



**City of Sherwood  
PLANNING COMMISSION**

**Sherwood Police Facility  
20495 SW Borchers Drive**

**December 2, 2003**

**Regular Meeting -7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – November 4, 2003 PC Minutes**
- 3. Agenda Review**
- 4. Community Comments** *are limited to items NOT on the printed Agenda.*
- 5. Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
  - A. PA 03-02 Plan Map Amendment:** a request by Provident Development Group LLC for a plan map amendment to rezone Tax Lot 500, 4.0 acres, Map 2S 1 29D from Light Industrial (LI) to General Industrial (GI). *(Dave Wechner, Planning Director)*
  - B. SP 03-05 Sherwood Self-Storage Site Plan:** a request by Provident Development Group LLC for site plan approval of an 85,000 square foot self-storage facility, with office and manager's apartment, further described at Tax Lot 500, Map 2S 1 29D. The site is located adjacent to the railroad tracks and north of the intersection of Roy Street and Oregon Street. *(Dave Wechner, Planning Director)*
  - C. PA 03-03 PUD Lot Sizes Plan Text Amendments.** A request by West Hills Development to amend Section 2.202.05C Residential PUD (Part 3, Sherwood Zoning & Development Code), in particular Item 3 Minimum Lot Size, to include the City Council may approve lots with less than 5,000 square feet for single-family detached dwellings if certain criteria are satisfied. *(Dave Wechner, Planning Director)*
- 6. New Business**
  - A. Jim Fisher Roofing Expansion (NCU 03-01)**
- 7. Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED  
TO THE NEXT REGULARLY SCHEDULED MEETING**

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**December 2, 2003**

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**1. Call to Order/Roll Call**

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen  
Dan Balza  
Adrian Emery  
Kevin Henry (7:10 PM)  
Jean Lafayette  
Ken Shannon  
Bill Whiteman

Staff:

Dave Wechner, Planning Director  
Anne Elvers, Associate Planner  
Terry Keyes, City Engineer  
Roxanne Gibbons, Recording Secretary

**2. Consent Agenda**

**Jean Lafayette moved the Planning Commission accept the November 4, 2003 Planning Commission meeting minutes as presented. Seconded by Dan Balza.**

**Vote for Passage of Motion: 5-Yes, 0-No, 1-Abstain (Shannon)**

**3. Agenda Review**

Dave Wechner said the applicant for Agenda Item 5C, PA 03-03 PUD Lot Sizes Plan Text Amendments has requested a continuance to the January 6, 2004 Regular Commission meeting. This will allow the applicant time to respond to the issues in the Staff Report.

Mr. Wechner stated that Jim Fisher asked if the Commission could hear his request (NCU 03-01) under New Business prior to the public hearings due to his early work schedule.

The Commission made the following changes to the Agenda:

- NCU 03-01 Jim Fisher Roofing would be heard prior to opening the public hearings.
- PUD 03-03, Agenda Item 5C would be heard as the first public hearing.

**4. Community Comments**

There were no community comments.

**6. New Business**

**6A. Jim Fisher Roofing Expansion (NCU 03-01)**

Dave Wechner referred the Commission to the report dated November 20, 2003, and noted:

- Jim Fisher, representing Jim Fisher Roofing, is requesting approval of a change in location of a portion of his existing, non-conforming business, so that the loading and storage area

currently on Tax Lot 100 can be conducted on Tax Lot 4000, which is immediately adjacent to the existing business office.

- The current storage facility is on the opposite side of the railroad tracks.
- Tax Lot 4000 has an old house and out-building on the site.
- The Staff recommends approval of this request with conditions.

Patrick Allen disclosed that he serves on the Sherwood Urban Renewal Policy Advisory Committee (SURPAC) with Mr. Fisher. Because there may be some questions regarding access to the site, he wanted to note that there had been some brief discussion at SURPAC regarding this issue. He did not believe that these discussions had any cause for bias or conflict of interest.

