

**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**May 5, 1992**

1. **Roll Call/Call to Order:** Chairman Tobias called the meeting to order at 7:30 p.m. Commission members present were Chairman Ron Tobias, Ken Shannon, Marty Ruehl, Jim Scanlon and Marjorie Stewart. Marion Hosler and Eugene Birchill were excused. Staff members present were Planning Director Carole Connell and Secretary Rebecca Burns.
  
2. **CUP92-1 and SP92-2 Cellular One Conditional use Permit and Site Plan request for an equipment building and antennae in Reservoir Park on Division St.**

Chairman Tobias said that all public testimony was taken at the last meeting and that this meeting would be for Commission discussion and action. Mr. Tobias said that he was declaring a conflict of interest as an employee of the proponent and by statute cannot vote. Mr. Tobias asked who would like to begin discussion on the issue.

Marjorie Stewart said that she would have liked to have had the minutes from the last meeting for review. Ms. Stewart did some research and said that the City had the plans for the reservoir and very nice landscaping but the landscaping never materialized. The City needed the water very badly and felt that would be the best place for a reservoir. Then the Fire Department wanted to put their relay station up there and that was something the City needed too. So, there was some opposition to it and the reservoir but the majority of the people felt they should be there. Ms. Stewart's big concern about this issue is the residential area around it and did not feel the property should have a commercial use. Ms. Stewart said she knows nothing about the health aspects of the issue.

Ken Shannon felt that this is a designated park and open space and he thinks that the reason it has not been developed is because it has not come into its own yet. Mr. Shannon said that when Mr. Snyder's land develops adjacent to the Park, the Park would be a great place. Mr. Shannon would like improved communications for the police but feels that can be done with improved technology.

Marty Ruehl said that the hazards issue is not one which he feels he can make a decision on because the hazards are generally unknown. Mr. Ruehl believes the height of the tower would have to be higher. He feels that directional

antennas will inhibit coverage in Sherwood. Mr. Ruehl said that he did not feel that this proposal satisfies Sherwood's best interest. Regarding the open space, Mr. Ruehl feels this is prime City property which may be needed for expansion of the water facilities or some other need and the proposed building would take up that needed space. Mr. Ruehl said that the generator would do nothing more than serve the people on Pine Street and Division Street and these are the people who signed the petition. Mr. Ruehl believes there are alternative sites for this tower.

Jim Scanlon said that the issue of the safety of the microwaves is not the relevant issue. The issue is the land use and whether it is an appropriate use for that area. Mr. Scanlon does not like mixing designated open space and park with commercial use. Mr. Scanlon said that having the site as an established park use, the adjoining citizens had a reasonable expectation that the only use would be as a park and that if we, the City, later change that land use, it needs to be part of a Plan update amendment. That would come before any proposal like this and anybody that is involved should know what the ground rules are before, not after, the fact. Procedurally, Mr. Scanlon find this request flawed because it is a proposal to change the use of the land without a land use hearing. The City recently had a Plan update and this site remains, however marginally, identified as a park and he believes that this is the overriding use of this land and should continue to be. Mr. Scanlon said there are few enough parks in Sherwood and basically nothing on that side of the railroad tracks. Mr. Scanlon said that he was sorry to have to turn down the increased service for Tualatin Valley Fire and Rescue.

Chairman Tobias asked if the members needed further clarification or had questions of the applicant. No one had questions.

Ms. Connell said that it is important that the Planning Commission base their decision on the appropriate findings. Commission members directed Ms. Connell to draft new findings showing inadequate compliance with conditional use criteria (4.302.03 D and E). Mr. Scanlon moved to deny CUP92-1 and SP92-2 Cellular One Conditional Use Permit and Site Plan request based on the modified findings of fact, Marge Stewart seconded and the motion carried with Ron Tobias abstaining.

### **3. PUBLIC HEARING**

#### **A. PUD92-1 Sherwood View Estates, a 68-lot residential**

**Planned Unit Development proposed on 38 acres east of  
Murdock Rd.**

Chairman Tobias read the "hearing disclosure statement" and opened the public hearing.

Ms. Connell explained the PUD process to the audience. The Planning Commission must approve the conceptual plan which then, if approved, goes before the City Council for approval.

Ms. Connell reviewed the staff report and Code variations proposed by the applicant. Ms. Connell said that there were several agencies notified of this proposal. The Commission has received comments from all of the agencies in their packet. Ms. Connell explained that street extensions would not be an issue because the property is bordered by the UGB boundary. Ms. Connell reviewed the City's policies relating to transportation, sewer, greenways, etc. Ms. Connell advised that Tualatin Valley Fire and Rescue is concerned about the long cul-de-sac. Washington County claims that there is not enough information in the submittal to adequately respond. The County requested a traffic impact report. Also the County feels there might be a site distance problem.

Ms. Connell also noted that at some point in time, Sunset Blvd. will be connected to Murdock Road which will change the alignment of each road. Therefore, Murdock Road street improvements were not recommended at this time. Ms. Connell noted that if the applicant intends to place the sewer line along the wetlands, they would need a conditional use permit to fill in that area. Ms. Connell further explained that because this is a conceptual design, detailed engineering plans for utilities would not be available until after this concept had been approved.

Ms. Connell advised that the developer would receive Parks SDC credits because of the seven acres of land intended for dedication to the City as open space. Ms. Connell believes this is an excellent way to preserve this natural resource.

Staff believes that because of the constraints of this parcel, that this development should be a PUD. Based on the findings of fact and conclusion, Staff recommended approval of the preliminary development plan and preliminary subdivision plat for Sherwood View Estates PUD subject to the conditions listed in the Staff Report which include redesign of the subdivision to eliminate private lots west of the ridgeline, or the existing road. That line of demarkation, she said, has not yet been determined.

Jerry Reeves, 5185 SW Dogwood Lane, Portland, said that he was representing his company tonight because he feels that the goal posts have been moved by Staff. Mr. Reeves said that when 14 premium lots are asked to be eliminated from a subdivision for approval, it makes a substantial difference.

Mr. Reeves said that he thought that he had already come to an agreement with Staff on this plan. Mr. Reeves then asked for a continuance. Mr. Reeves said that the site is tough in terms of having to extend City services, which he believes extension should have been required by the City through the adjacent lot to the north, and the desire to protect the wetlands and scablands. Mr. Reeves said that he had met with Staff prior to the meeting and thought an agreement had been made. Mr. Reeves said that he too has a concern about the access but there is difficulty because of the UGB boundary. Mr. Reeves said that he and the City need to work out an agreeable design.

Mr. Scanlon said that he was astonished that staff forwarded this proposal as it is. Mr. Scanlon felt the Findings for a PUD have not been met.

Marge Stewart moved to grant a continuance to the June 2 meeting. Jim Scanlon seconded and the motion carried unanimously.

It was explained to the audience that the public hearing would be continued on June 2 but if they would like to give input prior to the meeting to write their concerns down and mail them to the Planning Director.

#### **4. Director's Report**

Ms. Connell advised the Commission members that the Six Corners Auto Dealership Rezone would go before the City Council on May 13.

Marge Stewart said that City services should have been made to go through to Reeves property line.

Mr. Shannon said he wanted to know if the Planning Commission can look at a proposed development site. Ms. Connell said he should look at the property but he should not have conversation about it with anyone. If conversation takes place, the details of which have not been publicly discussed, it must be so stated at the meeting as ex parte contact.

There being no further discussion, the meeting was adjourned at

9:15 p.m.

Rebecca Burns  
Secretary