
City of Sherwood, Oregon
Planning Commission Minutes
February 12, 2013

Commission Members Present:

Chair Patrick Allen
Commissioner Michael Cary
Commissioner John Clifford
Commissioner Russell Griffin
Commissioner Lisa Walker

Staff Present:

Julia Hajduk, Community Development Director
Brad Kilby, Senior Planner
Michelle Miller, Associate Planner
Kirsten Allen, Planning Dept. Program Coordinator

Commission Members Absent:

Vice Chair James Copfer
Commissioner Brad Albert

Council Liaison

Mayor Bill Middleton

Legal Counsel Present:

Chad Jacobs

1. Call to Order/Roll Call

Chair Patrick Allen called the meeting to order at 7:01 pm.

2. Agenda Review

The agenda consisted of the continued public hearing on the VLDR PUD Text Amendment, a new public hearing on U-Haul Moving and Storage, and the minutes from January 8, 2013

3. Consent Agenda

a. January 8, 2013 Planning Commission Minutes

Motion: From Commissioner Lisa Walker to accept the Consent Agenda and the January 8, 2013 minutes, Seconded by Commissioner Russell Griffin. All Commission members present voted in favor (Vice Chair Copfer and Commissioner Albert were absent)

4. Council Liaison Announcements

There were no Council Announcements

5. Staff Announcements

Community Development Director Julia Hajduk said that she had confirmed with James Copfer that he would accept the nomination to be the Planning Commission Vice Chair. Julia informed the Commission that Chair Allen and Commissioner Albert's terms were set to expire at the end of March and Commissioner Walker's term would expire at the end of June. She said seated Commissioners need to go through the application process, as well, and the City was accepting applications from anyone willing to serve for the volunteer position. Forms can be found on the City Website at www.sherwoodoregon.gov under the more resources tab. All three vacancies would be filled from applications received with interviews being performed in approximately 3 weeks.

Julia gave an update on the Downtown Streetscapes Phase II project stating that Railroad Street was closed, but the sidewalks and businesses are open. Everyone is encouraged to patronize Old Town businesses during the construction. Updates can be found on the City's home page.

Julia said that there were grants available for long range planning from the Metro Construction Excise tax collected from building permits. She said the City received funding for the Brookman Road and Tonquin Area Concept Plan from that source and was looking to apply for grants for the Urban Reserve area west of Sherwood for a Concept Plan and for the Master Planning of the Tonquin Employment Area.

6. Community Comments

There were no community comments.

7. Old Business

a. Public Hearing – PA 12-04 VLDR PUD Text Amendment (continued from January 8, 2013)

Chair Allen reopened the public hearing for VLDR PUD Text Amendment and asked for an update from staff.

Michelle Miller, Associate Planner, summarized that the Planning Commission had heard information on the amendment, took public testimony, and began deliberations after closing the record for the hearing. Since that time, the applicant has requested a continuance until February 26, 2013 when some new revised language will be proposed considering the SE Sherwood Master Plan. Michelle explained that two additional citizen comments had been received should the Commission choose to re-open the record and receive additional testimony.

Discussion ensued regarding options before the Commission and time frames regarding the applicant driven amendment. Chad Jacobs, a representative from the City Attorney's office, said that the 120-day time limitations would not apply and that even if it did apply, an applicant request for a delay tolls the time limit for that same period of time. Mr. Jacobs said that the language allowing the applicant time to rebut is in the quasi-judicial preceding and the applicant's opportunity to testify could be at the next hearing. Julia requested that the Commission be clear regarding when they would accept public comment should they choose to continue the hearing.

Based on feedback from the Commission, Chair Allen reopened public testimony and asked Michelle to submit written testimony.

Michelle submitted an email from Mary Reid and a letter from Mr. and Mrs. Joseph Barclay (See PA 12-04 record, Exhibit I, J).

Chair Allen asked for any additional public testimony.

Kurt Kristensen, 22520 SW Fair Oaks Court, Sherwood. Mr. Kristensen informed the Commission that he had requested the City Council to reopen and consider the 2006 Planning Commission resolution for the SE Sherwood Master Plan and he was expecting the Council to consider the request and conclude the process in the time that the current application is before the Commission. Mr. Kristensen requested that the Commission wait until after the Council had concluded and suggested that Planning Commissioners take the time to visit the area and to

stand where the applicant wants to add two additional houses. Mr. Kristensen said the first set of houses that were approved were pressing the issue, the fire department was reluctant to approve until additional fire protection was added inside the buildings, and said it was a challenging building area. Mr. Kristensen said he was unsure the proposal would fit in with the vision of the SE Sherwood Master Plan and expressed his concerns that the engineered pollution dumps were left unfenced and would be forgotten over time. Mr. Kristensen said he thought it was unfortunate that the applicant was allowed to interfere in a process that should have been a legislative consideration.

Chair Allen indicated that he should have asked if any of the Planning Commissioners had any potential or actual conflicts of interest and commented that Commissioner Walker had previously recused herself regarding the matter. Commissioner Walker decided to do so and sat in the audience.

