

City of Sherwood, Oregon  
Planning Commission Meeting

April 19, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:00 p.m. Commission members present were: Chairman Eugene Birchill, Marge Stewart, Glen Warmbier, and Chris Corrado. Rick Hohnbaum was absent to attend a union meeting and Susan Claus was absent. Planning Director Carole Connell was absent to attend a seminar out of state. Secretary Kathy Cary was present.

2. **Approval of minutes of previous meetings:**

There being no corrections or additions, Ms. Stewart moved, seconded by Mr. Warmbier, that the minutes of the March 15, 1994, meeting be approved as presented. Motion carried unanimously.

3. **Introduction of new Commissioner:**

Chairman Birchill advised that a new Commission member had not yet been appointed and the item was removed from the agenda.

4. **Election of Vice Chairperson:**

Chairman Birchill advised that, due to the completion of Mr. Ruehl's term as Commissioner and vice chairperson, it is necessary to appoint a vice chairperson. Mr. Warmbier moved, seconded by Ms. Stewart, that Mr. Chris Corrado be appointed vice chairperson. Motion carried unanimously.

5. **Public Hearings:**

Chairman Birchill read the hearing disclosure statement and requested that Commission members reveal any ex-parte contact, conflicts of interest or bias with regard to any issues on the agenda. There being no disclosures, Chairman Birchill advised that due to Ms. Connell's absence, Commission members will dispense with the staff report. He commented that the applicant would be given an opportunity to testify, then proponents and/or opponents would have an opportunity to testify, after which the applicant will be allowed to rebut any testimony. After completion of all testimony, the hearing will be closed with the understanding that any Commission member may request that the hearing be re-opened.

**A. MLP 94-2 Scheller: a two-lot Minor Land Partition on Schamburg Drive.**

Chairman Birchill requested that the applicant proceed with any comments he may have. Note: A complete copy of the Staff report dated April 12, 1994, has been placed in the Commission Minute book.

Philip Scheller, 280 NW 2nd Street, Sherwood, addressed the Commission. Mr. Scheller stated that he does not have any specific testimony, he has read the Staff Report and all related documents and is in agreement with the conditions in the Staff report.

There being no further proponent testimony, Chairman Birchill opened the public hearing for comments from opponents. There being no further testimony, Chairman Birchill advised that rebuttal will be dispensed and closed the public hearing. He opened the meeting for questions, comments and discussions among the Commissioners.

In response to Mr. Warmbier's question, Mr. Scheller replied that he understood he would have to connect to the sanitary sewer, which is approximately 10 feet distance on one side of the property and 20 feet on the other.

Ms. Stewart noted that there appears to be a road on Lot 700 at Lot 8 of the Cinnamon Hills Subdivision on the map provided by Stewart Title and inquired if the road is a City street. Mr. Scheller said that the layout shown is that of a previously proposed project and was deleted by approval of Cinnamon Hills.

After a brief discussion, Mr. Warmbier moved that based on the findings of fact in the Staff Report dated April 12, 1994, the partition be approved subject to the following conditions:

Prior to partition recording:

1. The applicant shall enter into a non-remonstrance agreement with the City for future public road and utility improvements adjoining the site.
2. The applicant shall dedicate the hammerhead for public roadway, and construct the hammerhead with an all-weather surface, in accordance with City and TVFRD approval.
3. When accessible from the south, sanitary and storm

sewer easements shall be extended from Cinnamon Hills to Lots 1 and 2 as necessary and as determined by the City.

The motion was seconded by Mr. Corrado and carried unanimously.

6. **F.Y.I.**

Mr. Warmbier commented that a guest is seated in the audience and requested that she be given an opportunity to address the Commission members.

