CITY OF SHERWOOD **April 29, 2014**
Staff Report **CUP 14-02**
Laurel Ridge Middle School Field Lighting
Conditional Use Permit

TO: HEARINGS OFFICER
Joe Turner

Pre-App. Meeting:	n/a
App. Submitted:	March 24, 2014
App. Complete:	April 10, 2014
120-Day Deadline:	August 9, 2014
Hearing Date:	May 12, 2014

From:

Brad Kilby, AICP
Planning Manager

Proposal: The City of Sherwood in partnership with the Sherwood School District proposes to install four light poles, approximately 70-feet in height to light the sports fields at Laurel Ridge Middle School.

I. BACKGROUND

A. Applicant: City of Sherwood
Public Works Department
15527 SW Willamette Street
Sherwood, OR 97140

Contact: Craig Sheldon
503-925-2310

Owner: Sherwood School District
23295 SW Main Street
Sherwood, OR 97140

B. **Location:** 2S130C Tax Lot 1100

C. **Address**: 21472 SW Copper Terrace

D. **Parcel Size**: The subject property is approximately 29.5 acres in size.

E. **Existing Development and Site Characteristics**: The site is located south of Edy Road and east of SW Copper Terrace Lane. The site is relatively flat with slopes that vary between 0-5%. The site was developed with both an elementary school as well as a middle school. The school includes tennis courts, and several sports fields.

F. **Site History**: The site was originally developed in 2007 with the schools. Prior to that date the property was in agricultural use. The school site was annexed into the city in 2007.

G. **Zoning Classification and Comprehensive Plan Designation**: The site is zoned Institutional and Public (IP). Per § 16.36, the purpose of the Institutional and Public zone is to provide for major institutional and governmental activities such as schools...

H. **Adjacent Zoning and Land Use**: The properties to the north, south and west of the school site are zoned Low Density and Medium Density Residential Low. Existing development surrounding the site is largely underdeveloped agriculturally used properties and residential subdivisions. The properties most likely to be affected by this proposal are properties to the north and east. The properties to the north are mixed with large and small lot residential uses, and the properties to the east are developed with a single family subdivision zoned Low Density Residential within a Planned Unit Development. Lady Fern Park and a City open space/wetland area is also located east of the school site near the center of the site.

I. **Review Type**: The use of the property is not changing as a result of this development. Ordinarily, the height of a structure within the (IP) zone is limited to fifty (50) feet, except that structures within one hundred (100) feet of a residential zone is limited to the height of the adjacent residential zone. Light poles are ancillary to the primary use and have, in the past, been regulated under the provisions of section 16.62 which applies to chimneys, spires, antennas, and similar structures. Under those provisions, a structure that exceeds the height limitations of the zoning district must be reviewed as a Conditional Use. Conditional Uses are subject to Type III land use reviews. Decisions on Type III land use applications are made by the Hearing Officer after a public hearing and consideration of public comment. A local appeal of the decision would be heard by the Planning Commission.

J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on April 22, 2014 in accordance with Section 16.72.020 of the SZCDC. The notice was also published in the Sherwood Gazette on May 1, 2014 and again in the Times on May 8, 2014 in accordance with Section 16.72.020 of the SZCDC.

K. Review Criteria: Sherwood Zoning and Community Development Code§16.36 (Institutional and Public Land Use District); 16.62 (Chimneys, Spires, Antennas, and Similar Structures), § 16.82 (Conditional Use Permit), § 16.90 (Site Planning), and § 16.154 (Heat and Glare).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on April 22, 2014. Staff has received the following e-mail comment as of the date of this report; however comments are welcome up to the close of the public hearing.

Mona Copenhaver of 21283 SW Ladyfern Dr. raised concerns related to the illumination, and would like to see limits on the hours that the fields could be lighted. Her comments are attached as Exhibit B.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 22, 2014. Only one agency comment was received. A copy of the comment is included in the record.

Pride Disposal: Kristin Leichner, indicated that her agency had no concerns. Her comments are attached as Exhibit C.

The City Engineering Department, the Sherwood Public Works Department, the US Fish and Wildlife Service, Tualatin Valley Fire and Rescue, Washington County, Raindrops to Refuge, Pride Disposal, Kinder Morgan Energy, Clean Water Services, ODOT, METRO, NW Natural Gas and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.36 below.

A. <u>Division II– Land Use and Development</u>
The applicable provisions of Division II include:

<u>Chapter 16.36 INDUSTRIAL LAND USE DISTRICTS</u>
16.36.020 Uses

A. The table identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the zoning district. The specific land use categories are described and defined in Chapter 16.88

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the zone or contribute to the achievement of the objectives of the zone may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88

Use Table .
Public and private schools providing educational services and training facilities (Permitted)

FINDING: The use of the property as a school is not proposed to be changed. The sports fields that are proposed to be lighted are ancillary to the primary use and customarily associated with schools. Therefore, the applicant meets this criterion.