Chair Emery asked Mr. Fisher if he would like to provide comments.

**Jim Fisher, 23225 NE Dillon Road, Newberg, Oregon 97132, addressed the Commission.** He noted:

- Jim Fisher Roofing moved to Sherwood in 1980. They have a very good relationship with their neighbors and have been active in the community.
- They are asking to move 14,000 square feet of their existing storage lot to the property adjacent to their business office. There will be no change to the current office space or number of employees.
- The only modifications will be to tear down the old house, remove the blackberry briars and weeds on the site, clean up the ground, and spread gravel on it so that they can use it for their equipment and storage site. They will install a six (6) foot high cyclone fence with slats, and landscape the site consistent with the existing office site.
- Items 4 and 5 of the Staff Report will be completed within six months of having Oregon Street improvements completed.
- They have not had any noise complaints. There are two houses on the opposite side of Oregon Street from the new site new site (Tax Lot 4000). The amount of noise will be minimal because they plan to use the site for auxiliary storage. They will only be accessing the site 2-3 times per week.
- Regarding water drainage, at this time they plan to put gravel on the site.
- They do not agree with Condition 4, no additional access onto Oregon Street. They are not asking for additional access. Currently, Tax Lot 4000 has two driveways and he will need these two driveways to continue to use this property. Because of the configuration of Tax Lot 4000, if the two driveways are not used, you would not have any room for storage because a 40-foot semi-truck would not have room to negotiate from the office site.
- He distributed pictures showing their existing office facility, the proposed alternative site, existing Sherwood maintenance facility, and existing storage proposed to be moved.
- He and his wife own Tax Lot 4000, personally. Giving up the two existing driveways will definitely decrease the value of the property and leave a separate tax parcel with no access.
- He asked the Commission to consider removing Condition #4.

Mr. Whiteman said the pictures show more room between the existing shop and the railroad tracks compared to the site map. Mr. Fisher responded that the shop is closer to Oregon Street than shown on the site map.

Mr. Whiteman was concerned about not paving the site. Mr. Fisher said about 25% of the current yard is not paved and it seems to work fine. Buying the new site was a major investment in a down economy and at this time he does not have any immediate desire to asphalt the site because it would be a major investment.

Mr. Whiteman was also concerned about Jim Fisher Roofing employees who are parking along Oregon Street. This seems to be a common practice of the employees and sometime the cars are encroaching on to Oregon Street. He asked if any portion of the new site would be used for employee parking. Mr. Fisher responded affirmatively, that they plan to use part of the site for employee parking.

Mr. Whiteman asked how the City could enforce the non-conforming use of the site. Mr. Wechner referred the Commission to Condition A3, that prior to use of the new materials storage area a final site plan shall be prepared and submitted for review by the Planning Staff. The first step in this non-conforming use process is for Commission approval of alteration of the use and the next step is approval of the site plan for this use.

Mr. Allen said if the Commission approves the expansion of the non-conforming use to the proposed 14,400 sq feet, and there is a complaint about the use going outside of the parameters that were approved, this could have an adverse impact. Mr. Wechner said the Code allows the Commission to look at the site and its use as a whole.

Mr. Fisher asked for clarification regarding Code requirements for interior and exterior storage.

Ms. Lafayette said this is a non-conforming use, but it is not really offensive. Extending the use through the whole tax lot seems to make the most sense. She disagrees that there would not be any impact, because there would be an increase in access points and traffic coming in and out of the site. She thought the Commission should look at the whole site.

Mr. Fisher said the two driveways on the site have a 10-foot strip between them. Any time you are dealing with trucks, the more driveway and footage you have the faster the vehicle can go in to and out of the site. The main site has about 5-8 trips per day, 5 days a week. He does not plan to have a pull through between the two sites.

