



Home of the Tualatin River National Wildlife Refuge

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Case No. SP15-5
Fee 2891
Receipt #
Date 9-21-15
TYPE IV

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: ENDURANCE PRODUCTS COMPANY Phone: 503.639.9502
 Applicant Address: 12990 SW GARBREATH DRIVE Email: JOE@ENDUR.COM
 Owner: R. TERRY HAMMERSCHMIDT Phone: 406.521.4257
 Owner Address: P.O. BOX 1000 VICTOR, MT 59815 Email: *
 Contact for Additional Information: JOE BRUNNER 503.639.9502 X1001

* R.T.HAMMERSCHMIDT@gmail.com

Property Information:

Street Location: 12990 SW GARBREATH DRIVE, SHERWOOD 97140
 Tax Lot and Map No: LOT 11 OF INDUSTRIAL PARK OF SHERWOOD R2051439
 Existing Structures/Use: GENERAL INDUSTRIAL
 Existing Plan/Zone Designation: GENERAL INDUSTRIAL (G1)
 Size of Property(ies) 1.99 AC

Proposed Action:

Purpose and Description of Proposed Action: SITE PLAN REVIEW

Proposed Use: WAREHOUSE ASSESSOR USE TO EXISTING BUILDINGS

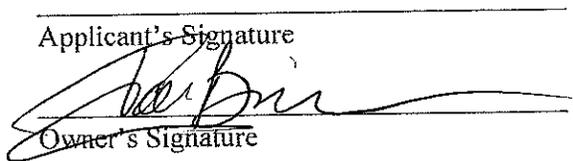
Proposed No. of Phases (one year each): SINGLE PHASE

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

Owner's Signature

Date
9-11-15
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed to verify ownership, easements, etc.
- At least 3 * folded sets of plans
- At least 3 * sets of narrative addressing application criteria
- Fee (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
- Signed checklist verifying submittal includes specific materials necessary for the application process

* Note that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Chapter 16.90 - SITE PLANNING*

Sections:

16.90.010 - Purpose

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 2. Vehicular and pedestrian ways and parking areas.
 3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

Response:

This application is for the second building of a business which currently exists on site. The building being proposed is compatible in use and scale with the existing area.

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use.

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

Response:

The proposed building addition is an expansion of the existing business on site. The proposed construction is considered to be a major modification.

B. Exemption to Site Plan Requirement

1. Single and two family uses

2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks.

C. Reserved

D. Required Findings

No site plan approval will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

Response:

The proposed second building on site meets all applicable standards.

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

Response:

Existing services can adequately serve the proposed building addition.

3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

Response:

The Owner of the parcel will own both the existing and proposed buildings. The Owner also owns the business occupying these buildings.

4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

Response:

Not applicable; there are no significant natural features existing on this parcel.

5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

Response:

Not applicable; this new building will not generate more than 400 ADTs.

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:

Response:

Not applicable; industrial development.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:

- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any four of the following six design criteria:

Response:

Not applicable; the proposed building is not within 200' of the right of way.

- b. As an alternative to Section 16.90.020.D.7.a, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

Response:

Not applicable; the proposed building is not within 200' of the right of way.

- 8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

Response:

No modifications are being proposed to the existing driveway locations or widths.

E. Approvals

The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

- a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

No change in use is being proposed.

- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

Not applicable.

- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

Not applicable.

- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

Not applicable. The proposed site plan changes will have no adverse impact off site or increase the ADTs by more than 100.

- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;

13,400 sq ft second building was previously approved; we are now proposing a second building that is 15,550 sq ft.

- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

- (1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.
- (2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.
- (3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.
- (4) Notice must be provided in accordance with Chapter 16.72.020.
- (5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

Chapter 16.94 - OFF-STREET PARKING AND LOADING

Sections:

16.94.010 - General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

Response:

This application is for a 15,550 sq ft building addition and associated site work. The proposed site work meets the off street parking and loading standards.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

Response:

The site work will be completed prior to occupancy of the proposed building addition. The existing building will remain in operation during the construction of the proposed addition.

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
 - a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.
 - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
 - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
 - (2) That the peak hours of operation of such establishments do not overlap, and
 - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.

2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
 - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
 - b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
 - c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

Response:

A reduction in the minimum parking space standards is not being requested.

D. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

Response:

This application does not propose to misuse the required parking, loading or maneuvering areas.

E. Location

1. Residential off-street parking spaces:
 - a. Shall be located on the same lot or development as the residential use.
 - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
 - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
 - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

Response:

All proposed off street parking spaces will be located in a conforming parking lot on the same parcel. The combined improvements will not have more than forty employees.

F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

Response:

The parking, loading and maneuvering areas will be clearly marked and painted as illustrated in the attached drawings.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

Response:

All new parking areas will have asphaltic concrete pavement to match the existing improvements and the new loading dock will have concrete pavement.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

Response:

The owner occupied site will be well maintained.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

Response:

See attached drawings.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. **(Not Applicable; not near a residential area)**

K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A. **(Not Applicable)**

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 - Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off-street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Table 1: Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Single, two-family and manufactured home on lot ³	1 per dwelling unit	None	None
Multi-family ⁴	1 per unit 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or motel	1 per room	None	None
Boarding house	None	None	None
General retail or personal service	4.1 (244 sf)	5.1	6.2

