection
with SW Garland Rd.

PROCEDURE TYPE III

CPO: 5

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S): AF-5

PROPOSED PLAN AMENDMENT: Remove the AF-5 designation and designate
the properties R-IND.

DATE OF PRE-APPLICATION CONFERENCE: 4/24/07

PRE-APPLICANT PHONE: 503-972-5517

STAFF MEMBER: Arzha Willits

APPLICATION SUBMITTAL DEADLINE AND OTHER APPLICABLE REQUIREMENTS:

FEBRUARY 15 (generally) for SPRING/SUMMER HEARINGS

AUGUST 15 (generally) for FALL/WINTER HEARINGS

(NOTE: AN APPLICATION WILL NOT BE SCHEDULED FOR A PUBLIC HEARING UNTIL IT IS ACCEPTED AS COMPLETE. A COMPLETE APPLICATION ADDRESSES ALL APPLICABLE PROVISIONS OF THE VARIOUS COMPREHENSIVE PLAN ELEMENTS AND OTHER APPLICABLE REQUIREMENTS, AND HAS ALL NECESSARY FORMS FILLED OUT COMPLETELY, AND CORRECTLY, AND INCLUDES THE SPECIFIED FEE DEPOSIT AND THE CONTRACT SIGNED BY THE OWNER AGREEING TO PAYMENT OF ALL COSTS ASSOCIATED WITH APPLICATION PROCESSING.)

APPLICABLE POLICIES AND REGULATIONS

URBAN COMPREHENSIVE FRAMEWORK PLAN OR RURAL/NATURAL RESOURCE PLAN CONSIDERATIONS:

DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1, 5, 2, 6, 8, 10, 14, 18, 21, 22, 23

TRANSPORTATION PLAN CONSIDERATIONS:

DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1, 2, 4, 5, 6, 10, 19

COMMUNITY PLAN CONSIDERATIONS (URBAN AREA ONLY):

DEMONSTRATE CONFORMANCE WITH THE COMMUNITY PLAN OVERVIEW, GENERAL DESIGN ELEMENT NUMBER(S) _____, THE DESCRIPTION OF THE _____ SUBAREA, SUBAREA DESIGN ELEMENT NUMBER(S) _____, PRESCRIPTIONS FOR AREA OF SPECIAL CONCERN _____, AND SIGNIFICANT NATURAL AND HISTORIC & CULTURAL RESOURCE(S) DESIGNATION(S) OF _____ ON THE PROPERTY.

COMMUNITY DEVELOPMENT CODE CONSIDERATIONS:

APPLICABLE LAND USE DISTRICT SECTIONS (PURPOSE AND PERMITTED USES): 35A-1 (Intent & Purpose)

PHYSICAL LIMITATIONS OF SITE (SECTIONS 421, 422): 421 - Flood Plain & Drainage Hazard Development

On-site Public Notice Requirement (Rural Area Only): Section 204-1.4 requires the site to be posted with a public notice sign and an affidavit of posting filed within twenty-one (21) days of application acceptance.

* County Comp Plan documents available online @:
www.co.washington.or.us/deptmtz/ltf/planning/publicat.htm

OTHER CONSIDERATIONS:
State Transportation Planning Rule (OAR 660-12-060)

660-012-0060

REVIEW AUTHORITY:

Planning Commission

Board of County Commissioners

GENERAL INFORMATION

PREVIOUS CASE FILES: 92-736-SU/D/DHA, 91-605-PCM, 03-086-FA, 04-192-PC/D

OUTSTANDING CONDITIONS AND VIOLATIONS: UV 01-407, UV 91-060, UV 93-457, UV 96-25

OTHER INTERESTED AGENCIES AND ORGANIZATIONS:

HANDOUTS DISTRIBUTED

- PLAN AMENDMENT APPLICATION FORM
- PLAN AMENDMENT PROCEDURE SUMMARY
- AGREEMENT TO PAYMENT OF FEES FOR APPLICATION PROCESSING
- REQUEST FOR STATEMENT OF SERVICE AVAILABILITY FORMS
- TRAFFIC IMPACT STATEMENT FORM

