

**City of Sherwood, Oregon  
Planning Commission Meeting  
May 19, 1992**

1. **Call to Order/Roll Call:** Chairman Tobias called the meeting to order at 7:30 p.m. Commission members present were Chairman Tobias, Marjorie Stewart, James Scanlon, and Marty Ruehl. Marian Hosler, Ken Shannon and Eugene Birchill were excused.
2. **Approval of 4/21/92 and 5/5/92 minutes.** Marty Ruehl moved to accept the minutes of 4/21 and 5/5 as written. Marge Stewart seconded and the motion carried unanimously.
3. **Confirmation of findings prepared in CUP92-1 and SP92-2 Cellular One Decision Notice.** Ms. Connell asked if the Planning Commission members had any changes or amendments to make to the decision. Mr. Scanlon asked if Cellular One planned to appeal the decision. Ms. Connell said that she has not heard yet but if it is appealed, it would go before the City Council.

Marge Stewart commented that she appreciated the letter which was received from Cellular One. Mr. Scanlon said that he felt the findings were complete. The Planning Commission concurred with the Decision Notice.

Ms. Stewart asked Staff to request that the Public Works director have the Reservoir Park cleaned up. Also Ms. Stewart asked that the hedge clippings on the sidewalk in front of Gerand's house on N. Sherwood Blvd. be cleaned up.

4. **PUBLIC HEARINGS**

Chairman Tobias read the "Hearing Disclosure Statement" and opened the public hearing.

**A. CUP89-4 Family Life Christian Church request for a Conditional Use Permit to construct a church at Six Corners.**

**B.SP8907 Family Life Christian Church request for Site Plan approval**

Mr. Connell reviewed her staff report. Ms. Connell advised that a portion of the site is zoned Retail Commercial which is somewhat different than when this CUP was

approved in 1989. Ms. Connell said that agencies were notified and Tualatin Valley Fire and Rescue and USA's comments were received and Ms. Connell laid the letters on the table. Ms. Connell reminded the Commission that their decision must be based on satisfying the Conditional Use Permit criteria which she reviewed for the Commission. Ms. Connell said that the property is zoned Retail Commercial and is intended for retail commercial uses. Ms. Connell believes that the use is not consistent with the planning intentions for the Six Corners area although this may be difficult to envision at this time because there is no high density or retail development yet in this area. Ms. Connell said that the church has indicated that they are financially unable to provide full services and are requesting a waiver from the initial requirements in 1989 to make 1/2 street improvements. In conclusion, based on the above findings of fact and that CUP criteria numbers 4 and 5 in the Staff Report have not been adequately met, Staff recommended denial of the request.

Mr. Tobias called for proponent testimony.

Brent Berkmeier said that his children were raised in Sherwood, but he now lives in Tigard. Mr. Berkmeier said that he was surprised when Staff denied the application. Mr. Berkmeier said that he bought the property contingent on approval of the application which was approved in 1989. Mr. Berkmeier has already spent \$14,000 on the architectural design. Mr. Berkmeier said that the reason they did not go forward in 1989 was because ODOT recommended they wait until the road improvements were completed at Six Corners. Mr. Berkmeier said he did not feel that this was a good retail commercial site because there are buildings which would block visual site from the highway. Mr. Berkmeier said that he feels that a church would serve the community more than a retail business.

Randy Wolfe distributed a letter which responded to the Staffs findings of fact. Mr. Wolfe asked what had changed in Sherwood which would cause reason for a denial this time? Mr. Wolfe wanted to know if there might be a pattern emerging whereby the City will deny any Conditional Use Permit application on a retail commercial site? Mr. Wolfe said he had talked with Bob Gray whose application for a CUP for a golf driving range had been denied in the same general area.

Mr. Wolfe said that when he talked with Ms. Connell he got the impression that the application was streamlined. Mr. Wolfe felt that he did not have any indication that this proposal would be denied. Mr. Wolfe said that the church does not have the resources of a developer and thus are not in a position to fulfill the half-street improvement requirement as set forth in the December 19, 1989 Notice of Decision. Mr. Wolfe requested that the Planning Commission consider eliminating this requirement for the church or working with them toward a resolution should the Commission decide to approve the conditional use permit.

Mr. Tobias called for a five-minutes recess. The meeting reconvened at 8:30 p.m.

Mr. Tobias called for opponent testimony. There was none and the public hearing was closed.