Vehicle sales, nursery	4.1	5.1	6.2
Furniture/appliance store	4.1	5.1	6.2
Tennis racquetball court	1.0	1.3	1.5
Golf course	None	None	None
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5
General office	2.7 (370 sf)	3.4	4.1
Bank with drive-thru	4.3 (233 sf)	5.4	6.5
Eating or drinking establishment	15.3 (65 sf)	19.1	23.0
Fast food drive-thru	9.9 (101 sf)	12.4	14.9
Movie theater	0.3 per seat	0.4	0.5
Day care	None	None	None
Elementary and junior high	None	None	None
High school and college	0.2 per student + teacher	0.3	0.3
Places of worship	0.5 per seat	0.6	0.8
Nursing home	None	None	None
Library	None	None	None
Industrial	1.6	None	None
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

Response:

This application is for a proposed 15,550 sq ft addition to an existing 8,450 sq ft industrial building housing Endurance Products Company. An industrial user requires 1.6 parking spaces per 1,000 sq ft, or 39 spaces. We are proposing 39 parking spaces.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

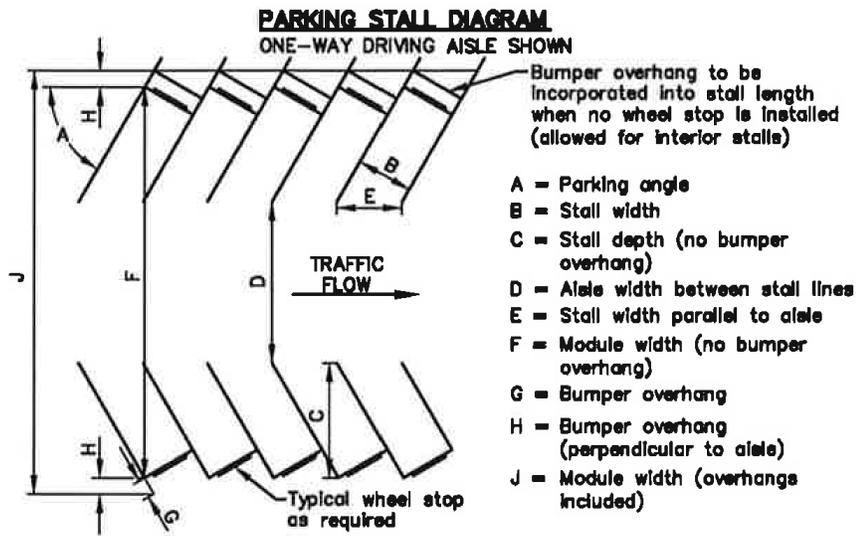


Table 2: Minimum Parking Dimension Requirements
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

Table 3: Two-Way Driving Aisle
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

5. Credit for On-Street Parking

- a. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
- b. The following constitutes an on-street parking space:

- (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
- (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
- (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
- (4) Curb space must be connected to the lot which contains the use;
- (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
- (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

6. Reduction in Required Parking Spaces

Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

7. Parking Location and Shared Parking

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

Response:

The proposed parking spaces and maneuvering drives meet or exceed the development standards noted above as evidenced by the attached drawings. Concrete curbs surround the parking / maneuvering areas and will protect the landscape areas. No service drives or on street parking is being proposed with this application. No parking reduction or shared parking is being proposed with this application.

C. Bicycle Parking Facilities

1. General Provisions

- a. Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. Minimum Number of Spaces. The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. Minimum Number of Long-term Spaces. If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.

- e. Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
2. Location and Design.
- a. General Provisions
 - (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
 - (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - (3) Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.
 - (4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
 - (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
 - (6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.
 - b. Short-term Bicycle Parking
 - (1) Provide lockers or racks that meet the standards of this section.
 - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
 - c. Long-term Bicycle Parking
 - (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
 - (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
 - (3) All of the spaces shall be covered.
 - d. Covered Parking (Weather Protection)
 - (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 - (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
 - (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
----------------	-------------------------

Residential Categories	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None
Group living	1 per 20 auto spaces
Commercial Categories	
Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater
Self-service storage	None
Industrial Categories	
Industrial	2 or 1 per 40 spaces, whichever is greater
Public and Institutional Categories	
Park and ride facilities	2 or 1 per 20 auto spaces
Community service essential service providers parks and open areas	2 or 1 per 20 auto spaces, whichever is greater
Schools	High schools — 4 per classroom
	Middle schools — 2 per classroom
	Grade schools — 2 per 4th & 5th

	grade classroom
Colleges, medical centers, religious institutions, daycare uses	2 or 1 per 20 auto spaces whichever is greater

Response:

Less than 40 vehicular parking spaces are required for this Industrial building, so two bicycle spaces are required; one long term and one short term. A short term bicycle space is located near the main public entry of the existing building, where visitors enter the building and clearly visible from Galbreath. A long term bicycle space is proposed just inside the employee entry near the west side of the proposed addition.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

Response:

The proposed addition includes a loading area that is 34'-4" wide by 70'-0" long; it will serve the needs of both on-site buildings totaling 24,000 sq ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

Response:

The loading area is separated from the employee/visitor parking area.

