

TO: HEARINGS OFFICER
Joe Turner

Pre-App. Meeting: n/a
App. Submitted: September 23, 2013
App. Complete: October 19, 2013
120-Day Deadline: February 16, 2014
Hearing Date: November 18, 2013

From:



Michelle Miller, AICP
Senior Planner

Proposal: The applicant proposes to relocate an existing business, a small engine manufacturing and repair facility, to a location on SW Galbreath Road in Sherwood. The applicant proposes to use space in the building for manufacturing, repair and installation of high performance engine parts as well as in specialized engine and transmission upgrades and repairs with associated office space.

I. BACKGROUND

A. **Applicant:** Rothsport Road and Race, Inc.
19870 SW 129th Avenue
Tualatin, OR

Contact: Jeff or Lori Gamroth, 503-885-9626

Owner: Gamroth Properties, LLC
21380 SW Chapman Road
Sherwood OR 97140

B. **Location:** 2S128 BC Tax Lot 500

C. **Address:** 14015 SW Galbreath Road

D. **Parcel Size:** The subject property is approximately 1.9 acres in size.

E. **Existing Development and Site Characteristics:** The site under consideration contains an existing industrial building, formerly known as "Shields Manufacturing". The building is approximately 18,500 square feet and used for the manufacturing of small computer parts. The rest of the site is paved for parking and loading with areas of landscaping and sidewalks along the frontage of SW Galbreath.

F. **Site History:** The building was originally 9,109 sq. ft. It was expanded in 1997 when Shields Manufacturing added 9,750 sq. ft. to the building (SP 97-13). The original site plan included 38 parking spaces with landscaping. Shields Manufacturing occupied the building until selling it to the applicant in September of 2013.

G. **Zoning Classification and Comprehensive Plan Designation:** The zone is Light Industrial (LI). Per § 16.31, the purpose of the light industrial zone is to provide for the manufacturing processing, assembling, packaging and treatment of products which have been previously prepared from raw materials.

H. **Adjacent Zoning and Land Use:** Surrounding uses include other light industrial developments and zoning that is exclusively light industrial.

I. **Review Type:** Because this involves an auto repair business, a conditional use permit is required. This requires a Type III land use review, a decision made by the Hearing Officer after consideration of public comment. An appeal would be heard by the Planning Commission.

I. **Public Notice and Hearing:** Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on October 30, 2013 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times on November 7 and 14, 2013 (a newspaper of general circulation) in accordance with Section 16.72.020 of the SZCDC.

J. **Review Criteria:** Sherwood Zoning and Community Development Code § 16.31 (Industrial Use District); § 16.58 (Clear Vision), § 16.82 (Conditional Use Permit), § 16.108.070 (Hwy 99W Capacity Allocation Program (CAP)), § 16.110 Sanitary Sewer, § 16.112 (Water), § 16.114 (Storm Water) § 16.116 (Fire Protection), § 16.118 (Public and Private Utilities)

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on October 30, 2013. Staff has received no comments as of the date of this report; however comments are welcome up to the close of the public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on October 25, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Bob Galati, City Engineer submitted comments regarding the Capacity Allocation Program which will be discussed further within this report. His comments are attached as Exhibit B.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshall submitted comments on November 6, 2013 and indicated an preliminary endorsement of the proposal but indicated any interior changes to the site or the materials contained therein such as paints, flammable chemicals would require further review by TVF&R. His comments are attached as Exhibit C.

Pride Disposal: Kristin Leichner submitted comments via email on behalf of Pride Disposal on September 23, 2011 in response to an initial review of the site plans, she did not see trash enclosures shown on the plans. She indicated that any proposed enclosures would need to be reviewed by Pride Disposal in order to ensure compliance with their standards.

Washington County, Kinder Morgan Energy, Clean Water Services, ODOT, METRO, NW Natural Gas and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.31 below.

A. Division II– Land Use and Development

The applicable provisions of Division II include:

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS

16.31.020 Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88

Use Table.

Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

- Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials

FINDING: The applicant proposes a portion of the business to be used to manufacture and assemble of engine parts which are “similar products and associated small parts” to the other machinery identified in this section.

Motorized vehicle and sport craft repairs and service is considered a conditional use within the Light Industrial zone.