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

NUMBER OF COPIES

- PRE-APPLICATION SUMMARY
- PLAN AMENDMENT APPLICATION FORM
- WRITTEN EXPLANATION, JUSTIFICATION (submit 1 initially for completeness check - 10 total when deemed complete)
- FEE CONTRACT (SIGNED)
- WASHINGTON COUNTY TAX MAP(S) (must be obtained from Assessment & Taxation Department) 352 11D
- WELL REPORTS (LOGS) FOR SECTIONS 352 11, 352 12, 352 14, 352 13

SERVICE PROVIDER LETTERS

- | | |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC WATER | <input checked="" type="checkbox"/> PARK |
| <input checked="" type="checkbox"/> SCHOOL | <input checked="" type="checkbox"/> TRANSPORTATION: Traffic Impact Statement and/or Traffic Analysis
contact land development exec. |
| <input checked="" type="checkbox"/> FIRE | <input checked="" type="checkbox"/> SHERIFF @ 503-846-8761 |
| <input checked="" type="checkbox"/> SEWER | <input checked="" type="checkbox"/> TRI-MET |
| <input checked="" type="checkbox"/> SEPTIC SYSTEM *may want to check in w/ Wash Co Health Dept | <input checked="" type="checkbox"/> ODOT CONTACT Region 1 503-731-8200 |
| <input checked="" type="checkbox"/> SURFACE WATER | <input checked="" type="checkbox"/> CITY OF _____ |
| | <input type="checkbox"/> OTHER _____ |

FEE DEPOSIT OF \$1600, EXCEPT FOR APPLICATIONS FOR PLAN AMENDMENTS FROM AP-10 AND AP-5, WHICH REQUIRE A DEPOSIT \$1000. (THE FINAL COST OF PROCESSING THIS APPLICATION IS ESTIMATED TO BE \$2200. THIS ESTIMATE IS NOT BINDING ON THE COUNTY, AND MAY NOT REFLECT THE FINAL COST OF PROCESSING THE APPLICATION.)

MAILING LIST AND MAP FOR PROPERTIES IN AN ADJACENT COUNTY (all properties w/in 1000 ft of subject properties)

THESE NOTES ARE GENERAL IN NATURE AND ARE NOT INTENDED TO COVER ALL OF THE ISSUES THAT MAY SURFACE IN THE REVIEW OF AN APPLICATION. ADDITIONAL INFORMATION MAY BE REQUIRED AND IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE THE NECESSARY INFORMATION TO PROCESS AN APPLICATION AS REQUIRED BY OREGON LAW AND WASHINGTON COUNTY ORDINANCES AND REGULATIONS.

DEC 09 2009

COPY



WASHINGTON COUNTY

Dept. of Land Use & Transp.
Land Development Services
155 N. First Ave., Suite 350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
http://www.co.washington.or.us

**REQUEST FOR STATEMENT
OF SERVICE AVAILABILITY**

- WATER DISTRICT: _____
- FIRE DISTRICT: _____
- TRI-MET
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF _____
- CLEAN WATER SERVICES

PRE-APPLICATION DATE: _____

Service Provider: PLEASE RETURN THIS FORM TO:
APPLICANT:
 COMPANY: Brown, Tarlow, Bridges & Palmer
 CONTACT: John Bridges
 ADDRESS: 515 E. First St.
Newberg, OR 97132
 PHONE: 503-538-3138

OWNER(S):

NAME: Brenda & Michael Schrage
 ADDRESS: 31615 NE Wilsonville Rd.
Newberg, OR 97132
 PHONE: 503-554-8553

Property Desc.: Tax Map(s): 3S211D Lot Number(s): 1303 & 1400

Site Size: 5.87 acres

Site Address: 27500 SW Garland Rd. & 99W

Nearest cross street (or directions to site):
Sherwood, OR 97140

PROPOSED PROJECT NAME: Signature Paving

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)
Amendment to Natural Resource Plan from AF-5 to R-IND Land Use District