C. Exceptions and Adjustments.

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met: **(Not Applicable)**

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Chapter 16.96 - ON-SITE CIRCULATION

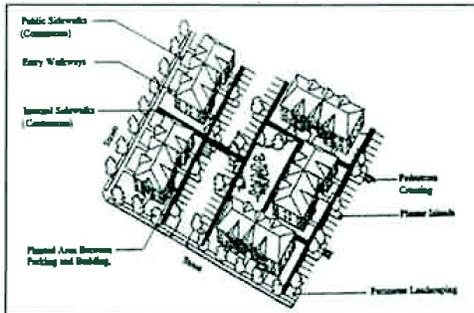
Sections:

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family Example)



B. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

C. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

Response:

The existing and proposed buildings will be occupied by the same company and the two buildings are located on one parcel. Fire egress from the proposed building will be reviewed during building department plancheck for compliance with applicable Codes.

D. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.
2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

Response:

The existing and proposed buildings share vehicular access points to and from Galbreath. The existing pedestrian walkway connecting the existing building to the sidewalk along Galbreath will be widened to 6'.

E. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

Response:

The existing and proposed buildings are owner-occupied by one company; all improvements will be well maintained.

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows: **(Not Applicable)**

1. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

Response:

See response to 16.94.030.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum - Residential standards **(Not Applicable; 16.96.020 deleted)**

16.96.030 - Minimum Non-Residential Standards

Minimum standards for private, on-site circulation improvements in non-residential developments:

A. Driveways

1. Commercial: Improved hard surface driveways are required as follows:

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
———			
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

2. Industrial: Improved hard surfaced driveways are required as follows:

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
———			
1 - 249	1	15 feet	24 feet
250 & above	2	15 feet	24 feet

Response:

There are 39 parking spaces required and shown on the attached drawings. We are proposing to retain the two driveways; both drives exceed the minimum width of 24'-0". This application proposes to revise and improve vehicular circulation and increase the parking count to 39.

3. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.

B. Sidewalks and Curbs

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.

Response:

This application proposes to replace the existing 4' wide pathway connecting the public sidewalk to the visitor/main building entry with a 6' wide concrete walkway. The closest transit facilities are over a mile away.

2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.

Response:

This application proposes to replace the existing 4' pathway connecting to the public right of way with a 6' wide concrete walkway. .

3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

Response:

The existing and proposed pedestrian walkways are concrete. All new pedestrian walkways shall conform with ADA standards. The proposal includes a large concrete plaza linking the existing and new buildings; this plaza has been designed to offer fire truck access between the buildings.

4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 8; Ord. 86-851)

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

B. Joint Access [See also Chapter 16.108]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

Response:

The attached site plan illustrates the re-use of the two existing driveways serving both the existing and proposed buildings.

C. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

Response:

The existing and proposed buildings will occupy one parcel and share the existing access points to Galbreath. Private concrete walkways will connect ingress/egress points to the public way.

- D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

Response:

All required walkways will be maintained.

- E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009 § 8)

Chapter 16.98 - ON-SITE STORAGE*

Sections:

16.98.010 - Recreational Vehicles and Equipment

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.

Response:

Not applicable to this proposal.

16.98.020 - Solid Waste and Recycling Storage

All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

Response:

A waste and recycling enclosure is being proposed near the southeast corner of the property and sized to serve both the existing and proposed buildings. The enclosure is proposed approximately 400' from the public right of way and screened by a 6'-0" high fully sight obscuring concrete masonry wall. The enclosure access aligns with the vehicular drive making it easily accessible for collection vehicles.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851, § 3)

16.98.030 - Material Storage

- A. Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.

Response:

No exterior storage of materials is being proposed.

- B. Standards. Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.

Response:

None of the activities noted above are being proposed; all business activities will occur within the buildings.

- C. Hazardous Materials. Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations. **(Not Applicable; there are no hazardous materials)**

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 89-901, § 1; Ord. 86-851, § 3)

16.98.040 - Outdoor Sales and Merchandise Display

- A. Sales Permitted **(Not Applicable; there are no outdoor sales or display)**

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.
2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.
3. Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.

- B. Standards **(Not Applicable; there are no outdoor sales or display)**

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.
4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.

(Ord. No. 2012-001, § 2, 1-3-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 89-901, § 1)

Chapter 16.116 - FIRE PROTECTION*

Sections:

16.116.010 - Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

Response:

The attached survey illustrates an existing fire hydrant along Galbreath near the southwest corner of the property. The attached civil drawings illustrate the second fire hydrant being relocated to the southeast corner of the site. Two fire hydrants will remain available for the existing building during construction of the proposed building.

(Ord. 86-851, § 3)

16.116.020 - Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

Response:

The applicant acknowledges the need to provide fire protection facilities that meet applicable standards.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

Response:

Acknowledged; no further response required at this time.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

Response:

The existing and relocated fire hydrants are along the vehicular drive near the southern property line. The existing and proposed parking spaces will not encumber access to these hydrants.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

Response:

The curbs will be painted yellow as required adjacent to the new and existing fire hydrants.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

B. Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

C. Modification of Facilities

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

Response:

The existing fire hydrant along Galbreath will not be impacted by the proposed work. The second fire hydrant is an existing hydrant being relocated on site. This relocation will occur at the earliest practical time in site construction to offer improved distance between the hydrants and enhanced fire protection for the employees and construction workers.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

Chapter 16.146 - NOISE*

Sections:

16.146.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

Response:

The proposed addition increases capacities for this existing user, but doesn't alter the current use which produces no adverse noises.

(Ord. 91-922, § 3)

16.146.020 - Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.
- B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.
- C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

Response:

The property is surrounded by industrial buildings/zoning.

(Ord. 91-922, § 3)

16.146.030 - Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

Chapter 16.148 - VIBRATIONS*

Sections:

16.148.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

Response:

There are no current or proposed activities within the buildings that will cause discernible vibrations at the property line.