Mr. Wechner said generally, accesses that are on curves are avoided. With most businesses, City Staff looks to consolidate accesses rather than creating more accesses. The condition would be to have one access point for Tax Lot 4000 and Tax Lot 6600. This is what Mr. Fisher is objecting to. If the accesses on Tax Lot 4000 allow for better circulation, the Commission should probably revise or remove Condition #4.

Mr. Keyes said this use will probably not be the final use of the property. Something else will probably be there in the future. The design of Oregon Street and Adams Street in that area will determine where the best access points are. They will work with Mr. Fisher on the location of the accesses.

Mr. Shannon said Mr. Fisher bought the property that already has an access. He did not agree with the City asking him to give up the access for Tax Lot 4000. If the access were removed, the tax lot would be land-locked.

Mr. Fisher said when he bought the property, he had been in conversation with the City Manager for almost a year and he was buying it with the condition that the City would purchase 10-feet of the site for right-of-way when improving Oregon Street. They could not come to terms on this 10 feet. He would be more than happy to sell the 10 feet to the City so he could put in his landscaping, fencing and driveway approaches.

Mr. Keyes said that until the alignment study for Oregon Street is complete, they will not know where the 10 feet will be, or if it will be needed. As part of the downtown street project, the City would want to build three or four swales or water quality facilities on the edges of downtown to treat the Old Town Area and get the maximum development in the Old Town District. He would not recommend that Mr. Fisher pave his parking lot right now because they do not know what the vertical elevation of Oregon Street is going to be or where the tie-in to the storm sewer will be located.

Mr. Whiteman said he was concerned about establishing a precedent in allowing a storage area that does not have a black-top surface. This would give the site a more finished look. He would support a time-frame such as three years. He thought this site would eventually become a public parking lot with the development of the Old Town District and Cannery Area.

Mr. Wechner said paving the site was not addressed because the Code does not necessarily require asphalt paving. The amount of money it would take to pave the site and use it as a storage area would probably be a great deal of expense that was not necessary. Gravel compacts and can handle the load of heavy trucks at an acceptable level. The site will be screened and landscaped.

Mr. Fisher said that any time the gravel becomes an eyesore or dust problem, the City can give him twelve months notice and he will install asphalt. He would be willing to put this in writing.

Following further discussion, the Commission made the following changes:

- Page 4, finding 10, change sentence that reads, “There should be no increased traffic or equipment on the site” to “While there will be a marginal increase in traffic at this site, it is more than offset by its corresponding decrease in traffic affecting significantly more residences. Further, allowing employee parking on the site will reduce employee parking on Oregon Street that conflicts with current uses.”
- Revise Condition #1, “The use of this site will be limited to storage and employee parking.”
- Delete Condition #4.

**Patrick Allen moved the Planning Commission approve NCU 03-01 Jim Fisher Roofing, based on applicant testimony, Staff Report, discussion, adopting the findings as revised, Condition #1 as revised, and removing Condition #4. Seconded by Bill Whiteman.**

**Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain**

**5. Public Hearings**

Vice-Chair Patrick Allen read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

Mr. Allen said he serves with Mr. Pat Lucas on the Sherwood Urban Renewal Policy Advisory Committee (SURPAC). He does not have any bias regarding PA 03-02, SP 03-05 Sherwood Self Storage Site Plan and Map Amendment.

**5C. PA 03-03 PUD Lot Sizes Plan Text Amendments**

**Chair Emery opened the public hearing on PA 03-03 PUD Lot Sizes Plan Text Amendments.**

Mr. Wechner reported that the applicant had requested a continuance to the January 6, 2004 Regular Commission meeting in a letter dated December 2, 2003 (as noted under Agenda Review).