EXISTING USE: Two Vacant Buildings PROPOSED USE: Paving Contractor

IF RESIDENTIAL: NO. OF DWELLING UNITS: _____ TYPE OF USE: Paving Contractor NO. SQ. FT. _____
 SINGLE FAM. _____ MULTI-FAM. _____ NO. OF SQ. FT. (GROSS FLOOR AREA) 3472 NO. STUDENTS/EMPLOYEES/MEMBERS: _____

THIS IS NOT A FIRE DISTRICT APPROVAL

The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and or rescue operations.

Drawings-Plans illustrating access and firefighting access and water supply requirements consistent with fire code standards shall be submitted to Washington County for their approval.

See approved-stamped plans for additional information.

Date: 12/4/09

Drew DeBois
Deputy Fire Marshal
Tualatin Valley Fire & Rescue



**WASHINGTON COUNTY
OREGON**

Date: 10/28/2009

Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-5 to R-IND, 3S211D Tax Lot 1301 & 1400
(land use district) (map location)

Fire District: Tualatin Valley Fire & Rescue

Dear Washington County Fire District,

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the fire station?

4.87 miles

2. What will be the average emergency response time to the parcel(s) referenced above?

9 minutes from Station 33 (Sherwood)

3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?

Personnel: Minimum 6-8

Apparatus: 2 Engines, 1 Truck, 1 Duty Chief

4. Will the addition of _____ () single family dwellings cause any serious impact on the current services provided?

no

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: [Signature] DREW DEBON DATE: 12/4/09

POSITION: DEPUTY FIRE MARSHAL

\\LUT1\DATA\SHARED\Plng\WPSHARE\Plan Amendments\Master\Misc forms\fire questions.doc

Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Land Development Services Division
 155 N. 1st Avenue, #350-13,
 Hillsboro, OR 97124
 Ph. (503) 846-8761 Fax (503) 846-2908
 http://www.co.washington.or.us

**Request For Statement Of Service
 Availability For Sheriff / Police Services**

WASHINGTON COUNTY SHERIFF

PRE-APPLICATION DATE: _____

Service Provider: PLEASE RETURN THIS FORM TO:
APPLICANT:

COMPANY: Brown, Tarlow, Bridges & Palmer
 CONTACT: John Bridges
 ADDRESS: 515 E. First St.
Newberg, OR 97132
 PHONE: 503-538-3138

OWNER(S):

NAME: Brenda & Michael Schrage
 ADDRESS: 31615 N.E. Wilsonville Rd.
Newberg, OR 97132

PHONE: 503-554-8553

Property Desc.: Tax Map(s): 3S211D Lot Number(s): 1301 & 1400

Site Size: 5.87 acres

Site Address: 27500 SW Garland Rd. & 99W

Nearest cross street (or directions to site): Sherwood, OR 97140

PROPOSED PROJECT NAME: Signature Paving

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Amendment to Natural Resource Plan from AF-5 to R-IND Land Use District

EXISTING USE: Two Vacant Buildings PROPOSED USE: Paving Contractor

IF RESIDENTIAL:

NO. OF DWELLING UNITS: _____

SINGLE FAM. _____ MULTI-FAM. _____

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: Paving Contractor NO. SQ. FT. _____

NO. OF SQ. FT. (GROSS FLOOR AREA) 3472 NO. STUDENTS/EMPLOYEES/MEMBERS: _____

IF INSTITUTIONAL:

******* ATTENTION SERVICE PROVIDER *******

**PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
 RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: [Signature] POSITION: LIEUTENANT DATE: 11/16/09

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.

If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Please also provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:
 1. Contracting with private agency; 2. Contracting with other public agency; 3. Impact fees; 4. Any combination of these or other alternatives.

