

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

Regarding an application by George Litera for site plan approval for two industrial buildings, 8,250 and 9,900 square feet, on Lot 4 of the Sherwood Commercial Center on SW Olds Place in the City of Sherwood, Oregon) **FINAL ORDER**
) **Case No. SP 16-01**
) **(Dependable Springs)**

A. SUMMARY

1. The applicant, George Litera, requests site plan approval to construct two industrial buildings in two phases on Lot 4 of the Sherwood Commercial Center on SW Olds Place (the "site"). The site and surrounding properties are zoned LI (Light Industrial). Proposed Phase 2 includes an 8,250 square foot concrete block and metal industrial building for industrial manufacturing, with a small office, lunchroom and restroom facilities and three overhead doors. The applicant will operate his existing business, Dependable Springs, in one portion of the building. The applicant will lease the remainder of the building to one or more manufacturing companies. Phase 2 will consist of a second 9,900 square foot industrial building on the south portion of the site. The applicant will provide 29 on-site parking spaces for both phases. 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 April 14, 2016 (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. The applicant accepted those findings and conditions 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 April 21, 2016. 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 must relocate the proposed trash receptacle to allow adequate maneuvering area for trash and recycling collection vehicles. In addition the applicant must have the landscape plan verified by a landscape architect or certified landscape professional. The applicant did propose a walkway connecting building 2 to the sidewalk on SW Olds Place.

3. Designer Martin Chroust-Masin and the applicant, George Litera Jr., testified in support of the application. Mr. Chroust-Masin summarized the proposed development. He noted that the applicant is currently operating his business from a leased building in Oregon City. The applicant will relocate the existing business to the site once Phase 1 is completed.

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.

C. DISCUSSION

1. City staff recommended approval of the application, based on affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions 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. 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. SP 16-01 (Dependable Springs), 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 9, and March 11, 2016 and prepared by Martin Chroust-Masin of MCHM Design, 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.
7. Retaining walls are not allowed within public easements or the public right of way.
8. Retaining walls with a height of four feet or higher located on private property will require a building permit.
9. After one year after final inspection for occupancy, contact the Sherwood Planning Department, 503-925-2308 for an inspection of the onsite landscaping to ensure that it is healthy and being maintained.
10. The development must use the existing sanitary lateral to supply service to the new buildings unless otherwise approved by the Sherwood Engineering Department.
11. The proposed development shall use the existing water service to supply domestic, irrigation and fire water to the development as needed unless otherwise approved by the Sherwood Engineering Department.
12. Water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
13. Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

B. Prior to Final Site Plan Approval:

1. Submit plans that show that there are no site obstructing objects within the clear vision area.
2. Submit a revised landscape plan that has been verified by a landscape professional.

3. Submit site plans that comply with ADA parking standards.
4. Submit plans that show how the loading areas will be separately marked either with signage or striping.
5. Submit plans for the solid waste and recycling storage that meet Pride Disposal standards and Chapter 16.98.020.
6. Receive final approval of the plans from Tualatin Valley Fire and Rescue.
7. Submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the property onto adjacent properties.

C. Prior to Engineering Approval of the Public Improvement Plans:

1. Provide a calculation showing that the existing water quality swale has the capacity to treat the new impervious area from the proposed development.
2. Submit a Clean Water Services Storm Water Connection Permit Authorization that includes the standards identified in the comments submitted by Clean Water Services on April 13, 2016.
3. Construct the improvements or pay the fee in lieu for Sherwood Broadband.
4. The new driveway shall meet Sherwood Engineering Department standards.

D. Prior to Building Permit Approval for Building 1:

1. Receive final approval from Tualatin Valley Fire and Rescue.
2. Receive final site plan approval from the Planning Department.
3. Receive Engineering approval of the public improvement plans.
4. Obtain an Engineering Compliance Agreement or a right-of-way permit.

E. Prior to Building Permit Approval for Building 2:

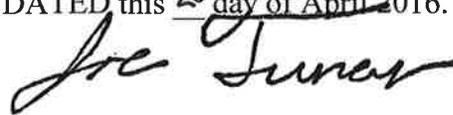
1. The developer shall apply for a site plan modification application to the City for review in order to show compliance with the parking standards for the site as a whole.
2. Provide plans through a site plan modification process, that show at least two bicycle parking spaces located in close proximity to the primary entrance of Building 2 and meeting the design standards of § 16.94.020.C.

3. Submit plans through a site plan modification process that provides a sidewalk that extends from this building to the sidewalk on SW Olds.

F. Prior to Final Occupancy:

1. Ensure that the parking and loading areas are kept in good repair, wheel stops in good condition and the painted parking spaces and directional symbols are maintained in a readable condition.
2. Install the private sanitary sewer in compliance with the current Oregon Plumbing Specialty Code.
3. Install a Reduced Pressure Backflow Assembly meeting Sherwood Engineering Department standards if required by Sherwood Public Works.
4. If on-site fire protection is required, install backflow protection meeting Sherwood Engineering Department standards.
5. Ensure that site meets all TVF&R requirements.
6. Plant the street trees according to the landscape plan.

DATED this ^{25th} day of April 2016.



Joe Turner, AICP
City of Sherwood Hearings Officer

for James