**Bill Whiteman moved the Planning Commission continue PA 03-03 PUD Lot Sizes Plan Text Amendments to the January 6, 2004 Regular Commission meeting, as requested by the applicant. Seconded by Patrick Allen.**

**Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain**

**5A. PA 03-02 Plan Map Amendment**

**5B. SP 03-05 Sherwood Self-Storage Site Plan**

**Chair Emery opened the public hearing on PA 03-02 Plan Map Amendment and SP 03-05 Sherwood Self-Storage Site Plan.**

Jean Lafayette stated that she lives very close to the site, off of Hall and Nottingham. In the past she has attended public hearings posted by DEQ regarding clean-up of this site. Last week she and Ken Shannon had a brief conversation about the pros and cons of the site plan, but no action or bias was created. Specifically, they discussed having a GI zone across from a residential area, compared the business development of a site that is potentially blighted with a DEQ clean-up and viewing this as a trade-off.

Ken Shannon confirmed the conversation with Ms. Lafayette. They also talked about the loss of jobs with the loss of the LI zone, but considering the site, recognized the potential for development by rezoning to the GI zoning designation.

Dave Wechner referred the Commission to the Staff Report dated November 25, 2003, a complete copy of which is contained in the City Planning Files PA 03-02 and SP 03-05. He noted:

- The applicant is requesting a concomitant plan map amendment to change the zoning of the site from Light Industrial (LI) to General Industrial (GI), and site plan approval to construct a commercial self-storage, mini-warehouse facility.

- The request for a zone change is a legislative action with a recommendation by the Planning Commission to the City Council. The site plan review is a quasi-judicial action by the Planning Commission. The site plan is dependent on approval by the City Council of the zone change.
- The site is located off of NE Oregon Street, Tax Lot 500, Map 2S 1 29D, immediately behind the Old Tannery, south of the railroad tracks and Rock Creek. Adjacent to this site is the Linke site. Washington County reported the corporation that owned the site has disbanded and there is no site ownership at this time.
- Terry Keyes, City Engineer, is available to answer questions related to public facilities and transportation.
- Staff reviewed the general objectives, policies and strategies of the industrial zone. Commercial mini-storage or self-storage is usually located in the light industrial or general commercial zone. In Sherwood, the only zone allowing this use is the General Industrial (GI) zone.
- There is an existing self-storage facility located in Cipole Road in the GI zone and another facility located on Tualatin-Sherwood Road in the LI zone.
- Staff found that the proposed plan map amendment is generally in conformance with the criteria, policies and strategies of the Comprehensive Plan.
- If the plan map amendment is approved, the GI zone designation will remain as long as the proposed use is in existence. Any subsequent use of the site not in conformance with the site plan review approval of SP 03-05, or amendments approved by the City of Sherwood, shall be associated with the LI zoning district standards.
- DEQ has been working on cleaning up the site. Staff recommends a condition that requires conformance with DEQ clean-up standards for the site.
- Comments were received from the Fire District, City Engineer and Oregon DEQ.
- Staff recommends approval of the site plan and plan map amendment with conditions.

In response to Ms. Lafayette's question regarding RV wastewater dump that is proposed, Mr. Keyes said this would be covered by Clean Water Services (CWS) standards. This will be done during the Engineering review.

**Chair Emery asked if the applicant wished to provide comments.**

**Patrick Lucas, 23861 SW Dewberry Place, Sherwood, Oregon 97140, addressed the Commission.** Mr. Lucas provided testimony regarding the site clean-up. He noted:

- He has been working with DEQ on the site clean-up since 1999. The front building used to be a leather tannery. The back building (Tax Lot 500) was a battery re-manufacturing facility and a cannery.
- Over the last 40-50 years, the site has been contaminated. The battery facility produced about 500 battery casings a day. Approximately 300,000 battery casings were found on Tax Lot 500.
- There were a number of chrome contaminated hides that were left on the site.
- The chrome that was used was a "Chrome 3" that stays in the leather. They tested all seven of the water monitoring wells on site and now they are all clean and have drinkable water.