SIGNATURE: _____ POSITION: _____ DATE: _____



November 5, 2009

John Bridges
Brown, Tarlow, Bridges and Palmer
515 East First Street
Newberg, OR 97132



RE: 27500 SW Garland Road Rezone Transportation Analysis

Dear Mr. Bridges,

This letter is intended to describe the potential traffic impacts of a proposed rezone in Washington County, Oregon. The subject property is comprised of tax lots 3S211D001301 and 3S211D001400 in Washington County. In total, the two lots cover 5.87 acres, all of which is currently zoned AF-5. Under the proposed zone change, the property would be zoned R-IND. This analysis will address the net change in site trips that could be associated with the proposed zone change. It will also address the Transportation Planning Rule (TPR) as it relates to the proposed zone change, sight distance at the existing access location, and applicable Washington County Transportation Plan policies.

The primary references for this letter are the ITE Trip Generation Manual, the Washington County Development Code and the TPR as established by the Oregon Administrative Rules (OAR) 660-012-0060.

Trip Generation

In order to determine the number of site trips that could be associated with the proposed zone change, an analysis was undertaken of the maximum-density development that could reasonably be achieved on the subject property under both the existing and proposed zoning designations.

The Washington County Development Code allows a variety of land uses within the AF-5 zoning, including detached dwellings, day care facilities, schools and public buildings. Under the proposed R-IND zoning, public buildings, animal hospitals, saw mills, manufacturing of lumber, tile, pottery and ceramics, manufacturing and processing of mineral and aggregate materials, and heavy industrial uses may be permitted.



John Bridges
November 5, 2009
Page 2 of 7

In order to provide a meaningful comparison of site trips associated with the land uses permitted under the existing and proposed zoning, trip data from the manual *TRIP GENERATION*, Eighth Edition, published by the Institute of Transportation Engineers (ITE) was used.

Under the existing AF-5 zoning, development of the site with a 100-student private school or a 5,000 square-foot day care center would generate up to 90 trips during the morning peak hour and up to 62 trips during the evening peak hour.

Under the proposed R-IND zoning, full development of the 5.87-acre site with manufacturing land uses would generate 44 trips during the morning peak hour and 49 trips during the evening peak hour.

It should be noted that development of a large public building (such as a library larger than 8,500 square feet) could result in higher trip levels for the site than those reported above. However this type of development is very unlikely to occur at this location and is permitted under both the existing and proposed zoning. If such a development is considered reasonable, the proposed zone change would result in no change in site trips.

Based on the comparison of trips associated with the maximum level of development permitted under the existing and proposed zoning, the net result of the proposed zone change would be either no change or a reduction in the number of trips associated with the most intense use permitted for the site.

Transportation Planning Rule

The primary test of the TPR is to determine if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation will "significantly affect" an existing or planned transportation facility. The definition of significant affect is addressed in the following sections of this letter.

OAR 660-012-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);



John Bridges
November 5, 2009
Page 3 of 7

The proposed zone change will not change the functional classification of any existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

The proposed zone change will not change the standards underlying the City's functional classification system.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The types and levels of travel and access for this site are consistent with the functional classification of the area roadways under both the existing and proposed zoning. The proposed zone change is expected to result in either no change or a reduction in site trips under the reasonable worst-case analysis scenario. As such, the proposed zone change can not worsen or reduce the performance of any existing or planned transportation facilities.

Sight Distance

Sight distance was examined at the existing site access location on SW Garland Road. The existing access is located 165' south of Highway 99W. In accordance with guidelines in Washington County Code Sections 501-8.5-F(3)(a) and 501-8.5.F(3)(b), sight distance was measured at a point 15 feet from the edge of the travel lane from a driver's eye height of 3.5 feet to an object height of 4.25 feet above the road. The statutory speed on SW Garland Road is 25 mph, requiring at least 250 feet of intersection sight distance in each direction.

Intersection sight distance was measured to be 325 feet to the south. Sight distance to the north is continuous to Highway 99W. Sight distance to the south from the existing access location exceeds the distance requirements established by Washington County. Sight distance to the north is continuous beyond the end of the roadway.