(Ord. 91-922, § 3)

16.148.020 - Exceptions

This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

Chapter 16.150 - AIR QUALITY*

Sections:

16.150.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

Response:

All existing and proposed activities on site shall comply with applicable State air quality rules and statutes. No incinerators are existing or proposed.

(Ord. 91-922, § 3)

16.150.020 - Proof of Compliance

Proof of compliance with air quality standards as per Section 16.150.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

Response:

The proposed building will be assembling the same supplements as currently being done in the existing building where all State air quality rules and statutes are being complied with.

(Ord. 91-922, § 3)

16.150.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

Chapter 16.152 - ODORS*

Sections:

16.152.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

Response:

Best practicable design and operating measures will be used so that odors are not discernible off site.

(Ord. 91-922, § 3)

16.152.020 - Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

Response:

The materials being used in the packaging of these nutritional supplements do not have odorous emissions.

(Ord. 91-922, § 3)

16.152.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

Chapter 16.154 - HEAT AND GLARE*

Sections:

16.154.010 - Generally

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

Response:

Any operations which produce excessive heat or glare will occur entirely within the buildings. New exterior lighting will be shielded from adjoining properties. There is no adjoining residential property.

(Ord. 93-966, § 3; 91-922)

16.154.020 - Exceptions

Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

(Ord. 93-966, § 3; 91-922)



September 18, 2015

David P. Gellos, Architect, LLC
22815 SW Miami Dr
Tualatin OR 97062

**Re: CWS file 15-002842 Endurance Products Warehouse Addition
on TLID 2S128BD00300**

Clean Water Services has reviewed your proposal for the above referenced activity on your site. Staff has conducted a pre-screen review and requested completion of a Sensitive Areas Certification Form. Following review of submitted materials it appears that Sensitive Areas do not exist on-site or within 200' from your project. In light of this result, this document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

This concurrence letter does NOT eliminate the need to protect Sensitive Areas if they are subsequently identified on your site.

If you have any questions, please feel free to call me at (503) 681-3605.

Sincerely,

A handwritten signature in black ink that reads "Chuck Buckallew".

Chuck Buckallew
Clean Water Services
2550 SW Hillsboro Highway
Hillsboro, OR 97123
Phone: 503-681-3605
Fax: 503-681-4439
buckallewc@cleanwaterservices.org

Fidelity National Title of Oregon 20140100782 COMM

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
La Hirte Properties, LLC and Leach Investment Properties

GRANTEE:
R. Terry Hammerschmidt also known as Raymond Terry Hammerschmidt Trustee and Marianne Hammerschmidt, Trusee

SEND TAX STATEMENTS TO:
R. Terry Hammerschmidt also known as Raymond Terry Hammerschmidt Trustee and Marianne Hammerschmidt, Trusee
P.O. Box 1600
Victor Mt 59875

AFTER RECORDING RETURN TO:
R. Terry Hammerschmidt also known as Raymond Terry Hammerschmidt Trustee and Marianne Hammerschmidt, Trusee
P.O. Box 1600
Victor Mt 59875

Escrow No: 20140100782-FTPOR01
13990 SW Galbreath Drive
Sherwood, OR 97140

Washington County, Oregon **2014-075692**
D-DW
Str=4 K GRUNEWALD 11/25/2014 03:31:37 PM
\$20.00 \$11.00 \$5.00 \$1,280.00 \$20.00 **\$1,336.00**
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Office County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

SPACE ABOVE THIS LINE FOR RECORDER'S USE
STATUTORY WARRANTY DEED

La Hirte Properties, LLC, an inactive Oregon limited liability company, as to an undivided one-half interest and Leach Investment Properties, LLC, an Oregon limited liability company, as to an undivided one-half interest, Grantor, conveys and warrants to R. Terry Hammerschmidt, also known as Raymond Terry Hammerschmidt, Trustee of the Terry Hammerschmidt 2012 Trust, u/a/dtd 11/7/2012 and Marianne Hammerschmidt, Trustee of the Marianne Hammerschmidt 2012 Trust dated 11/7/2012, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

SEE LEGAL DESCRIPTION ATTACHED HERETO

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,280,000.00.
(See ORS 93.030)

Subject to and excepting: Permitted Exceptions Attached Hereto

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: November 24, 2014

La Hirte Properties, LLC, an inactive Oregon limited liability company

By: [Signature]
James Hirte, Manager

Leach Investment Properties, LLC an Oregon limited liability company

By: [Signature]
Douglas W. Leach, Manager

By: [Signature]
Susan L. Leach, Manager



State of OREGON
County of Washington

This instrument was acknowledged before me on November 25, 2014 by James Hirte as Manager of La Hirte Properties, LLC, an inactive Oregon limited liability company

[Signature]
Notary Public - State of Oregon

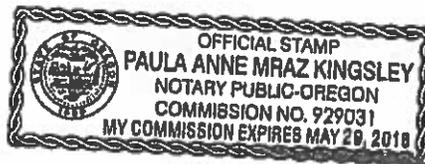
My commission expires: 5/29/18

State of OREGON
County of Washington

This instrument was acknowledged before me on November 25, 2014 by Douglas W. Leach and Susan L. Leach as Manager of Leach Investment Properties, LLC, an Oregon limited liability company

[Signature]
Notary Public - State of Oregon

My commission expires: 5/29/18



LEGAL DESCRIPTION

Lot 11, INDUSTRIAL PARK OF SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon

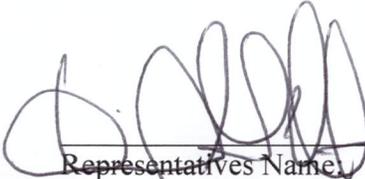
Affidavit of Mailing

DATE: 10 JULY 2015

STATE OF OREGON)

Washington County)

I, DAVID BELLOS representative for the ELIZABETH PRODUCTS proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 20 MAY 2015

 10 JULY 2015

Representatives Name:

Name of the Organization:

DAVID P. BELLOS, ARCHITECT LLC

NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: WAREHOUSE FOR ENDURANCE PRODUCTS

Proposed Project Location: 12990 SW GAUBREATH DR

Project Contact: DAVID GELLOS, ARCHITECT LLC

Meeting Location: ENDURANCE PRODUCTS

Meeting Date: 10 JUNE '15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
JOE BRUNNER	12990 SW	Joe@endur.com		X		
OWNER	GAUBREATH DR SHERWOOD, OR					
DAVID GELLOS	22815 SW	dgellos@gellos				X
ARCHITECT	MIAMI DRIVE TUALATIN OR	architect.com				

Updated October 2010

NO ATTENDEES OTHER THAN OWNER/ARCHITECT

SEE EXHIBIT
11 JUNE 2015

10 JUNE 2015

 ARCHITECT, LLC

[Print](#) | [Close Window](#)

Subject: RE: Endurance Products Galbreath Street
From: Bradley Kilby <KilbyB@SherwoodOregon.gov>
Date: Thu, Jun 11, 2015 10:06 am
To: "'dgellos@gellosarchitect.com"' <dgellos@gellosarchitect.com>
Attach: image001.png

Sounds good David.

Brad Kilby, AICP, Planning Manager
22560 SW Pine Street
Sherwood, Oregon 97140
503-625-4206



Please consider the environment before printing this e-mail.

From: dgellos@gellosarchitect.com [mailto:dgellos@gellosarchitect.com]
Sent: Thursday, June 11, 2015 7:07 AM
To: Bradley Kilby
Subject: RE: Endurance Products Galbreath Street

Good Morning Bradley:
Just an FYI: We held the Neighborhood Meeting yesterday evening and did not have any attendees other than the Mr. Brunner and me. I'll document, etc as req'd and our delivery team will prepare to submit for Site Plan Review soon.

Thanks.

David Gellos AIA
David P. Gellos, Architect, LLC
22815 SW Miami Drive
Tualatin, Oregon 97062
direct_503.970.1430
dgellos@gellosarchitect.com

This e-mail message and any documents accompanying this transmission may contain confidential information and are intended solely for the addressee (s) named above. If you are not the intended addressee/recipient, any use of, disclosure, copying, distribution, or reliance on the contents of this e-mail information is strictly prohibited. Please reply to David P. Gellos, Architect, LLC advising of the error in transmission and immediately delete/destroy the message and any accompanying documents.



SCHOTT & ASSOCIATES **Ecologists & Wetlands Specialists**

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

September 15, 2015

Bernard Smith
Westlake Consultants
15115 SW Sequoia Parkway
Tigard, OR

Re: 13990 SW Galbreath - Sensitive Lands

Dear Bernard:

I conducted a site visit this morning on the property located at 13990 SW Galbreath Drive, Sherwood, Oregon. I established two sample plots to document the lack of wetlands, or other sensitive lands on or adjacent to the site. In addition I look at the railroad grade to see if there was an associated ditch, and if there was a ditch did it have wetland characteristics.

The property is relatively flat, and rectangularly shaped. The lot is oriented in a southeasterly direction from the road. Currently there is a building located along the northeast property boundary, and towards the front portion of the lot. There is parking between Galbreath and the building. The southeast corner of the lot is a gravel pad. The southwestern portion of the site is currently undeveloped. However, much of this area has been filled.

The undeveloped portion of the property has a few big-leaf maples, Himalayan blackberry, Queen Anne's lace, and various grass species. There is fill on most of this area. I established sample Plot 2 in a small depression in the southern most location on the site, which had the greatest potential of having wetland characteristics. It did not have any evidence of wetland hydrology. The soils were bright, which means they were not hydric. In addition, the soils appear to be from fill material, and are not native. The vegetation was comprised of weedy species. Himalayan blackberry, Queen Anne's Lace, Canada thistle, and lance leaf plantain were the dominant species. The site was not dominated by hydrophytic species. Since none of the three wetland criteria were met the depression is not a wetland.

Sample Plot 1 was established in the eastern corner of the site. It was located on a gravel pad. The gravel layer was 5-6 inches thick. The soils under the gravel appears to be fill, and had a bright matrix (2.5Y 4/3). There were no indicators of wetland hydrology. Again, this area is not a wetland.

As I mentioned above I looked at the ditch adjacent to the railroad grade, even though railroad and road ditches which were created from uplands and are less than 10 ft wide are not jurisdictional even if they have wetland characteristics. The ditch in this area is totally covered by Himalayan blackberry, and blackberry was observed growing in the bottom of the ditch. The ditch did not have any wetland characteristics.

In summary, there are not wetland on the site. In addition, there is not a wetland associated with the railroad ditch. Even if there was wetland characteristics the ditch would not be jurisdictional because it was made in uplands, it is less than 10 ft wide, and it does not connect two jurisdictional waters.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. R. Schott', with a long horizontal flourish extending to the right.

