

**Snyder Park Off-Leash Dog Park**

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The Sherwood Planning Commission held a public hearing on June 23, 2015. The Commission opened the public record and took public testimony on the application to consider an off-leash dog area in Snyder Park. After consideration of the application, staff report, and applicant's testimony, the Planning Commission voted to approve the application with a modified finding and an added condition related to signage along SW Pine Street. The Planning Commission decision is based on the findings of fact and conditions contained in this notice, the applicant's materials and testimony, the testimony of the citizens who testified, and the staff report including the exhibits attached to the record.



Jean Simson, Chair, Sherwood Planning Commission

**Proposal:** The City is proposing to add a fenced and gated off-leash area for dogs within the existing boundary of Snyder Park. The fenced area, will be approximately 1 acre in size, and contain separate areas for large and small dogs. The proposed amenity will be located near the western edge of the park, along SW Pine Street. The area is not proposed to be lit and will operate under existing park rules. The proposed addition to Snyder Park will include a watering station, a table, benches, a shelter, play features, and entry gates. Patrons of the park continue to use the existing off street parking areas within Snyder Park, and on-street parking located along SW Division Street and SW Pine Street when it's available.

**I. BACKGROUND**

**A. Applicant/Owner:** The City of Sherwood  
Attn: Joe Gall, ICMA  
22560 SW Pine Street  
Sherwood, OR 97140

**Applicant's Representative:** Michelle Miller, AICP – Senior Planner  
22560 SW Pine Street  
Sherwood, OR 97140

**Contact:** 503-625-4242

**B. Location:** 15356 SW Sunset Blvd. WCTM 2S132DB tax lot 0800

**C. Parcel Size:** The subject site is 20.88 acres in size.

- D. Existing Development and Site Characteristics: Snyder Park is approximately 20.88 acres in size with parking areas on the north side of the park on SW Division and the south, off of SW Sunset. The site contains a variety of typical park amenities such as a baseball diamond, an interactive water feature, playground equipment, park fixtures, a covered picnic area, a soccer field and an existing reservoir and pump station.
- E. Site History: Snyder Park serves as a focal point of the City and sits atop a hill overlooking the community. The City acquired the site in 1993 and built the park under (SP03-07) as Sunset Park. Other improvements have been added over the years. The reservoir, pump station and tennis courts were added at the park in 2008. These improvements were approved under (SP07-11). Lighting for the park was approved under (SP07-09).
- F. Zoning Classification and Comprehensive Plan Designation: Snyder Park is zoned Low Density Residential (LDR).
- G. Adjacent Zoning and Land Use: With the exception of one parcel on the northern boundary of the site zoned Institutional/Public (IP), the properties surrounding Snyder Park on the north, south and east sides are all Low Density Residential (LDR). The properties west of SW Pine Street are zoned Medium Density Residential Low (MDRL).
- H. Review Type: The applicant proposes an off-leash dog park within the existing boundaries of Snyder Park. This would constitute a major modification to the site plan. Because of the change in use of that area, and the size of the proposed amenity, it was determined that a review by the Planning Commission would be required. Because it is a major modification to an existing park, the scope of the review is limited to the impacts of the proposal. An appeal would be heard by the City Council.
- I. Public Notice and Hearing: A neighborhood meeting was held regarding the project on March 2, 2015 at City Hall. The neighborhood meeting was attended by seven members of the general public according to the applicant's minutes included with the submittal packet. Questions raised concerned parking along SW Pine Street, fencing, the size of the small dog enclosure, materials inside the park, and park maintenance.

Notice of this application was mailed to property owners within at least 1,000 feet of the subject property on June 3, 2015, and posted on the property and in five locations throughout the City on the same day in accordance with Section 16.72.020 of the SZCDC. The notice was published in the June edition of the Sherwood Gazette (a paper of local circulation) and is scheduled to be published in the June 18<sup>th</sup> edition of the Tigard Times in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Low Density Residential), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), and 16.153 (Odors).