John Bridges
November 5, 2009
Page 4 of 7

Intersection sight distance standards assume that driveway vehicles should yield to through traffic on the major street, ensuring that through vehicles are not impeded by driveway turning movements. Where available sight distance is continuous to the end of a roadway, intersection sight distance standards do not apply beyond the limits of the roadway, since driveway traffic is not required to yield to vehicles that are not yet traveling on the major street. Under these conditions, the effective required intersection sight distance is the lesser of the calculated intersection sight distance or the distance to the end of the roadway.

In order for the driveway to operate safely, stopping sight distance must also be available for the approach. Since sight distance from the proposed access location is continuous beyond the end of the roadway, calculation of stopping sight distance establishes the minimum sight distance requirement as measured to the north of the proposed access.

There are two possible approach paths for traffic approaching the subject driveway from the north. Vehicles may either approach by turning right from Highway 99W onto SW Garland Road or by stopping within the paved crossover within Highway 99W and proceeding across the northeast-bound travel lanes.

Traffic waiting at the stop bar to cross the northeast-bound Highway 99W travel lanes is visible from the driveway access location. As such, the approach speed at the limits of sight distance is zero. Accordingly, there is no minimum sight distance requirement for safety for this approach direction.

The approach speed of traffic turning right from Highway 99W onto SW Garland Road is limited by the 90-degree turn that must be performed. Vehicles making this right turn travel at speeds of up to 18 miles per hour, requiring a minimum of 98 feet of stopping sight distance, based upon the equations provided in the 2004 AASHTO publication, *A Policy on Geometric Design of Highways and Streets*.

The measured sight distance from the driveway location for this approach movement was 207 feet. As such, the available sight distance is adequate for the approach speeds. The proposed site access has adequate sight distance in both directions to ensure safe driveway operation, and to ensure that through traffic on SW Labrousse Road is not impeded by driveway traffic.



John Bridges
November 5, 2009
Page 5 of 7

Washington County Transportation Plan Policies

The proposed zone change is subject to seven policies from the County's Transportation Plan, which are addressed below.

1.0 TRAVEL NEEDS POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A MULTI-MODAL TRANSPORTATION SYSTEM THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF WASHINGTON COUNTY RESIDENTS AND BUSINESSES.

The proposed zone change will not generate additional traffic as compared to permitted development under the existing zoning. The zone change will therefore not have a detrimental affect on capacity or level of service for any travel modes. The proposed zone change does not conflict with Policy 1.0.

2.0 SYSTEM SAFETY POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A TRANSPORTATION SYSTEM THAT IS SAFE.

The proposed zone change will not generate additional traffic as compared to permitted development under the existing zoning. No additional safety improvements will be required in order to support the proposed zone change. Future development of the subject property will be subject to the traffic safety regulations established in the Community Development Code and Resolution and Order 86-95, which implement Policy 2.0.

4.0 SYSTEM FUNDING POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO AGGRESSIVELY SEEK ADEQUATE AND RELIABLE FUNDING FOR TRANSPORTATION FACILITIES AND SERVICES, AND TO ENSURE THAT FUNDING IS EQUITABLY RAISED AND ALLOCATED.

Future development of the subject property will be subject to payment of Transportation Development Tax in accordance with County Code. Payment of this tax is consistent with Policy 4.0.

5.0 SYSTEM IMPLEMENTATION AND MANAGEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO EFFICIENTLY IMPLEMENT THE TRANSPORTATION PLAN AND TO EFFICIENTLY MANAGE THE TRANSPORTATION SYSTEM.



John Bridges
November 5, 2009
Page 6 of 7

The proposed zone change will not generate additional traffic as compared to permitted development under the existing zoning. No changes to the County's current Transportation System Plan will be required in order to support the proposed zone change. Accordingly, there will be no impact on the County's ability to efficiently implement the transportation plan and manage the transportation system. The proposed zone change does not conflict with Policy 5.0.