Martin R. Schott, Ph.D., PWS

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 13990 S City/County: Sherwood Sampling Date: 9/18/15
 Applicant/Owner: _____ State: OR Sampling Point: SP1
 Investigator(s): M. Schott Section, Township, Range: 28BD., T2S, R1W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Flat Slope (%): 1%
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Quatama NWI classification: Non-hydric
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ Significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation _____, Soil _____, or Hydrology _____ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Hydric Soil Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
			Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks:			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____				Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)
2. _____				
3. _____				
4. _____				
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____)				
1. <u>Rubus armeniacus</u>	15	X	FACU	
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>Daucus carota</u>	10	X	FACU	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____				
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum _____				
Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)				
¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				

Remarks: Old gravel pad

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6							Gravel	
6-14	2.5Y 4/3						L	Fill

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

<p>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</p> <p> <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Redox Depressions (F8) </p>	<p>Indicators for Problematic Hydric Soils³:</p> <p> <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Red Parent Material (TF2) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks) </p> <p>³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic</p>
---	---

<p>Restrictive Layer (if present):</p> <p>Type: _____</p> <p>Depth (inches): _____</p>	<p>Hydric Soil Present? Yes _____ No <u> X </u></p>
---	---

Remarks: Old gravel pad. A few weedy plants

HYDROLOGY

<p>Wetland Hydrology Indicators:</p> <p><u>Primary Indicators (minimum of one required; check all that apply)</u></p> <p> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Other (Explain in Remarks) </p> <p> <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) </p>		<p><u>Secondary Indicators (2 or more required)</u></p> <p> <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) <input type="checkbox"/> Frost-Heave Hummocks (D7) </p>
--	--	---

<p>Field Observations:</p> <p>Surface Water Present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____</p> <p>Water Table Present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____</p> <p>Saturation Present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ (includes capillary fringe)</p>	<p>Wetland Hydrology Present? Yes _____ No <u> X </u></p>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 13990 S City/County: Sherwood Sampling Date: 9/18/15
 Applicant/Owner: _____ State: OR Sampling Point: SP2
 Investigator(s): M. Schott Section, Township, Range: 28BD., T2S, R1W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Flat Slope (%): 1%
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Quatama NWI classification: Non-hydric
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ___ No ___ (If no, explain in Remarks.)
 Are Vegetation ___, Soil ___, or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
 Are Vegetation ___, Soil ___, or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ___ No <u>X</u>	Hydric Soil Present? Yes ___ No <u>X</u>	Is the Sampled Area within a Wetland? Yes ___ No <u>X</u>
Wetland Hydrology Present? Yes ___ No <u>X</u>		
Remarks:		

VEGETATION – Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____				Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)
2. _____				Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (A/B)
4. _____				
_____ = Total Cover				
<u>Sapling/Shrub Stratum</u> (Plot size: _____)				Prevalence Index worksheet:
1. <u>Rubus armeniacus</u>	20	X	FACU	Total % Cover of: _____ Multiply by: _____
2. _____				OBL species _____ x 1 = _____
3. _____				FACW species _____ x 2 = _____
4. _____				FAC species _____ x 3 = _____
5. _____				FACU species _____ x 4 = _____
				UPL species _____ x 5 = _____
_____ = Total Cover				Column Totals: _____ (A) _____ (B)
				Prevalence Index = B/A = _____
<u>Herb Stratum</u> (Plot size: _____)				Hydrophytic Vegetation Indicators:
1. <u>Daucus carota</u>	15	X	FACU	___ 1 - Rapid Test for Hydrophytic Vegetation
2. <u>Cirsium arvense</u>	15	X	FAC	___ 2 - Dominance Test is >50%
3. <u>Plantago lanceolata</u>	20	X	FAC	___ 3 - Prevalence Index is ≤3.0 ¹
4. _____				___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
5. _____				___ 5 - Wetland Non-Vascular Plants ¹
6. _____				___ Problematic Hydrophytic Vegetation ¹ (Explain)
7. _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
8. _____				
9. _____				
10. _____				
11. _____				
_____ = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: _____)				Hydrophytic Vegetation Present?
1. _____				Yes ___ No <u>X</u>
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum _____				

Remarks: Old gravel pad

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	10YR 4/3						L	Fill



▲ Sample Plot, Photo Point

Aerial Photograph with Sample and Photo Points
Galbreath Industrial Building
S&A#2390

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



Photo Point 1. Looking east, note gravel pad.



Photo Point 1. Facing west south west.

Photo Points
Galbreath Industrial Building
S&A#2390

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



Taken at southeastern fence line looking toward railroad tracks. Note the dense blackberry and douglas fir.



Looking at railroad ditch from the southwest corner of the site. Note the dense blackberry.

Photo Points
Galbreath Industrial Building
S&A#2390

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



Photo Point 2. Looking toward the northwest.