## II. PUBLIC COMMENTS

Public notice was mailed on June 3, 2015, and posted on the property in five locations throughout the City on the same day. As of the date of this staff report, staff has received two comments from the public. One comment was a concern that this was going through such an

extensive public review and hearing. That comment was received by phone with no name or request for follow up. The second comment comes from Eileene Gillson in a letter dated June 10, 2015. Ms. Gillson is concerned that the small dog enclosure is not large enough. She conveyed these same sentiments at a public meeting, and contends that three letters have been submitted to the committee (Parks Board) relaying the same message. Ms. Gillson relates that small dogs need a lot of room to burn off energy too, and that it is not a good idea to have small and large dogs in the same enclosure as was recommended to her at an earlier meeting.

**STAFF RESPONSE:** The SZCDC does not address park design as it relates to programming. The Planning Commissions scope of review is limited to the impacts on surrounding land uses within the context of the development code. Unfortunately, Ms. Gillson must continue to lobby the Parks Board for additional space in the small dog enclosure. Her request to make it larger is not a function of the Planning Commission review. Ms. Gillsons' letter is attached as Exhibit B to this report.

The public has been notified that comments are accepted prior to, and until the close of the Planning Commission public hearing.

### **III. AGENCY COMMENTS**

Staff sent e-notice to affected agencies on June 1, 2015. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Sherwood Engineering Department submitted comments on June 15, 2015. Their comments are attached to this report as Exhibit C, and have been incorporated into this report where applicable.

Tualatin Valley Fire and Rescue: TVFR returned the City request for comments on June 8, 2015 indicating that they had none.

Pride Disposal, the US Fish and Wildlife, Washington County, METRO, PGE, ODOT, CWS, BPA, Kinder Morgan Energy, and NW Natural Gas were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

### **IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)**

#### **16.90.030 SITE PLAN MODIFICATIONS AND REVOCATION**

##### **D. Required Findings**

**No site plan approval shall be granted unless each of the following is found:**

- 1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.**
- 2. 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.**
- 3. 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.**
- 4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees,**

vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

5. 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.

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

a. 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.

b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.

c. 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 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.

d. As an alternative to the above standards 7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

**ANALYSIS:** The proposed development meets all applicable zoning district standards as detailed in this report. Public services are already available to Snyder Park. A storm line will need be installed as discussed later in this report. All other public services are adequate to serve the proposed off-leash area. The City owns and maintains all parking and landscaping areas on the site. Natural features are preserved to the greatest extent possible as detailed further in this report.

**FINDING:** With regard to impacts attributable to the project, the Planning Commission, after hearing concerns raised in the public testimony, indicated that they had concerns that the public would think that SW Pine Street was intended to be an entrance to the dog park because of the temporary construction staging and access, and the lack of sidewalks on the east side of Pine Street. The following condition is imposed based on the need to mitigate those concerns.

**CONDITION:** Prior to final inspection, the applicant shall provide signage along the sites frontage with SW Pine Street indicating that the improved public entrances for the dog park are located along SW Division Street and SW Sunset Blvd. The language of the signs should discourage public access from unimproved Pine Street.

## V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.12 below.

A. **Division II– Land Use and Development**  
The applicable provisions of Division II include:

### 16.12 RESIDENTIAL LAND USE DISTRICTS

#### 16.12.010.B Low Density Residential (LDR)

The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

#### 16.12.020.A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

**FINDING:** The property is zoned Low Density Residential (LDR). Public recreational facilities are permitted outright in the LDR zoning district. Further, the property has been an approved for a park since 2003. This modification is for additional programming to serve a community need identified by the public and the Sherwood Parks Board.