6.0 ROADWAY SYSTEM POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THAT THE ROADWAY SYSTEM IS DESIGNED IN A MANNER THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF ALL USERS OF THE TRANSPORTATION SYSTEM.

The proposed zone change will not generate additional traffic as compared to permitted development under the existing zoning. The zone change will therefore not have a detrimental affect on capacity or level of service for any users of the transportation system. The proposed zone change does not conflict with Policy 6.0.

10.0 FUNCTIONAL CLASSIFICATION POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THE ROADWAY SYSTEM IS DESIGNED AND OPERATES EFFICIENTLY THROUGH THE USE OF A ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM.

The proposed zone change will not generate additional traffic when compared to uses permitted under the existing zoning. Therefore, the zone change will not result in traffic levels requiring a change to the functional classification of SW Garland Road or any other streets or highways and will not affect the efficient operation of these roadways. The proposed zone change does not conflict with Policy 10.0.

19.0 TRANSPORTATION PLANNING COORDINATION AND PUBLIC INVOLVEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE ITS TRANSPORTATION PLANNING WITH LOCAL, REGIONAL, STATE AND FEDERAL AGENCIES AND TO PROVIDE OPPORTUNITIES FOR CITIZENS TO PARTICIPATE IN PLANNING PROCESSES.

As detailed on pages 2 and 3, the proposed zone change was reviewed for consistency with all applicable provisions of the Transportation Planning Rule (OAR 660-020-0060). The proposed zone change is consistent with the provisions of the Transportation Planning Rule, and therefore does not conflict with Policy 19.0.



John Bridges
November 5, 2009
Page 7 of 7

Conclusions

The proposed zone change is expected to result in either no change or a reduction in site trips associated with reasonable worst-case development of the subject property. The proposed zone change will not have a significant affect on the surrounding transportation system as defined under the Transportation Planning Rule. No mitigation is recommended in association with the proposed zone change.

Based on the investigation, sight distance is adequate at the existing driveway location on SW Garland Road. No improvements or mitigations are recommended for the site access.

The proposed zone change is consistent with all applicable Washington County Transportation Plan policies.

If you have any questions regarding this analysis, please do not hesitate to call.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX

1e

TRIP GENERATION CALCULATIONS

Land Use: Day Care Center
Land Use Code: 565
Variable: 1000 Sq Ft Gross Floor Area
Variable Value: 5

AM PEAK HOUR

Trip Rate: 12.26

	Enter	Exit	Total
Directional Distribution	53%	47%	
Trip Ends	32	29	61

PM PEAK HOUR

Trip Rate: 12.46

	Enter	Exit	Total
Directional Distribution	47%	53%	
Trip Ends	29	33	62

WEEKDAY

Trip Rate: 79.26

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	198	198	396

SATURDAY

Trip Rate: 6.21

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	16	16	32

Source: TRIP GENERATION, Eighth Edition

Ex zoning

1e

TRIP GENERATION CALCULATIONS

Land Use: Private School (K-8)
Land Use Code: 534
Variable: Students
Variable Value: 100

AM PEAK HOUR

Trip Rate: 0.90

	Enter	Exit	Total
Directional Distribution	55%	45%	
Trip Ends	50	40	90

PM PEAK HOUR OF GENERATOR

Trip Rate: 0.60

	Enter	Exit	Total
Directional Distribution	47%	53%	
Trip Ends	28	32	60

Source: TRIP GENERATION, Eighth Edition

Ex zoning

1e

TRIP GENERATION CALCULATIONS

Land Use: Manufacturing
Land Use Code: 140
Variable: Acres
Variable Quantity: 5.87

AM PEAK HOUR

Trip Rate: 7.44

	Enter	Exit	Total
Directional Distribution	93%	7%	
Trip Ends	41	3	44

PM PEAK HOUR

Trip Rate: 8.35

	Enter	Exit	Total
Directional Distribution	53%	47%	
Trip Ends	26	23	49

WEEKDAY

Trip Rate: 38.88

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	114	114	228

SATURDAY

Trip Rate: 33.40

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	98	98	196

Source: TRIP GENERATION, Eighth Edition

Proposed zoning

16

TRIP GENERATION CALCULATIONS

Land Use: Library
Land Use Code: 590
Variable: 1000 Sq Ft Gross Floor Area
Variable Value: 8.5