John Carter, 23552 SW McLoughlin Court, Sherwood. Mr. Carter said that he had brought in a letter regarding the issue since the last hearing and he did not hear his written comments entered into the record. After some discussion, Chair Allen offered that there was time to locate the letter and add it to the record. (Note: The letter was located following the meeting and will be entered into the record at the following meeting.)

With no other public testimony, Chair Allen closed the public testimony, leaving the record open.

Motion: From Commissioner Russell Griffin for the Planning Commission to Continue, to the February 26, 2013 Planning Commission Meeting, PA 12-04 VLDR PUD Text Amendment and keep the record open through and including that date. Seconded By Commissioner Michael Cary.

Michelle informed the Commission that a courtesy notice would be sent to all properties zoned within the VLDR zone informing them that the hearing would be continued, with the proposed language included, by the end of the week.

All Seated Commissioners voted in favor (Commissioner Walker had stepped down; Vice Chair Copfer and Commissioner Albert were absent).

8. New Business

Public Hearing – SP 12-07 U-Haul Moving & Storage Modification

Chair Allen opened the public hearing on SP 12-07 U-Haul Moving and Storage Major Modification and read the public hearing statement and asked the Commission to disclose any ex parte contact, bias or conflict of interest.

Chair Allen disclosed that he had potential conflict of interest as a volunteer for the Sherwood High School Band Booster and that the booster club received in kind contributions of discounts from U-Haul on the use of their vehicles to transport band equipment to various band competitions. Chair Allen said he did not feel it had any bearing on his ability to make a decision and he intended to participate.

Commissioner John Clifford indicated that he had driven around the site to see what was there.

Chair Allen asked if there was anyone in the audience who wished to challenge the commissioner's ability to participate. Seeing none, he turned the time over to staff.

Brad Kilby, Senior Planner described the proposal as a modification to a site plan and a conditional use permit for a 3.43 acre piece of property at 13921 SW Tualatin Sherwood Road and gave a presentation (see record, Exhibit 1). Brad said that the proposal is a modification to increase the floor plan from 54,024 square feet to 80,061 square feet for climate and non-climate controlled storage lockers on a second floor inside the warehouse. Brad explained that the property is in the general industrial zone and a mini storage is an allowed use in that zone. The Conditional Use Permit is for the outdoor display and merchandising of U-Haul rental vehicles and trailers. Brad explained that the applicant was proposing to move the proposed location for the 12 parking spaces to be used for the CUP in order to provide more space to their tenants and indicated the staging area for their other equipment.

Brad showed the building exterior elevation and stated there were no changes except for a stairwell to be added. Brad said the addition of the stairwell will require the removal of four trees which the applicant has agreed to replant, in like varieties, elsewhere on the site, which he felt was acceptable.

Brad explained that the access issue to the east of the site that was listed in the Staff Report was cleared up by looking at the title reports and that U-Haul did have an access. He said that the Bonneville Power Administration (BPA) had contacted him by telephone and indicated that they did not want any storage beneath the power lines, but they had not provided written comments. Brad said that the applicant was in contact with the BPA regarding the matter.

Brad stated that the National Fish and Wildlife had been asked for comment, because of the proximity to the Wildlife Refuge, but no comments were received.

Brad said that he recommended a condition that limited the outdoor display and merchandizing to the locations designated on the plans and that currently spaces allotted to tenants and customers were being taken by U-Haul trucks.

Regarding outdoor signage, Brad was told that the establishment was under new management and he provided direction to the applicant with the result that many of the sign issues had been resolved. He indicated that staff will continue to work with the applicant towards compliance.

Brad showed a picture of the site and explained that there are two access easements going across the BPA power line easement to the Bullock property to the south. One of the easements, on the north of the property was to be shared between properties, but has been gated. Brad explained that it was a civil issue and he has introduced the property owners to each other to work it out. Brad said that because there were no proposals to modify an access easement to the north, it has not been addressed by staff. (Note: After the meeting the applicant clarified that the access easements were to the east of the property, not the north.)

Brad showed pictures of the site showing storage of U-Haul vehicles under the BPA power lines, the proposed display area, and non-conforming signs that have since been removed. He said the applicant had indicated they might be changing the existing monument sign and the applicant has been informed of the limitations in order to stay in compliance.

Regarding the need to remove four trees on the east side of the property for a man door and stairs, Brad said the applicant was proposing to replace them with four trees on the rear of the site

Brad showed a plan with the new proposed location for the display area (see record, SP 12-07/CUP 12-03, Exhibit H) and said the staging area will remain as proposed.

Brad stated that staff recommends approval with conditions: Condition 3, on page 26 of the staff report, limits outdoor display and merchandizing to designated locations; and Condition 3, on page 27 of the staff report, calls for the replacement of four trees with like species. Brad indicated that staff would verify the replacement trees prior to occupancy of the remodeled section in the interior of the building.

Chair Allen asked if there were any questions for Brad.

Commissioner Clifford commented that tenants had marked parking spaces specifically for the customer's use and asked where those spaces would go.