Ms. Marlisa Noblet, 85 SE Orland Street, Sherwood, addressed the Commission. Ms. Noblet stated that she moved into Sherwood six years ago, at which time her family purchased a home and placed it in the Orland Subdivision. Ms. Noblet commented that the street on which she lives is supposed to be 100 percent land-owner occupied; however, it is not. Ms. Noblet stated that she has the unfortunate situation of not being able to manage her property. She commented that 75 percent of the lots on that street are owned by one man, who lives outside of the State of Oregon. Ms. Noblet pointed out that, about one month ago, the people who abut the back of the property, Ms. Shirely Gross at 90 SE Roy Street, began cutting down trees. Ms. Noblet indicated that she questioned what Ms. Gross was doing, because the property it not hers, it belongs to the land owners, and it is a utility easement that abuts Oregon Street and G&T Drive between Roy and Orland back yards. Mr. Noblet stated that she asked Ms. Gross what she was doing because she fenced it off and began taking down trees. Ms. Gross's husband responded, 'the Planning Commission gave us permission to do this. After years of asking the City to clean it up and no one is cleaning it up, we are cleaning it up ourselves.' Ms. Noblet advised that she has a video tape of what the area looked like before the tree cutting, and a video tape of what it looks like this evening. She remarked that what Ms. Gross has done is to systematically take out the trees and what was not chopped down with a chain saw the Grosses have "girdled", which is to take and chop off the bark all the way around those trees and it will kill those trees. Ms. Noblet commented that she realizes this is not the Board's problem, but wanted the Board to know that Ms. Gross represented them and stated that you had given her permission to do so on a private person's property. The property owners have been notified and before we start taking legal action against them, we want to take an opportunity this evening to attach your decision to this action. She pointed out that the trees, a majority of which are Hawthorne trees, are leaning at an angle and if they

fall, they will take out her fence, shed, the children's play equipment-a large, expensive wooden structure, the neighbors properties, homes and fences will probably be damaged. Ms. Noblet stated that some of the trees are 30 feet tall, and when this happens we (the neighbors) will all file. Ms. Noblet remarked that she did not believe the Planning Commission could do anything about the situation, but she wanted the Commission to be aware of what Mr. and Mrs. Gross are telling people.

Mr. Warmbier advised Chairman Birchill that he had brought Ms. Noblet in because the Grosses are telling people the Commission had given permission, and he did not know how many people are there, but this is the original mobile-home rental subdivision and the City gave the subdivision the easement that goes up G&T. He commented that there is a small greenway between and that is the area to which Ms. Noblet is referring.

Ms. Noblet commented that no one has taken trees out of the area in the 20 years since the mobile home park began, and there has never been a reason to take the trees down. She stated that she became aware of the problem when she requested that the cable company bury her cable since the neighbor's dog chewed-up the cable, and she was notified that the cable could not be buried since someone had erected a fence. Ms. Noblet read a letter dated March 2, 1994, to Ms. Gross from Planning Director Carole Connell, a copy of which is attached as part of these minutes. Ms. Noblet pointed out that Ms. Connell's letter requested that the fence be moved; it has not been removed. Ms. Noblet remarked that she feels powerless to stop Ms. Gross, and did not believe what Ms. Gross did was fair and she represented the Planning Commission.

Chairman Birchill thanked Ms. Noblet for bringing the matter to the Planning Commission's attention; however, there is not a lot the Commission can do. He stated that cutting the trees was personal property, and would necessitate a personal law suit. Regarding the fence across the property, Chairman Birchill indicated that too would have to be part of a law suit.

Ms. Stewart inquired if there was a landscaping plan which required that trees be planted to act as a buffer. Mr. Warmbier replied that he believed most of the landscaping was in before the development went in on the Cochran property, and when it was divided and the lots became private lots in the other subdivision, it became a no-man's land, which was required to be dedicated as an easement and open space area.

He pointed out that the gentleman who owns the majority of lots is living out of the state, collects the rents and that appears to be his only interest. Mr. Warmbier suggested that Ms. Noblet contact the City Public Works Department since the easement is public as well as a public open space and she should talk to them before filing a law suit to see what involvement the City has. He pointed out that the area is in a home-owners association. Ms. Noblet stated that the major owner in the association is the one gentleman living out of state. Ms. Noblet commented that they have tried to own the property, and was told by the owner to 'got get a lawyer'.

Ms. Noblet agreed to again contact Ms. Connell, as well as the Public Works Department, to review the CC&Rs which would have been approved by the City.

Chairman Birchill advised that the following F.Y.I. items had been placed in the Commission packets for information purposes, and no action was required.

- A. "Wetlands Update"
- B. Woodhaven Appeals
- C. Oregon DLCD request for Applications for Membership on State Citizen Involvement Advisory Committee.

Chairman Birchill advised that the 1000 Friends of Oregon are putting on a seminar on May 14, concerning transportation and air quality. He advised that he was unable to attend; however, urged that any interested Commissioners contact the secretary in order to register.

7. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 8:20 p.m.

Respectfully submitted,

Kathy Cary  
Secretary