

City of Sherwood, Oregon
Planning Commission Meeting
July 7, 1992

1. **Call to Order/Roll Call:** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Marjorie Stewart, Marian Hosler, Kenneth Shannon, Marty Ruehl, and Eugene Birchill. Jim Scanlon was absent.

Ms. Connell announced that Mr. Jim Scanlon is unable to attend any future Commission meetings.

2. **Approval of June 16, 1992, minutes:** Ms. Stewart moved, seconded by Mr. Ruehl, that the minutes of the June 16, 1992, meeting be accepted as written. Motion carried unanimously.
3. **Metro presentation on Region 2040 Plan:** Chairman Birchill announced that this item is being moved to a later time on the agenda to accommodate the schedules of the citizens.
4. **Public Hearings:**

Chairman Birchill read the "Hearing Disclosure Statement" and opened the Public Hearing.

A.PUD 92-1 - Sherwood View Estates PUD Preliminary Development Plan and Preliminary Plat.

Ms. Connell reported that this PUD had been continued before. At this time the applicant provided a letter requesting that the PUD be continued indefinitely, which indicates that the applicant is waiving the 120-day limit in which the decision must be made and the 120-day limit has almost expired. Staff has no objection, but recommend that the PUD be extended for a period of 180 days.

Chairman Birchill called for proponent testimony.

Mr. Vlad Voytilla, Vice President of J. C. Reeves Corporation, stated that several issues have arisen which require further review, and the purpose of the request for the indefinite extensions is to allow time to address those items.

Chairman Birchill called for opponent testimony. There being no further testimony, Mr. Birchill closed this portion of the public testimony.

After a brief discussion, Ms. Stewart moved, seconded by Ms. Hosler, that PUD 92-1 be continued until the end of January 1993, and it is construed by the Commission that the applicant's request waives their 120-day decision deadline. Motion carried unanimously.

B.SP92-3 Newnes, Site Plan request to construct a paint booth behind the existing manufacturing facility on Willamette Street.

Ms. Connell reviewed the Staff Report dated June 29, 1992. She noted that the applicant is requesting permission to construct a paint booth at the back of the existing facility occupied by Newnes Machine, Inc. 400 SE Willamette Street. Ms. Connell indicated that this is a site plan request since the new structure is located on and can be seen from Oregon Street. The plans call for trees to screen the structure, and staff recommends the screen be evergreen trees, five to six feet in height.

Ms. Connell pointed out that the existing facility has access from Willamette Street, a major collector with a bike lane. Therefore, a 70-foot right of way is required, which necessitates dedication to the City of a 15-foot right of way on the Willamette Street and a 10-foot right of way on Highland, a proposed major collector without bike path. Ms. Connell distributed copies of a letter from Tromel Industries, owner of the property, in which they take exception to the requirement to dedicate additional rights of ways.

Ms. Connell indicated that other aspects of the project comply with all required codes and regulations; however, there may be noncompliance with the City and State Noise Standards. The Commission may want the applicant and/or the City to test noise levels. Ms. Connell recommended approval of the paint booth based on Staff's findings and the conditions outlined in the Staff report dated June 29, 1992.

Ms. Connell introduced a number of complaints received at City Hall regarding possible violation of the City and State Noise Standards, copies of which will be retained in applicant's file, and are as follows:

- Rena Kelley - opposed Newnes operation due to noise - 7-7-92
- Jeanette Fieldman - feels citizens should be more tolerant of persons involved in the business and the noise may not be as bad in the winter
- Anonymous - 7-7-92 - noise and vibrations caused by running

diesels at 11:30 p.m.
Anonymous - 7-2-92 - heavy manufacturing in parking lot until
midnight
Scheller - lots of noise in late evening, driving neighbors
crazy
Alice Thorton - noise from Newnes at 1:00 a.m. on July 1,
1992
David Mead - Noise, outdoor steel storage in parking lot.
Large diesel forklift unloading next to Highland where
kids are playing, dangerous; using parking lot for
storage, not parking; unsightly; unloading flatbeds
adjoining Highland; more outdoor than previous owner
Sandy Rome, 7-6-92, has tenants in neighborhood who are
complaining about noise.

Chairman Birchill called for proponent testimony.

Mr. Al Richbourg, representing Newnes, introduced his staff
members, Al Johnson, Chris Hemingway and Dwight Martin. Mr.
Richbourg provided a brief history of Newnes and stated that
he is aware of some of the complaints and has spoken with
some of the neighbors. He assured them and staff that the
company is concerned and is attempting to rectify the
problems. Mr. Richbourg stated that use of the parking lot
to manufacture, load, unload, etc., is a temporary situation
and will be greatly reduced when construction of the paint
booth has been completed. Further, Newnes expects to fully
comply with all building and fire codes, and any other codes
and/or ordinances. Mr. Richbourg indicated the company also
takes exception to Conditions Nos. 2 and 3 since they cannot
force the owners to dedicate rights of way.

Chairman Birchill called for opponent testimony.

Mark Cottle, 385 SE Willamette St., expressed concern
regarding excessive noise, being awakened at 4 to 5:00 a.m.,
traffic, use of private driveways for truck turn-around, and
whether applicant is properly zoned as light industry. He
requested that the applicant confine their operations to
appropriate working hours.

David Mead, 115 SE Lincoln, questioned compliance with light
industry zoning; does not feel that Newnes is running a light
industry; access is very narrow, unloading steel in front of
duplexes - very dangerous; excessive noise, steel beams being
dropped at 1:30 a.m.