Mr. Scanlon said that he was on the Planning Commission at the time this CUP was approved in 1989. Mr. Scanlon said that if the Commission had some of the information presented tonight when trying to establish the zoning update, things might have been different. The Planning Commission in 1989 based their planning on how things were at that time, which was before the reconfiguration of Six Corners was designed. After the H-plan was established, the Planning Commission focused on that area as Retail Commercial. Mr. Scanlon further stated that it was unfortunate that Mr. Gray felt that more conditions were put on him. The City Code says that all the public improvements will be in place. Mr. Scanlon further explained that the Planning Commission tries to apply the Code to every application and it is not a personal feeling. Mr. Scanlon said he would never argue for the need for a church, but might argue about the location if it does not meet with the Comprehensive Plan. Mr. Scanlon stated that he agrees with the Findings of Fact as presented by Staff.

Chairman Tobias said that Mr. Wolfe's second point is troubling and almost insulting.

Mr. Wolfe said that if the City does not intend to allow any Condition Use Permits on this area but intends to keep it to Retail Commercial, that should have been stated to them.

Mr. Tobias said that 1/2 street improvements are required as

part of approval for any development.

Marge Stewart said that this parcel is zoned exactly the way the owner asked for it to be zoned. The owner came before the Planning Commission and asked that it be zoned Retail Commercial. Our commercial use is appropriate in this particular area. By allowing this particular type of use in this area we are taking away land which could contain retail businesses to provide for the community so that the people do not have to go to Tigard or Tualatin. If the church would consider going to a residential area, that would probably work better and the street would not have to be widened. Ms. Stewart said that she believes the City and the church would both be better off. This site has been a prime piece of land and just around the corner we will need it as commercial land. Ms. Stewart said that churches are always welcome and needed.

Mr. Tobias said that the Planning Commission tries very hard to plan in a Comprehensive Plan and it is difficult to follow it and keep it in balance. Always the Commission receives criticism. Mr. Tobias said that things were different in 1989 than they are now and the Comprehensive Plan since that time was updated and changed and this is why there are time limits on application approvals.

Mr. Ruehl said that there has been a tremendous amount of growth in this community so that it appears that the expectations that the Comprehensive Plan will work if the City sticks to it, to accommodate retail business. Mr. Ruehl agrees that there is a need for the church but not at this site. Mr. Ruehl said that the Planning Commission must be consistent in its following of the Plan.

Mr. Wolfe asked if the Commission has made a decision not to allow a Conditional Use Permit in this area but only Retail Commercial?

Mr. Tobias said that to approve a conditional use permit in this area, the criteria has to be satisfied. Ms. Connell added that "Item D, Public Need" is best served by allowing this use seems not to have been answered satisfactorily.

Mr. Ruehl explained some instances where a CUP would work.

Mr. Tobias told Mr. Wolfe that it seemed that he was trying to place the burden on the City of why the CUP should not be granted rather than the church demonstrating why the CUP should be granted.

Ms. Stewart said that the City would be losing almost seven acres of prime retail commercial land. The City wanted to keep from having strip commercial development down Highway 99W.

Mr. Tobias said that he was opposed philosophically to a Conditional Use Permit because of all the work that is put into a Comprehensive Plan. We are trying to protect this small area of Retail Commercial land.

Mr. Scanlon moved to deny the application for the Conditional Use Permit based on the Staff findings of fact and based on discussion this evening. Marge Stewart seconded and the motion carried unanimously. Mr. Scanlon moved to deny SP89-7 based on the denial of CUP89-4. Mr. Ruehl seconded and the motion carried unanimously.

Ms. Stewart asked if a minor land partition had been done on the Berkmeier property in 1989? Mr. Connell said it was not done. Mr. Berkmeier said that he thought it was done at the time, but Ms. Connell said no it hadn't and should be done.

**C. PA92-1 Street Naming Policy to enact uniform street Naming provisions for public streets.**

Ms. Stewart said that she thinks the City should be very diligent that when there is a subdivision or any development requiring City service extension, that the sewer and water lines go all the way to the adjoining property for future hook-up. Ms. Stewart said that the Key's house on Gleneagle should have been made to have the storm water line extended through the property.

Ms. Stewart moved to approve the Street Naming Policy, Mary Ruehl seconded and the motion carried unanimously.

**5. Director's Report**

Ms. Connell had nothing further to add to her report. Mr. Tobias moved to adjourn, Jim Scanlon seconded. Meeting adjourned at 9:10 p.m.

Rebecca Burns  
Secretary