



29799 SW Town Center Loop E  
Wilsonville, Oregon 97070  
(503) 682-1011  
(503) 682-1015 Fax Administration  
(503) 682-7025 Fax Community Development

October 3, 2007

Russ and Peggy Dubbels  
Shebuski and Lloyds, Inc.  
PO Box 1520  
Wilsonville, Or 97070

Dear Russ and Peggy,

On August 17, 2005, the Wilsonville Municipal Court Judge signed a motion stipulated by yourselves and the city to suspend zoning enforcement proceedings at Shebuski and Lloyds Inc. Do It Best Hardware. The case, which concerned the alleged violation of city code section W. C. 4.116 (.01), was stayed pending amendment of and compliance with a March 2004 memorandum of understanding (MOU) between you and the city respecting storage of U-Haul rental units on your property. Since entry of the court order, the MOU was amended to increase the capacity of the area for temporary staging of units pending pick up or placement of the units inside the caged garden center within five business hours of drop off or the opening of business the next day. That Memorandum, signed September 22, 2005, required that the screen wall be moved and landscaped with trees every ten linear feet.

Since 2005, the city has attempted to work with you, notifying you of compliance concerns, granting extra time to complete wall relocation and landscaping, and, importantly, not bringing formal enforcement action against you, choosing instead to allow units to be stored on the property in excess of the time limitations to accommodate weekend fluctuations in drop offs and the limited resources at your disposal. We have allowed maintenance of units that have broken down. We have been less concerned about excessive storage times for those units kept behind the screen wall and did not consider these to be violations. During 2006, you appeared to take compliance concerns based on third party complaints seriously, attempting to bring conditions at the property into timely compliance following contact with city staff. This was a further reason why the city declined to enforce the code or the MOU against you.

In the last year, things have changed. Fewer and fewer units have been placed behind the wall or relocated inside the garden area. Within the last several months, not one rental unit has been brought inside the building (the caged garden area is devoted to the storage of other inventory), notwithstanding storage times well in excess of that provided in the



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MOU. The landscaping has not been installed along the wall. More and more of the rental units are stored beyond time limits in parking spaces fronting Town Center Loop. When city staff has approached you with a complaint and a request for compliance, you have demanded the identity of the complainant so that, as you advised, you can publish the person's name on the entrance to your store so that your patrons may confront him or her. Complaints about adherence to the MOU now come from multiple sources. Lately, the number of units occupying the property at any one time would cause the average observer to conclude that there were no zoning restrictions concerning the screening or placement of rental units on the site.

Management of U-Haul equipment at Shebuski and Lloyds, Inc. Do It Best Hardware has gotten to the point that no one can seriously argue that the MOU is being observed. The question is: What are we going to do? Rather than proceed to revive the complaint in Municipal Court or seek some other enforcement action, we thought that as a courtesy to you and with respect to your situation, we would solicit your input first. Accordingly, we would invite your response within fifteen days of the date of this letter with your thoughts and plans on how to bring your U-Haul rental business into compliance with the MOU and city code.

We appreciate the service you provide to city residents and your past willingness to work with the city on code compliance. Be advised, however, that absent a timely response to this letter, the city will be obliged to take appropriate action based upon all available options.

Thank you for your attention to this matter.

Very truly yours,



Paul A. Lee  
Assistant City Attorney

pal:dp