16.36.050 Dimensional Standards
No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

Development Standards by Zone	IP
Lot area	None
Front Yard Setback	20 feet adjacent to residential zones. Otherwise 50-feet
Side Yard Setback	20 feet adjacent to residential zones. Otherwise 50-feet
Rear Yard Setback	20 feet adjacent to residential zones. Otherwise 50-feet
Height	50 feet except that any structures within 100 feet of a residential zone is limited to the height requirements of the residential zone.

FINDING: The proposal does not include the creation of any new lots. This lot is pre-existing and there are no additions to the site. The buildings on the site were constructed under these dimensional and setback requirements. The light poles and associated antennae are regulated under the provisions of Chapter 16.62 and are therefore subject to the conditional use requirements. Further, the applicant is proposing to fit an antenna on one of the poles for future co-location of wireless facilities. Therefore, this criterion is not applicable.

B. <u>Division IV- Planning Procedures</u>

Chapter 16.82 Conditional Uses

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

1. **All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.**

The site currently has public facilities and services including sanitary sewer, water, transportation and. The proposed light poles will not require additional improvements to the site for public facilities.

FINDING: Based on the discussion above, the applicant meets this criterion.

2. **Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

The site is zoned Institutional and Public and surrounded by residentially zoned properties. However, the light poles are not expected to generate any additional noise than what is expected at a school. While lights are generally not considered a safety concern, the will arguably improve public safety by lighting the play fields during the winter months.

FINDING: Based on the above discussion, the applicant meets this criterion.

3. **The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

The lights are in support of an existing use which has in the past been found to meet the needs of the community and not in conflict with the goals and policies of the regulatory documents that govern development within the City.

FINDING: Based on the above discussion, the applicant meets the criterion.

4. **Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.**

Additional lighting of the fields will add activity to the site beyond the current hours, and there will likely be an affect from the added noise and lights associated with the activities on the surrounding properties given that their use is primarily residential. However, noise from school sanctioned events is exempt from the noise provisions of the noise ordinance of the code, and it's unlikely that

the lights would adversely affect those properties given that the amount of spill over light allowed by the code is 0.5 candle foot. The applicant has considered these impacts, and is proposing to locate the poles as far away from the rear lots of the neighboring properties as possible, and to provide the system with an automated system to turn the lights off at a prescribed time so that the system would not be reliant on a person having to remember to turn the lights off. That being said, the applicant has not indicated what the hours of operation would be, and a neighboring property owner has requested that the hours of operation be limited to ensure that the lights are not on too late into the evening.

FINDING: Based on the above discussion, and the fact that the proposed lighting is proposed in a manner that would not allow trespass of fugitive lighting beyond what is allowed by the Code, this specific criterion is satisfied. To the extent that the City regulates noise in section 9.52 of the Municipal Code, permissible sounds are regulated from 7:00 a.m. to 10:00 p.m. Monday through Friday; and 8:00 a.m. to 7:00 p.m. Saturday and Sunday for daylight hours. If it wasn't for the fact that the same chapter exempts, "Sounds produced by the audience, participants and sound amplifying equipment at athletic events on public property and sponsored or sanctioned or otherwise approved by the city or the Sherwood school district," then it would be appropriate for the City to impose a limit on the hours of operation. In this instance, there is no clear and objective reason for the hours to be limited, but it would be appropriate for the applicant to agree to limit their own hours of operation publicly to address the concerns of nearby neighbors, and for the Hearings Officer to impose that restriction on the use.

5. **The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

FINDING: The applicant proposes to locate the lights and antenna on the existing site. There are no natural or physical constraints to the use, and the applicant has demonstrated through their plans and narrative that they can satisfy the applicable criteria of the code. There is no evidence in the record or at the site to compel staff to say that the impacts from the proposed use are not already addressed through the prior land use approvals for this site. This criterion is satisfied.

6. **The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

The site is already developed and there is no proposal to expand the physical development of the site in a manner that would further affect any natural environment beyond the existing impacts. The lighting is proposed to be shielded and directed onto the play fields which are intended to be lighted. Heat and Glare are addressed later in this report under the provisions of 16.153. The applicant provide a photometric plan that illustrates compliance with that section, and in turn minimizes any fugitive lighting off of the site and into any nearby natural areas.

FINDING: Based on the above discussion the applicant meets this criterion.