FINDING: The applicant proposes to repair and service vehicle engines as one primary aspect of his business and thus is considered a conditional use within this zone.

16.31.030 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code

dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

Development Standards by Zone	LI
Lot area- Industrial Uses:	10,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front Yard Setback	20 feet
Side Yard Setback	None
Rear Yard Setback	None
Corner lot street side	20 feet
Height	

FINDING: The proposal does not include the creation of any new lots. This lot is pre-existing and there are no additions to the site. The building has been constructed under these dimensional and setback requirements and does not abut any residentially zoned property. Therefore, this criterion is not applicable.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

FINDING: As shown on the plans, the height of the building is not changing and there will not be any addition to the height of the building. This criterion is not applicable to this proposal.

B. Division IV- Planning Procedures

Chapter 16.82 Conditional Uses

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

- 1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.**

The site currently has public facilities and services including sanitary sewer, water, transportation and the new use within the existing building will not require additional improvements to the site for public facilities.

FINDING: Based on the discussion above, the applicant meets this criterion.

- 2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

The site is zoned light industrial and the surrounding uses are also light industrial. Much of the surrounding property is vacant, but zoned light industrial.

Another vehicle repair business is located on the same street and nearby this proposed business. Engine noise will likely be the primary noise and thus not incompatible with the surrounding uses. The business plans normal operating hours and will be generally limited to daytime activity similar to the other surrounding uses.

FINDING: Based on the above discussion, the applicant meets this criterion.

3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.

The applicant has an existing business in Tualatin and because of its success, wishes to move into a larger facility in Sherwood. The applicant services high performance vehicles such as Porsche and will likely serve customers on a regional level. Therefore, a need is being served within the area and the applicant believes that a larger facility is necessary to serve the community.

FINDING: Based on the above discussion, the applicant meets the criterion.

4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.

Although a conditional use, the operation of a vehicle repair facility is similar to the surrounding uses in the vicinity. In fact, another auto repair currently operates on the same street under a separate conditional use permit. The business in that location has operated for a number of years with no issues or concerns being raised regarding impacts to surrounding uses. The proposed new business location has access to an arterial roadway and the traffic impact analysis shows that this business will have a minimal or negligible impact to the number of vehicle trips on the roadway.

FINDING: Based on the above discussion the applicant meets this criterion.

5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.

FINDING: The applicant proposes to locate the repair area on the existing developed site, indoors and on existing pavement, thus the impact is minimal as to the proposed use of the site and the impact to natural features.

6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.

The site is already developed and there is no proposal to expand the business in a manner that would affect any natural environment. The applicant proposes to conduct all operations indoors.

FINDING: Based on the above discussion the applicant meets this criterion.

7. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone,

the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.

According to the Trip CAP Compliance letter submitted by the applicant, the business at its existing location generates approximately 40 weekday p.m. peak hour trips. The prior business generated 17 pm peak trips resulting in an additional 23 trips to the site, below the CAP maximum of 43 trips per acre. However since the applicant is generating over eight trips per acre, mitigation will be required in order to fully comply with the CAP requirements and the impact of the additional trips on the roadway. Mitigation will include the percentage change in the traffic count on SW Tualatin-Sherwood Road applied to a typical traffic signal arm construction cost. Staff has requested that the City Engineer provide the exact calculation for the hearing. The City has asked for more information from the applicant's traffic consultant in order to provide the exact assessment to the applicant.

FINDING: As discussed above, the CAP has not been satisfied and the applicant will need to mitigate for the additional trips with the following condition.

RECOMMENDED CONDITION: Prior to final occupancy, comply with the mitigation amount as required by the City Engineer and presented at the hearing.

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.

2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.

3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.

The applicant's proposal does not necessitate public improvements, mitigation of air, land or water degradation, noise, glare, heat, vibration or other conditions or changes to the street width or lot sizes that require the special conditions of these additional measures or conditions.

FINDING: Based on the above discussion, these additional conditions are not necessary.

4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.

There is one access drive onto SW Galbreath that will adequately serve the proposed use of the business. Since the site is over fifteen years old, the landscaping is mature and no additional screening is necessary.

FINDING: Based on the above discussion, these standards are met or are not needed with this application.

5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

FINDING: The provisions listed above have been considered for this conditional use permit, but are not necessary for this use proposed or are addressed or in other sections of this report including mitigation in compliance with the CAP ordinance.