- They removed 3500 yards of hides (350 dump truck loads) and about 2500 yards of lead contaminated soil. They have a little more to do and the clean-up should be done next week.
- He entered into a “prospective purchaser agreement” with DEQ. They agreed to what level everything would be cleaned up. Once this is done, the property will be signed-off with a “No Further Action letter”. He will be held harmless and any future owner of the property will be held harmless. The State would be responsible for anything else that may not have been found. It has been a long process.
- Provident Development is proposing to redevelop the back site. This would extend the private roadway (what used to be called Roy Street).
- The old hide house would be torn down and the applicant would build a very nice looking self-storage facility.
- There were 14 holes dug for the lead testing. The soil mounds will be removed next week.
- The ponds to the west of the building are located on Tax Lot 400 and will be cleaned out and filled in. It is a part of the whole clean-up effort, but not the application being heard tonight.
- The Commission looked at the location of the ponds on the site map.
- He needs the funding from Provident Development, carrying a note back on the property, to finish the project. His company owns the rest of the property. This has not been an easy project to finance.

Ms. Lafayette said she attended the 1999-2000 DEQ public open house. She is excited to see the site being developed. The timeline for the “orphan” site being done is probably unrealistic. With regard to the prospective purchaser agreement that states single-family residences are prohibited, she asked for clarification in allowing an on-site manager residence.

Mr. Lucas said this is a DEQ issue and they have to approve all on-site improvements.

Ms. Lafayette was concerned about the site having a zero lot line being located on the crest of a hill that is basically an entrance into Sherwood. All you will see are blank walls of a storage unit with a zero lot line and fence. Because this is the entrance to a community, maybe some evergreen screening should be provided.

Mr. Lucas said the Mr. Gallagher, Provident Development, would be able to answer Ms. Lafayette’s question.

**Chip Gallagher, Provident Development Group, 8312 W. Northview Street, #120, Boise, Idaho 93704, addressed the Commission.** He noted:

- The primary reason they positioned this project on a zero lot line was to maximize the site, balance the site by using one portion of the project as a retaining wall to improve the drainage sewer fall from the site to Oregon Street. They did not think it would be a concern because of the distance the project is from Oregon Street.
- When the property is fully developed, the project probably will not be visible from Oregon Street.
- As the grade falls away, the building will step down. They have put a color band or other decorative coloration on existing facilities and they want this facility to be attractive. CMU

is a concrete masonry unit or concrete block. The CMU block they use is smooth. They use a block sealer and also paint the block.

- They would agree to a condition that states either architectural or color variations for the elevations shall be submitted for approval by the City.
- A representative from Olson Engineering is present to answer any questions on access or site drainage and grading.

Mr. Lucas said the extension of Roy Street in to the site would be a private drive.

Mr. Wechner said the site would be developed as an industrial park, so there was no reason to require a public street. The reference to the extension of Roy Street (public), means that the existing Roy Street and the entrance to this site would align. It is a private street that was approved with the minor land partition.

The Commission asked for further clarification regarding the zero lot line and buffering the site.

Mr. Gallagher continued his testimony and answered questions from the Commission:

- The retaining wall would be 1 to 1-1/2 feet high. The entire site, even around the RV storage is all masonry walls. They are concerned about security.
- All of the buildings are masonry block, sealed and painted. They have gabled roofs with composition shingles, continuous ridge and eave vents for ventilation. Building A, which is attached to the manager's unit, is completely climatized.
- The garage units are the typical storage units and are in the triangular piece, about 30,000 square feet.
- Building C is a larger building that has wider units, with taller doors and man-doors with timer lights inside.
- The balance of the project is all covered RV storage.
- The project is a multi-service facility.

**Chair Emery asked if there was any proponent testimony. There being none, Chair Emery called for opponent testimony.**

**Clarence Langer, 15585 SW Tualatin-Sherwood Road, Sherwood, Oregon 97140, addressed the Commission.** Mr. Langer said a couple of his questions about the soil were answered. In past meetings, the concern was that any disturbance of the soil may tend to move contaminants downhill into Rock Creek. He stated that Mr. Wechner had addressed the other issue of going from LI to GI. He did not have any further comments.