Brad replied that the purpose for moving the display to the far end was to allow for parking in the middle section for tenant's customers, but it was not a land use issue because it was up to the applicant on how to manage their parking. He said they have plenty of parking provided from the original site plan and the applicant may want to answer.

Commissioner Cary referred to page 5 of the staff analysis and asked regarding the prohibition of outdoor storage from the original approval.

Brad explained that the application was a major modification to the original site plan and he conferred that it was expressly prohibited in the original application because it had not been requested and there might have been discussion with the applicant at that time. Brad clarified that this modification will change that approval.

Chair Allen received clarification that it would be trucks and trailers parked in front and asked about the difference between storing the vehicles and parking the vehicles [for display].

Brad answered that, in his view, it was intent and typically the vehicles would be required to be screened like i.e. fleet vehicle storage. The Conditional Use Permit is for the express purpose of displaying the available trucks for rent. Discussion followed regarding marked fleet vehicles displaying the business name and equipment storage. Brad clarified that trailers are listed as a non-motorized vehicle.

Commissioner Clifford asked about the conditions for the water retention pond. Brad commented that a lot of businesses in Sherwood were constructed without installing backflow devices and Public Works has requested that backflow devices are installed as development comes in to ensure that used water is not flushed back into the water system, contaminating the system. Brad said that per engineering comments, the original pond was not constructed as designed and the applicant would be receiving a copy of the original design.

Chair Allen commented that the State Plumbing Code and not Clean Water Services standards should dictate the installation of backflow devices.

Brad commented that the Oregon Plumbing code has been revised such that a plumbing plan review is no longer required with the result being that the plumbing is constructed out in the field but cannot be reviewed and approved prior to construction by the plumbing inspector.

Commissioner Cary asked about lighting at the rear of the building. Brad indicated that the applicant was going to provide a lighting plan with lighting that will be shielded and pointing to the ground.

Commissioner Clifford asked if U-Haul would be occupying the second floor of the building. Brad confirmed.

With no other questions for staff, Chair Allen asked for applicant testimony.

David Pollock, 2727 N. Central Avenue, Phoenix, Arizona, Principal Planner and Re-Use Development Manager for U-Haul and Amerco Real Estate. Mr. Pollock stated that he was seeking approval for a major modification and a condition use for outdoor sales and merchandise. Mr. Pollock commented regarding Sherwood as a location for U-Haul and converting available or abandoned buildings to fit the business model. Mr. Pollock commented that the previous tenant was a U-Haul dealership that made use of the products, but was not a U-Haul Center and the way they intended to do business was different.

Mr. Pollock said that per code that there were 43 parking spaces required for their tenants, that the U-Haul trucks could be moved to the end in order to provide parking for the tenant's customers and the marked spaces were gone. Mr. Pollock stated that there was equipment that fits in the staging area and explained how rentals will take place for that equipment; the twelve spaces in front are for display purposes for U-Haul merchandise.

Mr. Pollock stated the stairs would be on the west side behind a gate, unseen from the front. They are needed for emergency egress purposes for customers to be able to get out on the second floor. Mr. Pollock commented that the trees would be removed and replaced on the side or rear of the building.

Mr. Pollock said he had read the staff report and had no issues with the findings or the conditions of approval.

Chair Allen asked for questions from the Commission.

Commissioner Clifford asked what the applicant would do if the Conditional Use Permit was not approved. Mr. Pollock stated that they were operating the retail portion of the business; they owned the building and would like to work out an arrangement that will work for everybody.

Commissioner Griffin asked for confirmation that the staging area would hold all the vehicles that were not to be in the twelve display spaces. Mr. Pollock said that the previous owner misused the spaces and only the allotted spaces would be used.

Chair Allen closed the public testimony because there was no additional testimony and asked if there were any questions for staff.

Commissioner Griffin asked a question regarding warehouse space and if there was currently a second story. Brad answered that there was a mezzanine in the warehouse, but a second story would take up a majority of the space. Mr. Griffin asked how many units there would be.

Brad was unable to answer, so Chair Allen reopened the public testimony for the purpose of answering the question. Mr. Pollock responded that there would be approximately 1200 storage lockers, approximately $\frac{3}{4}$ of the warehouse would have a second floor and the second floor units would be climate controlled with both heat and cool; and the first floor would have heat. Mr. Pollock said there would be 24 hour access and major security features.

Chair Allen closed the public testimony and asked for a discussion.

Commissioner Clifford commented on his experience and of his observations regarding the previous dealership.

Commissioner Cary commented on the number of storage units coming to Sherwood in recent years.

Motion: From Commissioner Lisa Walker to approve SP 12-07 and CUP 12-03 based on the Staff Report, and Conditions as modified by Staff, Seconded by Commissioner Russell Griffin. All Commission members present voted in favor. (Vice Chair Copfer and Commissioner Albert were absent)

9. Adjourn

Chair Allen adjourned the meeting at 8:05pm.

Submitted by:



Kirsten Allen
Planning Department Program Coordinator

Approval Date: 2-26-13