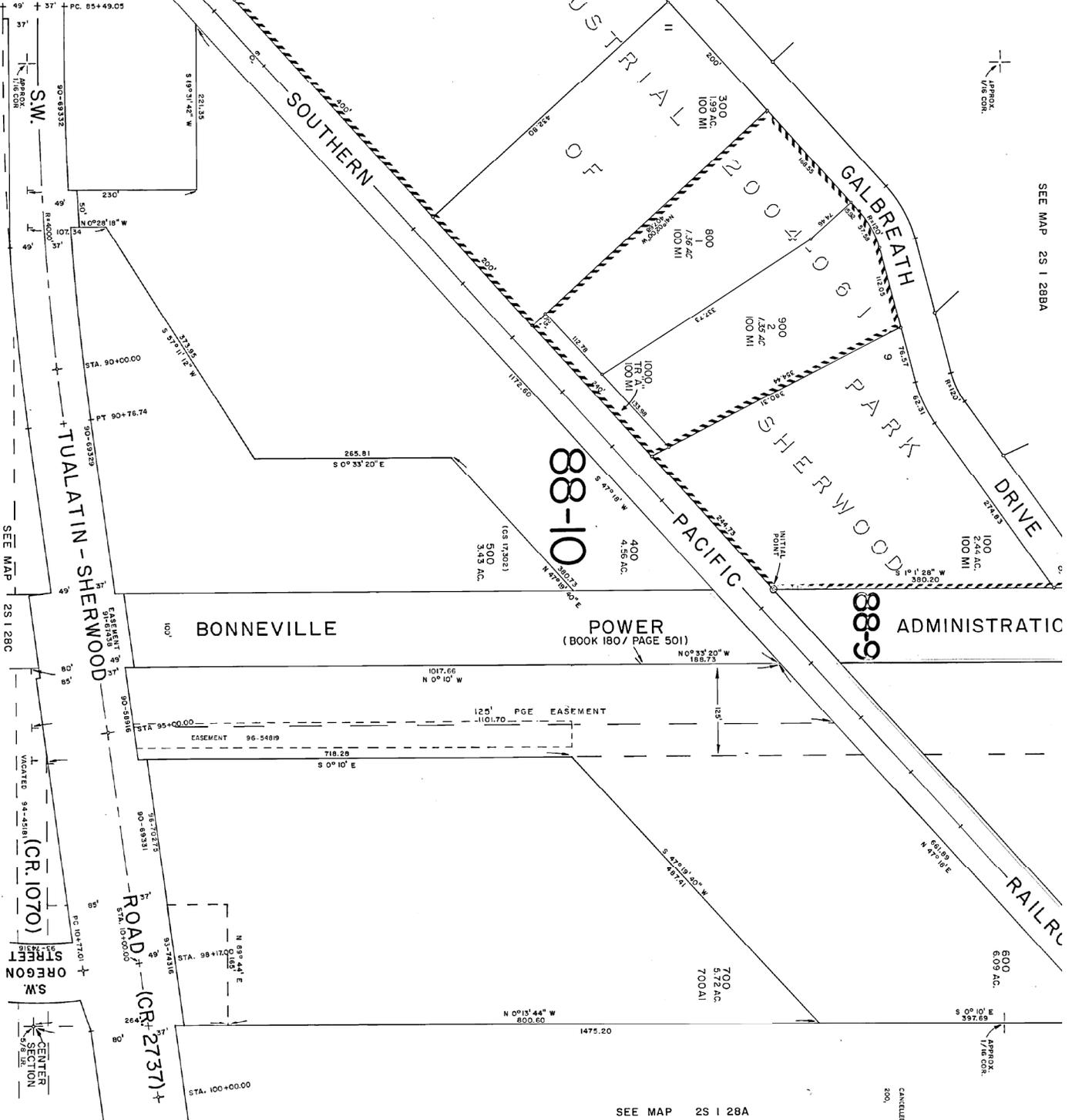
Photo Point 2. Looking to the northeast.

Photo Points
Galbreath Industrial Building
S&A#2390

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

SEE MAP 2S | 28BC

SEE MAP 2S | 28BA



SEE MAP 2S | 28BC

SEE MAP 2S | 28A

CANCELLED TAX LOTS

TAX MAP



SHERWOOD
2S | 28BD



OWNER'S POLICY OF TITLE INSURANCE
Issued by
Fidelity National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, Fidelity National Title Insurance Company, a California corporation (the "Company") insures as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting

Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or duress, incompetency, incapacity, or impersonation;

- (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

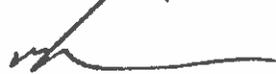
The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

Fidelity National Title Insurance Company

By: 
Authorized Signature

FIDELITY NATIONAL TITLE INSURANCE COMPANY



BY  President
ATTEST  Secretary

Oregon Title Insurance Rating Organization (OTIRO)
OTIRO NO. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests title as shown in Schedule A.

Oregon Title Insurance Rating Organization (OTIRO)
OTIRO NO. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

Fidelity National Title Insurance Company
1433 SW 6th Avenue
Portland, OR 97201

File No. 20140100782-FTPOR01
Policy No.: 20140100782
Address Reference: 13990 SW Galbreath Drive, Sherwood, OR 97140
Amount of Insurance: \$ 1,280,000.00
Premium: \$ 2,520.00
Date of Policy: November 25, 2014 at 03:31 PM

1. Name of Insured:

R. Terry Hammerschmidt, also known as Raymond Terry Hammerschmidt, Trustee of the Terry Hammerschmidt 2012 Trust, u/a/dtd 11/7/2012 and Marianne Hamerschmidt, Trustee of the Marianne Hamerschmidt 2012 Trust dated 11/7/2012

2. The estate or interest in the Land that is insured by this policy is:

A Fee

3. Title is vested in:

R. Terry Hammerschmidt, also known as Raymond Terry Hammerschmidt, Trustee of the Terry Hammerschmidt 2012 Trust, u/a/dtd 11/7/2012 and Marianne Hamerschmidt, Trustee of the Marianne Hamerschmidt 2012 Trust dated 11/7/2012