**Chair Emery called for rebuttal from the applicant. There was no rebuttal.**

Mr. Shannon asked a question about the private drive width.

**Chris Wonderly, Olson Engineering, Inc, 1111 Broadway, Vancouver, Washington 98660, addressed the Commission.** He said that currently, the plan shows a 24-foot wide access to the

site. There has been discussion between the property owner and developer that ultimately the access will be 36-feet wide. The minimum standard for a private road is 24-feet.

Mr. Keyes said 24 feet is wide enough for two motor homes. The City standard road width is 28 feet.

Chair Emery said there was previous discussion regarding potential contamination from the site during review of an application on an adjacent property. The discussion was that any disturbance of earth would cause leaching. The testimony tonight seems to indicate that DEQ and their management of the site will take care of any potential problems.

Mr. Lucas said that the issues DEQ is dealing with now are the things that were “placed downhill”. None of the seven ground monitoring wells are dirty. There have been hundreds of thousands of dollars spent on testing the site.

Ms. Lafayette said DEQ had prepared a handout entitled, “Frontier Leather Site Clean-up” that addressed how the site is being cleaned up.

Mr. Wechner noted that the applicant is proposing to cover the site with an impervious surface, so the potential for leaching from that is about nil. There is also a state agency (DEQ) monitoring the site clean-up.

Ms. Lafayette said the plan submitted states “flat roof” and there would be no stair-stepping of the building towards the back of the property. She asked the applicant for clarification.

Mr. Gallagher responded because there is a “fall” in the drainage and grading plan from one end of the property to the other, will require the length of these buildings to “step” every 40-60 feet to help with the contour. His optimum request would be that the building not step. After talking to Mr. Wonderly, it looks like the building will have to be stepped about 6 inches at a time. This will break up the elevation that the Commission was concerned about. The roofs are not flat. The perimeters angle into the center of the building. The center buildings have gabled roofs.

**Chair Emery closed the public hearing on PA 03-02 Plan Map Amendment and SP 03-05 Sherwood Self-Storage Site Plan for Commission discussion.**

The Commission made the following changes to the Staff Report and conditions:

- Add a condition that states, “The applicant shall submit a final design for approval by the Planning Director showing architectural variations through use of color, materials or architectural features.”
- Page 8 of the Staff Report, under the recommendation in the first paragraph, include that the Commission approval for recommendation is, “Based on the review..... and the accompanying concomitant site plan application.”
- Page 6 of the Staff Report, include with the first finding that begins with the proposal does not produce many jobs, that the rezone is providing more economic stability to the

community by eliminating a blighted area. Mr. Wechner will prepare findings to reflect this.

It was the consensus of the Commission that the proposed application, particularly based on the site location, will be a positive addition to the City. Mr. Balza said if this facility looks like existing facilities done by Provident, it will be an attractive business for the City-scape.

**Patrick Allen moved that the Planning Commission recommend to the City Council approval of PA 03-02 Plan Map Amendment concomitantly with approval of SP 03-05 Sherwood Self-Storage Site Plan based on the Staff report findings, recommendations, applicant testimony, public testimony, Commission discussion including the additional finding on economic stability, and the addition of a condition under E. Prior to final site plan approval, as previously read. Seconded by Jean Lafayette.**

**Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain**

#### **6. New Business**

Mr. Whiteman announced that he would be submitting his resignation from the Commission at the December 16, 2003 meeting. He and his wife plan to spend more time in Arizona during the year.

Dave Wechner reviewed the items scheduled for the December 16, 2003 Regular Planning Commission meeting, as follows:

- Review and prioritize the Planning Commission Work Program items.
- Presentation by City Staff on the proposed Civic Center.

Chair Emery noted that he may not be available for this meeting.

The Commission asked Staff to prepare code language regarding signs, specifically height and size, for this meeting.

#### **7. Adjourn**

**There being no further business to discuss, Chair Emery adjourned the regular Commission meeting at 9:15 PM.**

Respectfully submitted,

Planning Department