

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

Regarding an application by Matt Newman for site plan and) **FINAL ORDER**
conditional use approval for a 6,175 square foot industrial) **Case No. SP 16-05/**
building for semi-truck repair on Lot 5 of the Sherwood) **CUP 16-02**
Commercial Center in the City of Sherwood, Oregon) **(Semi Truck Centers Inc.)**

A. SUMMARY

1. The applicant, Matt Newman, requests site plan approval to construct a 6,175 square foot industrial building on Lot 5 of the Sherwood Commercial Center on SW Olds Place (the "site"). The applicant also requests conditional use approval to operate a semi-truck repair facility within the proposed building. The site and surrounding properties are zoned LI (Light Industrial). The applicant will provide 13 on-site parking spaces for the proposed use. 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 June 6, 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, 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 June 13, 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 David Bantz summarized the Staff Report and submitted two exhibits: a floor plan and exterior elevation drawings of the proposed building (Exhibits F and G). He noted that the reference to existing trees on page 25 of the Staff Report is a typographical error. There are no existing trees on the site.

3. City planning manager Brad Kilby requested the hearings officer modify condition E.1 to require the applicant maintain the parking and loading areas in good repair, wheel stops in good condition, and the painted parking spaces and directional symbols in a readable condition while the approved use continues on the site.

4. The applicant, Matt Newman, accepted the findings and conditions in the Staff Report, as modified, without objections. He waived the applicant's right to submit a final argument.

5. 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. 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, as modified 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. SP 16-05/CUP 16-02 (Semi Truck Centers Inc.), 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 April 20, 2016 and prepared by Matt Newman of NW Engineers, LLC, 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, 503-925-5522 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.
14. The applicant shall continuously, while the approved use continues on the site, 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 while the approved use continues on the site.

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 and includes the addition of two (2) street trees.
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 project more than 0.5 foot candle from the property onto adjacent properties.
8. Revise the site plan to show the inclusion of wheel stops meeting the standards of Section 16.94.020 B3 of the Development Code.

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

1. Provide calculations from a qualified professional 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 May 31, 2016.
3. Construct the improvements or pay the fee in lieu for Sherwood Broadband along the site's frontage.
4. The new driveway shall meet Sherwood Engineering Department standards.

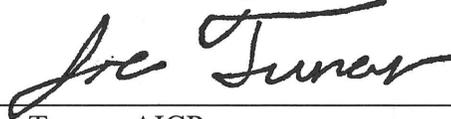
D. Prior to Building Permit Approval:

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 Final Occupancy:

1. Install the private sanitary sewer in compliance with the current Oregon Plumbing Specialty Code.
2. Install a Reduced Pressure Backflow Assembly meeting Sherwood Engineering Department standards if required by Sherwood Public Works.
3. If on-site fire protection is required, install backflow protection meeting Sherwood Engineering Department standards.
4. Ensure that site meets all TVF&R requirements.
5. Plant the street trees in accordance with the revised landscape plan.

DATED this 16th day of June 2016.

A handwritten signature in black ink that reads "Joe Turner". The signature is written in a cursive style with a horizontal line underneath it.

Joe Turner, AICP
City of Sherwood Hearings Officer