AM PEAK HOUR

Trip Rate: 1.04

	Enter	Exit	Total
Directional Distribution	71%	29%	
Trip Ends	6	3	9

PM PEAK HOUR

Trip Rate: 7.30

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	30	32	62

WEEKDAY

Trip Rate: 56.24

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	239	239	478

SATURDAY

Trip Rate: 46.55

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	198	198	396

Source: TRIP GENERATION, Eighth Edition

Ex zoning
&
proposed zoning

NOV 30 2009



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation Region 2 Headquarters

455 Airport Road SE Building B
Salem, Oregon 97301-5395
Telephone (503) 986-2600
Fax (503) 986-2630

November 25, 2009

Mr. John Bridges
Brown, Tarlow, Bridges & Palmer
515 E. First Street
Newberg, OR 97132

**SUBJECT: Washington County Request for Statement of Service Availability
(Signature Paving)**

Dear Mr. Bridges:

The Oregon Department of Transportation (ODOT) has received the subject request for information on service availability from Washington County. We have reviewed the information associated with the proposed project and our comments are provided below.

The proposed project includes a change to the Washington County Natural Resource Plan from AF-5 (Agriculture Forest – 5 acre minimum) to R-IND (Rural Industrial) to permit the establishment of a paving contractor business. The property is located on Garland Road immediately south of its intersection with OR 99W. In this area, OR 99W is designated as a Statewide Highway by the Oregon Highway Plan, has two travel lanes in each direction with a center median, and has a posted speed of 55 mph.

The materials submitted to ODOT include a transportation impact study (TIS) prepared by Lancaster Engineering that addresses the proposed land use change and the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TIS compares traffic generated by the proposed use to the reasonable worst case land use allowed by the existing zoning and concludes that the proposed project will not have a significant impact on area transportation facilities because the proposed project will generate fewer peak period trips than the reasonable worst case. ~~While we find the TIS lacking in the level of detail provided, we concur with the results.~~ Therefore, for purposes of the land use change and compliance with the Transportation Planning Rule only, ODOT agrees the proposed land use change will not have a significant effect on area transportation facilities.

We do have significant concerns about the operational and safety impacts of the proposed paving contractor business that are not addressed in the TIS. In fact, there is no analysis of the operational impacts of this proposed use on the intersection of OR 99W and Garland Road. We are specifically concerned about large, slow-moving vehicles entering a high-speed highway on a significant grade. Additional detailed traffic analysis will be required to address these impacts and determine if any improvements will be required at this intersection. Our specific concerns include:

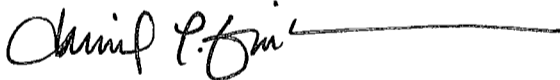
Mr. John Bridges
November 25, 2009
Page 2 of 2

- Information on the size (design vehicle), type and number of vehicles for the specific proposed use at full build-out of the business.
- Intersection sight distance evaluation at the intersection of OR 99W and Garland Road
- Due to the divided highway configuration, a diagram of the intersection showing truck off-tracking limits for an AASHTO WB-67 design vehicle.
- Storage and stacking issues at the property access on Garland Road which is less than 200 feet from the highway intersection.
- Analysis of left-turns from Garland Road onto the highway as it may not be possible to make a two-stage move given the width of the median on the highway.
- Other issues as determined necessary by the Region 2 Access Management Engineer and Senior Traffic Analyst in scoping of the additional required transportation analysis.