#### 16.12.030 Residential Land Use Development Standards

##### A. Generally

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. (Variance and Adjustments)

##### B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

### C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line <sup>[6]</sup> : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height <sup>[4]</sup> (in feet)	30 or 2 stories	35 or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>[8]</sup>	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard <sup>[9]</sup>	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in	X	X	X	X	§ 16.68	§ 16.68

	height					Infill	Infill
	• Corner lot street side						
	• Single Family or Two Family	20	20	20	15	15	15
	• Multi-Family	X	X	X	X	20	30
	• Rear yard	20	20	20	20	20	20

**16.12.040 Community Design**

**For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.**

**ANALYSIS:** With the exception of a park shelter the proposal does not include any other structures that would be subject to these standards. The park Shelter is placed well to the interior of the proposed park (See sheet L1.2). Future design of the structure will be reviewed for consistency with the residential standards to ensure that the height requirement is not exceeded. The closest portion of the park to any adjacent residential use is still 13-feet away from the property line, and will be separated from that use by proposed buffer plantings (See sheet L 1.6) and a fence to ensure that the visual impacts of the added use are mitigated.

**FINDING:** The proposed addition to the park meets the residential land development standards.

**16.58 CLEAR VISION AND FENCE STANDARDS**

**16.58.010 Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.

**3. Where no setbacks are required, buildings may be constructed within the clear vision area.**

**FINDING:** This standard is not applicable as no physical improvements are located at or near an intersection where a clear vision area would exist.

**16.58.020 Fences, Walls, and Hedges**

**D. Location—Residential Zone:**

- 1. Fences up to forty-two (42) inches high are allowed in required front building setbacks.**
- 2. Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.**
- 3. Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.**
- 4. All fences shall be subject to the clear vision provisions of Section 16.58.010.**
- 5. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.**
- 6. Hedges are allowed up to eight (8) feet tall in the required side and rear setbacks.**

**FINDING:** A five-foot tall chain link fence is proposed to enclose the proposed dog park (see Sheet L1.3 for detail). The fence is located 85.3 feet away from the SW Pine Street right-of-way. This is well outside of the front yard setback. The adjacent side property line is approximately 13-feet away from the fence line, and there is a proposed landscape buffer between the dog park and the adjacent residential use. The proposed landscaping includes an irrigation system and will be maintained by the City consistent with other park maintenance obligations.(see Sheets L1.6-L1.8 for details)This criterion is satisfied.

**Division V- Community Design**

**The applicable provisions of Chapter 5 include: 16.90 (Site Planning) (discussed previously), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation).**

**Compliance with the applicable standards is discussed below:**

**16.92 LANDSCAPING**

**16.92.010 Landscape Plan**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or**

**maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**

**FINDING:** A landscaping plan is included with the applicant's submittal materials (see sheets L1.6-L1.8). The site is a park and consists of walkways, play structures, etc. All other areas are landscaped as required. The landscape plan provided for this proposal includes additional plantings along the southern edge of the park to buffer the dog park from the adjacent residential uses. This standard is met.

#### **16.92.020 Landscaping Materials**

##### **Type of Landscaping**

**Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.**

##### **1. Ground Cover Plants**

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.**
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**

##### **2. Shrubs**

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**
- b. Shrubs must be at least the one-gallon container size at the time of planting.**

##### **3. Trees**

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**
- b. Existing trees may be used to meet the standards of this chapter, as described in C.2. below.**

**Applicant's Response:** The landscape plan provides a combination of trees, large and small shrubs, ground cover and lawn; therefore, this standard is satisfied.

#### **B. Plant Material Selection and Preparation**

- 1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**
- 2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and**

wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

### **C. Existing Vegetation**

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.(Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).
2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.
  - a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
  - b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
  - c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

### **D. Non-Vegetative Features**

1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.
2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.
3. Artificial plants are prohibited in any required landscaped area.

**ANALYSIS:** The applicant proposes to preserve the existing trees on site. The application includes picnic tables and benches and other amenities that would be consistent with an off-leash area. These items are not located within a required landscaped area. The site is zoned residential and the proposed off-leash area is adjacent to two residential homes. The applicant has provided a landscape plan that provides a 13 foot buffer between the proposed dog park and the adjacent residential properties. The landscape plan (see Sheet L1.6) includes a mixture of deciduous and evergreen trees and shrubs as required by this section.