Dawn Tirral, 155 Lincoln Street, stated she has made a log of the noise and requested Mr. Richbourg's telephone number. The log will be filed in applicant's file. Mrs. Tirral also stated that the area is posted at 25 miles per hour speed limit; however, deliveries, etc. travel in excess of 25 MPH.

Ms. Yvonne Scheller, 865 SW Schamburg, owns a duplex immediately across the street from Newnes. Her renters have complained and requested she attend the meeting and express their complaints; i.e., husband removes hearing aid at night, but is awakened by loud noises from Newnes between 1:30 and 1:40. Ms. Scheller indicated that the noise can also be heard from her home at the top of Washington Hill and suggested that the Noise Ordinance be enforced.

Ms. Tracy Smith, 120 SE Highland - reiterated excessive noise, probably caused by dropping of 40-foot steel beams.

Rena Kelley, 195 SE Lincoln, new to area, chose the area because of its appeal as a good neighborhood, feeling of community, good schools, small town atmosphere, etc. Expressed concern regarding danger to children created by the semi-trucks, etc.,

Maryann Preston, 110 SE Lincoln, re-emphasized the danger to the children, specifically since there are no sidewalks and the children must use the street, the streets are breaking down because of the heavy trucks and the noise at all hours of the night.

At the close of opponent testimony, Mr. Al Johnson, 20434 S. Springwater Road, Estacada, representing Newnes, stated that what is happening now, is not the standard operating mode of Newnes. They are attempting to reorganize the activities and move their operation and equipment in doors, which will greatly reduce the noise level. He noted, however, that Newnes is using a similar five-ton crane and five-ton loader to those utilized by the previous occupant and in his opinion comply with the light industry zoning regulations. In response to a question, Mr. Johnson stated that the night-time activities will be reduced but not completely eliminated, and they will work to eliminate the problems caused by night-time work by confining work to the inside of the building.

Mr. Mead stated that he did not feel the previous occupant was in compliance with the LI zoning, and that the current occupant is a totally new operation. He asked if any studies had been done and suggested the need to have an environmental impact study prior to allowing the operation to continue.

Ms. Connell responded that a study had not been done, but rather started as an inquiry through her office. She reviewed the zoning laws and determined that the property has historically been zoned LI and that the new use is almost identical to Tromley's operation--light manufacturing, a use which is permitted under the LI zoning restrictions. This determination was based on assurance from

Mr. Richbourg that the two businesses were the same in fact, Newnes may be a 'lighter' manufacturing than Dependable Fordath. Mr. Richbourg supplied a letter to the City guaranteeing compliance with City Noise Standards. The City also looked at whether the previous occupant was a conforming use. If it was, it was grandfathered since they were there before zoning. The Zoning code allows continuance of a nonconforming use if it can be determined that the operation did not cease for more than 120 days. Ms. Connell reviewed the LI and GI sections of the Zoning Code.

The Commission expressed their concern about the noise and the truck traffic.

After a brief discussion and question and answer period, Mr. Ruehl moved, seconded by Ms. Stewart, that SP 92-3 be approved based on the findings of facts in the Staff report dated June 29, 1992, with the following conditions:

1. The proposed landscape screening on the east side of the new building shall consist of a solid evergreen screen tree-lined hedge, a minimum of five to six feet in height. Recommended types include Cedrus deodara or sheared Douglas Fir. There shall be enough trees to fully screen the new building as well as the outdoor storage area.
2. The applicant shall provide proof of compliance with Uniform Fire Code requirements when a building permit is requested.
3. If the subject business is determined to be in violation of the LI zoning code or the nonconforming use provisions, this approval shall be null and void.
4. Commission strongly urges the applicant to work with the Owner to provide an alternate all-weather access from Oregon Street through Tax Lot 1400 within 180 days.

Commission members requested that Ms. Connell determine, if possible, whether there was a 120-day break in LI use, and then have the City Attorney determine if this is a LI use.

Chairman Birchill directed Ms. Connell to send a letter to Newnes Company to cease and desist any use of the parking lot and for any purposes other than parking. Applicant must comply with the City Ordinance and Zoning Code.

C.PA 92-2, Minor - a Plan Map Amendment LDR designation of property on Brookman Road, recently annexed to the City (a portion of Cambridge Meadows PUD).

Ms. Connell noted that this request is merely a formality and will not go through her report. The application is requesting a zoning amendment of recently annexed property as low-density residential.

There being no opponents or proponents wishing to speak, Mr. Ruehl moved, seconded by Ms. Hosler, that PA-92 be approved based on the findings of fact in Staff's report dated June 22, 1992. Motion carried unanimously.

At this time, Chairman Birchill returned to Item III of the agenda and asked Mr. Mark Turpel, representing Metro, to proceed with his presentation.

Mr. Turpel distributed a copy of METRO's Region 2040 Transportation and Land Use Concepts, Phase 1, which outlines the objectives and purpose of the program. He requested that the Commission review the document and provide any input for Metro to consider when developing future plans. He also distributed a copy of a local Government Questionnaire and requested that the Council complete and return the questionnaire. (Copies of both documents are in the minute book for reference purposes.) Mr. Turpel provided a very detailed summary of the concept of the development. The Commission offered comments and suggestions.

6. Director's Report:

Ms. Connell noted that there are several items on the agenda for the next two Commission meetings and suggested that the meetings begin at 7:00 so that non-public issues can be addressed before getting into public hearing items. The Commission concurred with the 7:00 p.m time.

The Commission requested that the City Attorney be invited to attend the hearing scheduled for August 4, 1992.

7. Adjourn:

There being no further items before the Commission, Ms. Stewart moved, seconded by Mr. Ruehl, that the meeting be adjourned. Motion carried and the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Kathy Cary,
Secretary