The Region Access Management Engineer has determined that the applicant will be required to apply for and obtain an approach road permit for Garland Road on behalf of Washington County pursuant to the requirements of OAR 734-051 (Access Management Administrative Rule). A TIS addressing the issues described above will be required to support the approach road permit application. Your traffic engineer will need to contact Steve Wilson, Region 2 Senior Traffic Analyst (503-986-2857) for a TIS scope of work. You may also obtain information on the approach road permitting process by contacting Cynthia Buswell, Development Review Coordinator (503-986-2654) or Robert Earl, District 3 Permit Specialist (503-986-2902).

Thank you for the opportunity to review this proposed project and provide comments. We look forward to working with you to resolve any transportation issues and state highway impacts associated with this proposal.

Sincerely,



Daniel L. Fricke
Senior Transportation Planner

DLF:

cc: Steve Wilson, Senior Traffic Analyst
Cynthia Buswell, Development Review Coordinator
Robert Earl, Permit Specialist
David Knitowski, Region Access Management Engineer

Mike Ard

From: Mike Ard [mike.ard@gmail.com]
Sent: Tuesday, January 12, 2010 10:53 AM
To: 'FRICKE Daniel L'
Subject: 27500 SW Garland Road: Zone Change Application

Dan,

Based on our conversation yesterday, the analysis letter we provided for the proposed zone change at 27500 SW Garland Road is adequate to satisfy the TPR, and contains the information needed to support the zone change application. We understand that additional analysis and an approach permit application will be required for subsequent development of the property with planned contractor's establishment.

The letter you wrote previously indicates that ODOT has unanswered concerns, which is true with respect to the project, but not with respect to the current (zone change) application. Could you please either prepare a brief letter that indicates the analysis we provided is adequate for the zone change application or modify the letter you previously wrote to indicate that you can support the zone change but the listed questions need to be answered prior to approval of a specific development or conditional-use permit? I fear the letter you previously provided will leave readers with the impression that we need to do more analysis prior to approval of the zone change application.

Thank you,

Michael Ard, PE
Lancaster Engineering
(503)248-0313

3/19/2010



Oregon

Theodore R. Kulongoski, Governor

**Department of Transportation
Region 2 Headquarters**

455 Airport Road SE Building B
Salem, Oregon 97301-5395
Telephone (503) 986-2600
Fax (503) 986-2630

January 21, 2010

Mr. Mike Ard
Lancaster Engineering
321 SW 4th Avenue Suite 400
Portland, OR 97204

**SUBJECT: Supplemental Comments - Washington County Request for Statement
of Service Availability (Signature Paving)**

Dear Mr. Ard:

Per your request, the following information is provided to clarify the previous comments on the subject project in our letter to John Bridges dated November 25, 2009.

1. The transportation impact study (TIS) that was previously reviewed is adequate to address the zone change and compliance with the Transportation Planning Rule (OAR 660-012). For purposes of the land use change and compliance with the Transportation Planning Rule only, ODOT has no objection to the zone change and agrees the proposed change will not have a significant effect on area transportation facilities.

2. In our previous letter, we noted that an approach road permit would be required for the Garland Road connection to OR 99W and that an additional TIS would be necessary to address our concerns (described in the previous letter) at that intersection. The permit application and associated TIS should be submitted to ODOT concurrently with any development application submittal to Washington County. That additional work does not need to be completed at this time. We have prepared a draft scope of work for the subsequent TIS which is attached to this letter. You should direct any comments or questions about the scope to Steve Wilson, Senior Traffic Analyst.

Thank you for the opportunity to review this proposed project and provide comments. We look forward to working with you to resolve any transportation issues and state highway impacts associated with this proposal.

Sincerely,

Daniel L. Fricke
Senior Transportation Planner

DLF:

cc: Steve Wilson, Senior Traffic Analyst
Cynthia Buswell, Development Review Coordinator
Robert Earl, Permit Specialist
David Knitowski, Region Access Management Engineer

Washington County - DLUT
Long Range Planning
155 N. First Avenue, 350-14
Hillsboro, OR 97124

Plan Amendment Specialist
D.L.C.D.
635 Capitol Street NE, Suite 150
Salem, OR 97301

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