C. Division V-. Community Design

16.94. Off-Street Parking and Loading (relevant sections)

16.94.010 Generally

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.

The site has been developed previously to accommodate a light industrial business and contains approximately 39 existing off-street parking spaces. The applicant proposes to retain all of the parking areas for the use proposed. The applicant has divided the approximately 18,500 sq. ft. building by use type that has different parking standards. The industrial area of the building is approximately 16,500 sq. ft. and requires 26.4 spaces. The office is 2000 sq. ft. and requires 5.4 spaces. Since 32 spaces are required and the site has 39 existing spaces, the applicant meets the requirement.

FINDING: The applicant has met the criterion.

J. 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.

As discussed above, the applicant proposes no changes to the exterior of the site, however the existing parking lot meets the dimensional standards, there is a clearly identified loading area, and bicycle parking is onsite. Additionally, the landscaping standards are met for the site.

FINDING: Based on the above discussion, the applicant meets this criterion.

D. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – Required Improvements

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

FINDING: The site is fully developed and located adjacent to a collector with direct access; the City Engineer has not required any additional improvements or right-of-way dedication. Washington County has reviewed this application and did not have any comment. This standard is met.

16.108.040.03 - Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

FINDING: There are existing public and private utilities already underground. The conditional use will not require that any new utilities are installed. This standard is not applicable to the proposed development.

16.108.050.11-Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
- 4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
- 5. Provide lighting at a transit stop (if not already existing to transit agency standards).**

There is an existing transit line with a stop nearby on SW Tualatin Sherwood Road. There is a connection between the transit line and the site via existing sidewalks and pathways. The site is fully developed; therefore, additional design changes to accommodate transit are not necessary.

FINDING: Based on the above discussion, the applicant meets this criterion.

16.110 - Sanitary Sewers

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

FINDING: The site has an existing sanitary sewer system that serves the site. The conditional use will not impact this utility. This standard is met.

16.112– Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

FINDING: The site has an existing water system that serves the site. The conditional use will not impact this utility. This standard is met.

16.114 - Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

The site has an existing storm water system that serves the site. The conditional use will not affect this utility. Rich Sattler at the City's Public Works Department indicated that he was in support of this proposal. He indicated that there is an existing private storm filter that requires a maintenance agreement in order to fully comply with this provision.

FINDING: Based on the above discussion, this provision has not been met but can be met with the following condition.

RECOMMENDED CONDITION: Prior to final occupancy, provide a maintenance agreement for the private storm filter and an Operation and Maintenance for the private storm filter.

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 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. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

John Wolff, Deputy Fire Marshall from Tualatin Valley Fire and Rescue (TVF&R) reviewed the plans after receiving notice and indicated that a knox box would be required to gain access to this building. The Fire Marshall also indicated that fire protection equipment shall be identified in an approved manner and rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs.

FINDING: All Tualatin Valley Fire and Rescue (TVF&R) requirements apply to this development. Compliance with the standard TVF&R requirements is required throughout the development of this project. The applicant has not fully complied with this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final occupancy, receive approval from TVF &R that the site development adequately addresses the fire department's requirements including a knox box, and fire department access to equipment.

16.118.020 – Public and Private Utilities Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

FINDING: There are no new utility connections proposed to serve the existing building therefore this standard is not applicable.

E. Division VIII. Environmental Resources

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

FINDING: The applicant has not proposed to remove any trees on site and thus this criterion is not applicable.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approves the proposal subject to the conditions below.**

VI. CONDITIONS OF APPROVAL

A. General Conditions

- 1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
- 2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated October 18, 2013 prepared by the applicant except as

indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.

3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

B. Prior to Issuance of the Certificate of Final Occupancy:

1. Receive approval from TVF &R that the site development adequately addresses the fire department's requirements including a knox box for access, and fire department access to the equipment.
2. Comply with the mitigation amount of the CAP as required by the City Engineer.
3. Provide the City with a maintenance agreement for the private storm filter and an Operation and Maintenance for the private storm filter.

VII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated October 18, 2013.
- B. Engineering Comments submitted by Bob Galati, City Engineer on November 8, 2013
- C. Tualatin Valley Fire and Rescue Department Comments submitted by John Wolff on November 6, 2013

End of Report