



Home of the Tualatin River National Wildlife Refuge

NOTICE OF DECISION

Address 13565 SW Tualatin Sherwood Road
Suite 300
CASE NO: CUP 14-01 Threat Dynamics LLC
DATE OF DECISION: March 18, 2014

Applicant: Threat Dynamics LLC
8250 SW Tonka Rd.
Tualatin OR 97062

NOTICE

You are receiving notice that on March 18, 2014 the Sherwood Hearings Officer **approved** the Threat Dynamics LLC Conditional Use permit. The decision was made after consideration of the applicants' materials, agency comments, and the staff report.

INFORMATION:

The decision is attached and can be viewed at the project website:

<http://www.sherwoodoregon.gov/planning/project/threat-dynamics-conditional-use-permit>

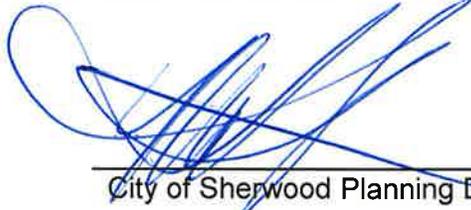
To obtain copies of file materials, please contact Michelle Miller, AICP, Senior Planner at 503-625-4242 or millerm@sherwoodoregon.gov

APPEAL

Pursuant to SZCDC Section 16.72.010.B.3.d, an appeal of the Hearings Officer to the Planning Commission must be filed not later than 14 days after the date of mailing of this notice of decision. Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision on this matter. **An appeal of this decision must be filed no later than 5:00 PM on March 27, 2014.**

DECLARATION

I, Michelle Miller for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision for Final Site Plan approval on Case File No. CUP14-01 was placed in a U.S. Postal receptacle on March 18, 2014.



City of Sherwood Planning Department

**BEFORE THE LAND USE HEARINGS OFFICER
OF CITY OF SHERWOOD, OREGON**

Regarding an application by Threat Dynamics, LLC, for CUP) **FINAL ORDER**
approval to establish and operate a firearms training facility) **Case No. CUP 14-01**
with a retail sales component within an existing building at)
13565 Tualatin-Sherwood Rd in the City of Sherwood, Oregon)(Threat Dynamics, LLC)

A. SUMMARY

1. The applicant, Threat Dynamics, LLC, requests Conditional Use Permit (“CUP”) approval to establish and operate a retail sales component as part of a proposed immersive firearms training facility with classrooms. The facility will be located in a 12,000 square foot portion of an existing 85,000 square foot building located on a 5.72-acre parcel at 13565 Tualatin-Sherwood Road; also known as 2S128 BD Tax Lot 700 (the “site”). The retail component will occupy less than 10-percent (1,050 square feet) of the total floor area of the facility. The site and surrounding properties are zoned GI (General Industrial). No changes are proposed to the exterior of the existing building. Additional basic facts about the site and surroundings and applicable approval standards are provided in the City of Sherwood Staff Report to the hearings officer dated March 10, 2014 (the “Staff Report”) incorporated herein by reference, except to the extent modified by or inconsistent herewith.

2. City of Sherwood Hearings Officer Joe Turner (the “hearings officer”) conducted a public hearing about the application. City staff recommended that the hearings officer approve the application subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions. No one else testified orally or in writing.

3. Based on the findings and conclusions in this final order, and subject to the conditions of approval listed or incorporated by reference at the conclusion of this final order, the hearings officer approves the application in this case.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed public hearing about this application on March 17, 2014. All exhibits and records of testimony are filed at the City of Sherwood Planning Department. The hearings officer announced at the beginning of the hearing the rights of persons with an interest in the matter, including the right to request that the hearings officer continue the hearing or hold open the public record, the duty of those persons to testify and to raise all issues to preserve appeal rights and the manner in which the hearing will be conducted. The hearings officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. At the hearing, City planner Michelle Miller summarized the Staff Report and the proposed development. She noted that the applicant can finalize the CUP by obtaining

a certificate of occupancy for the use. She requested the hearings officer modify condition of approval 3 to that effect.

3. Ryan Tuttle, one of the owners of Threat Dynamics, LLC, testified on behalf of the applicant. He accepted the findings and conditions in the Staff Report without objections. He waived the applicant's right to hold the record open to submit a final written argument.

4. The hearings officer closed the record at the end of the hearing and announced his intention to approve the application, subject to the conditions in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the application, based on affirmative findings and subject to conditions of approval in the Staff Report, as revised at the hearing. The applicant accepted those findings and conditions, as amended, without exception.

2. The hearings officer concludes the Staff Report identifies the applicable approval standards in the Sherwood Zoning and Development Code (the "SZDC") for the applications and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the recommended conditions of approval, as amended at the hearing. The hearings officer adopts the affirmative findings in the Staff Report as his own and incorporates them into this Final Order.

D. CONCLUSION AND ORDER

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves File No. CUP 13-01 (Threat Dynamics, LLC), subject to the following conditions of approval:

CONDITIONS

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 February 6, 2014 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. This approval is valid for a period of two (2) years from the date of the notice of decision. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code. The applicant shall obtain a final Certificate of Occupancy for the use prior to the expiration of the two-year period, and any extensions granted by the City.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. 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 a Trip Allocation Certificate from the City Engineer.

DATED this ___ day of March 2014.



Joe Turner, AICP
City of Sherwood Hearings Officer