4. The Land referred to in this policy is described as follows:

See Schedule C Attached Hereto

Oregon Title Insurance Rating Organization (OTIRO)

Policy Valid Only If Schedule B is Attached

OTIRO No. PO-04

American Land Title Association

ALTA Owner's Policy (6-17-2006)

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Reservation of mineral rights, including the terms and provisions thereof,
Recorded: December 7, 1992 as Recorder's No. 92077826
and Re-Recorded: November 8, 1994 as Recorder's No. 94102115
7. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Industrial Park of Sherwood

8. Easement(s) for the purpose(s) shown and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Public storm drainage
Affects: 25 feet in width as delineated on plat

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Public utilities
Affects: 8 feet in width on the frontage of all lots abutting public streets

10. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 30, 1995
Recording No: 95-045405

11. Liens and assessments, if any, by the Sherwood Industrial Park Owners Association.

File No. 20140100782-FTPOR01

Policy No. 20140100782

The Land referred to in this policy is described as follows:

Lot 11, INDUSTRIAL PARK OF SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon

FDOR0226.rdw

Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

FOR INFORMATION ONLY. DO NOT RELY ON FOR ANY OTHER USE.

WASHINGTON COUNTY

SCALE 1" = 100'

SEE MAP 25 | 28B

SEE MAP 25 | 28BA

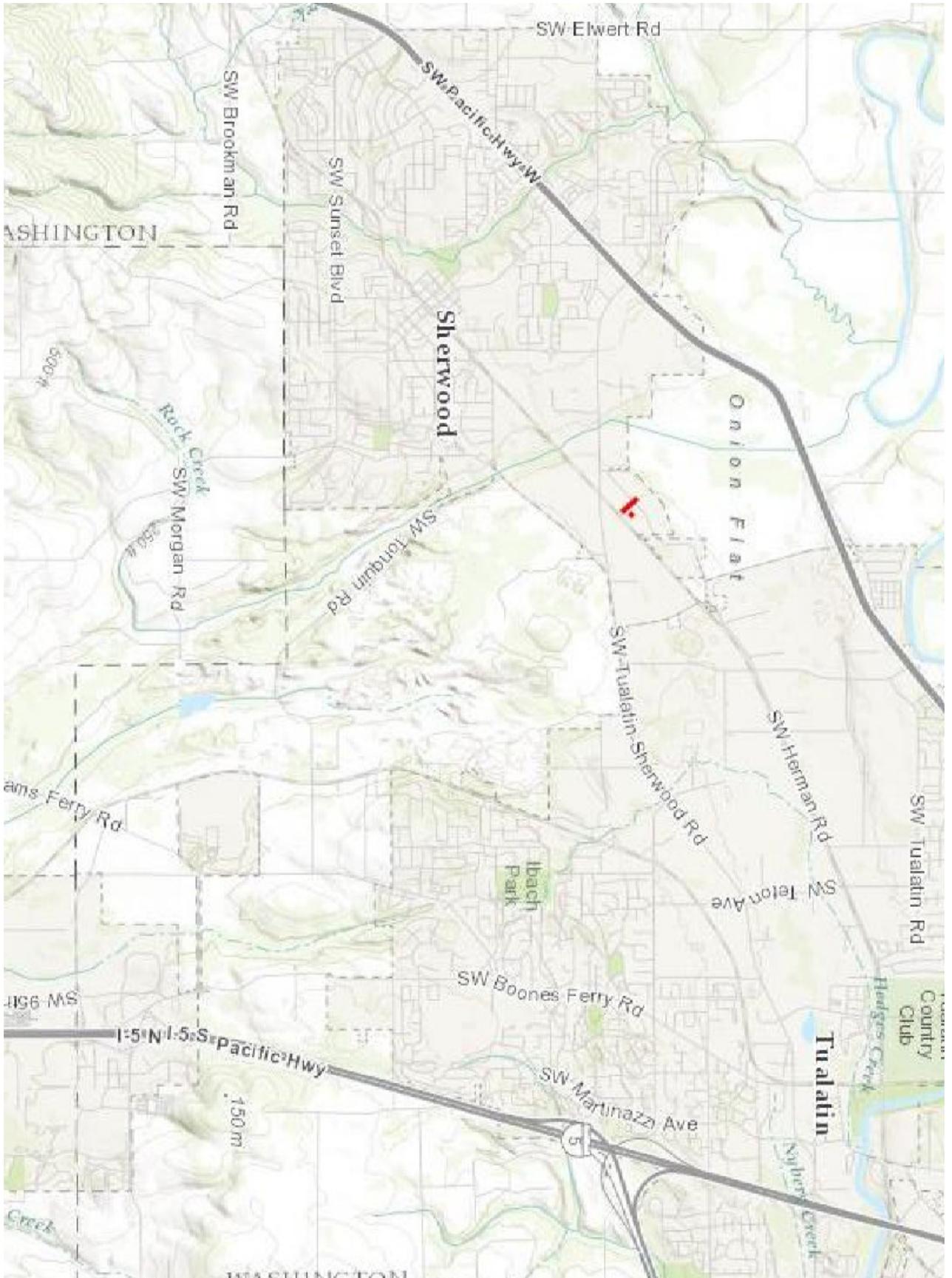


SEE MAP 25 | 28BC

SEE MAP 25 | 28C

8-4-95

(CR. 1070)



VICINITY MAP