7. **For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.**

FINDING: The proposed development is not within any of the zones that would require compliance with the Capacity Allocation Program; therefore, this criterion is not applicable.

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. **Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.**

2. **Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.**

3. **Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.**

4. **Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.**

5. **Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.**

6. **Limiting the number, size, location, height and lighting of signs.**

7. **Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.**

8. **Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.**

FINDING: The applicant's proposal does not necessitate public improvements, mitigation of air, land or water degradation. Noise generated by the additional lighting is exempt from the City's noise ordinance. There is no evidence to suggest that heat, vibration, or other conditions listed above would necessitate the need for additional conditions of approval. The applicant has indicated that the proposed lighting does not exceed the standards of the Code, and provided adequate plans from the manufacturer to demonstrate compliance with this standard. The standard for glare is discussed later in this report. Furthermore, regarding glare, there is no clear and objective reason for the hours to be limited, but it would be appropriate for the applicant to agree to limit their own hours of operation publicly to address the concerns of nearby neighbors, and for the Hearings Officer to impose that restriction on the use.

C. <u>Division V-. Community Design</u>

16.90. Site Planning (relevant sections)

4. Required Findings
No site plan approval shall be granted unless each of the following is found:

A. The proposed development meets applicable zoning district standards and all provisions of Divisions V, VI, VIII, and IX.

FINDING: The applicable zoning district standards are discussed above under the "Division II-Land Use and Development" section, and the applicable provisions of Divisions V, VI, VIII, and IX

as discussed in detail below. The proposed development can feasibly satisfy the approval criteria of all applicable provisions of the Sherwood Zoning and Development Code (SZCDC) if the applicant complies with the recommended conditions of approval.

B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power and communications.

FINDING: Adequate services including but not limited to water, sanitary facilities, storm water, solid waste, public safety, electric power and communications are not being altered by the proposed addition of the lights. Parks and open space services will be extended as a result of the addition of the lights. This criterion is satisfied.

C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management and Maintenance of structures, landscaping and other on-site features.

FINDING: The Sherwood School District owns the site and has a maintenance agreement with the City. This criterion is not applicable.

D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views and topographical features, and conforms to the applicable provisions of Chapters 5 of the Community Development Code.

FINDING: No natural features will be removed with the installation of the light fixtures. The applicant is proposing to remove some existing domesticated landscaping to place the lights. The applicant contends that the soccer field abuts the eastern boundary of the school grounds and would theoretically preserves the views for the residential properties. The four poles are not anticipated to block views due to the distance that the poles are away from the property lines and their elevation. Additionally steps have been taken to site the poles in locations that minimize the poles visibility to the adjoining property owners, and the applicant has proposed to paint the poles a neutral color so that it blends into the landscape. Further, there are no designated view corridors within the area that are intended to be protected. This criterion is satisfied.

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.

FINDING: This site is zoned IP and not subject to the CAP. This criterion is not applicable to the proposed installation of the lights.

F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

FINDING: The proposed development is not expected to increase trips since there are already sporting events located at these locations. This criterion is not applicable.

G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

1. **Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
2. **Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
3. **The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**
4. **As an alternative to the above standards G.1-3, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.**

FINDING: This proposal is for the addition of four light poles. This use is not commercial, multi-family or mixed-use. Therefore, this standard does not apply.

D. <u>Division VII – Environmental Resources</u>

16.154 Heat and Glare
Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

FINDING: The applicant is proposing exterior lighting that includes four, 70 foot high light poles that will illuminate the sports field in the early evening hours. According to a discussion the applicant had with the representative from the lighting company about glare concerns, it was explained that the four lights will utilize "Light Structure Green" technology by Musco Lighting. This lighting technique will supposedly minimize off-site spill and glare light on adjacent property. The applicant provided a photometric plan including an aerial to demonstrate the amount of light expected at the property lines. It does not appear that any of the proposed lighting would project off of the school property beyond 0.5 foot candle onto any residentially zoned properties or natural resource areas. This criterion is satisfied.

Recommendation

Based upon review of the applicant's submitted information, review of the code, and agency comments, staff finds that the proposed Conditional Use fully complies with the standards of the SZCDC. To ensure that the installation of the proposed lights is consistent with this recommendation staff recommends **approval** of the proposal subject to the conditions below.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. This land use approval shall substantially comply with the submitted preliminary plans and narrative submitted March 24, 2014 prepared by the applicant.

3. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

4. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

VII. Exhibits

A. Applicant's submittal with narrative and supporting documents dated March 24, 2014.
B. E-mail from Mona Copenhaver of 21283 SW Ladyfern Dr.
C. Comments from Kristin Leichner of Pride Disposal.

End of Report