**FINDING:** The proposal meets the general landscaping standards.

## **16.94. OFF-STREET PARKING AND LOADING (relevant sections)**

### **16.94.010 General Requirements**

#### **A. Off-Street Parking Required**

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or

structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

**FINDING:** All existing parking is located on-site. There is no new parking proposed with the dog park. Because there are no minimum parking requirements for parks, the existing parking is not being reduced or affected by the proposed change, and the park is an existing use, additional parking is not required. These standards are not applicable to the proposed improvements.

## **16.98 ON-SITE STORAGE**

### **16.98.020 Solid Waste and Recycling Storage**

All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

**FINDING:** The City has existing trash receptacles around the park and plan to include additional receptacles for the dog park. Pride Disposal does not serve this site specifically; rather, City maintenance staff collects the refuse on a daily basis and transports it to a central location for collection. The proposed dog park will continue to utilize this system. This standard is met.

## **16.106 TRANSPORTATION FACILITIES**

### **16.106.020 Required Improvements**

#### **A. Generally**

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

#### **B. Existing Streets**

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

**ANALYSIS:** Currently SW Pine Street is a 2-lane commercial street with varying width asphalt and no curb or sidewalk along the subject property frontage within a 20-foot wide half street right-of-way. There is a plan that has been engineered for the installation of capital improvements along SW Pine Street along the frontage of the subject property. These improvements consist of an 18-foot wide half street from centerline to face of curb with a 6-foot wide curb tight sidewalk within a 25-foot half street right-of-way.

**FINDING:** There is insufficient right-of-way along the parks frontage with SW Pine Street. Because the City owns this portion, and redeveloping a portion of the park, it makes sense to reassign a portion of the property to right-of-way to ensure that there is enough right-of-way to make the planned improvements.

**CONDITION:** Prior to final occupancy, five feet of right-of-way shall be dedicated along the subject property frontage of SW Pine Street.

## **16.110 SANITARY SEWERS**

### **16.110.010 Required Improvements**

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

### **16.110.020 Design Standards**

#### **A. Capacity**

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

**FINDING:** Currently public sanitary sewer mains exist within SW Pine Street along the subject site frontage. No public sanitary sewer main extensions are required. The proposed project is not proposing any facilities that will require additional sanitary sewer service. This standard is met.

## **16.112 WATER SUPPLY**

### **16.112.010 Required Improvements**

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

### **16.112.020 Design Standards**

#### **A. Capacity**

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

#### **B. Fire Protection**

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

**FINDING:** Currently there is a public water main existing within SW Pine Street. No public water main extensions are required. Water service currently exists for the subject property. Water service for this portion of the property is anticipated to come from existing service within the property. This standard is met.

## **16.114 STORM WATER**

### **16.114.010 Required Improvements**

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.

### **16.114.020 Design Standards**

#### **A. Capacity**

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

#### **B. On-Site Source Control**

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

#### **C. Conveyance System**

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

**FINDING:** Currently a public storm main exists within SW Pine Street across the street from the subject property central to the development and across the street at the northern end of the subject property north of the development.

A lateral connecting the development to the storm sewer at the north end of the subject property along SW Pine Street is required. This storm sewer flows to the Columbia Street regional treatment facility. Due to the development being a dog park, additional treatment requirements may be imposed by Clean Water Services.

If impervious area is added to the site, then water treatment will need to be installed or a payment in lieu of installing water treatment shall be made if approved by the City Engineer and Clean Water Services. Therefore, a condition is warranted to ensure that the applicant obtain approval from Clean Water Services.

**CONDITION:** Prior to the issuance permits, a Storm Water Connection Permit Authorization from Clean Water Services is required.

**16.116 FIRE PROTECTION**

**16.116.010 Required Improvements**

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

**16.116.020 Standards**

**A. Capacity**

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

**B. Fire Flow**

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

**C. Access to Facilities**

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

**D. Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

**FINDING:** Tualatin Valley Fire and Rescue has reviewed the proposal and indicated that they do not have any comments or concern with the proposal. This standard is met.

**16.118 PUBLIC AND PRIVATE UTILITIES**

**16.118.010 Purpose**

Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

#### **16.118.020 Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

**FINDING:** This site is currently served by franchise utilities, but the Engineering department has indicated that not all of the utilities are available to the site as required, and therefore the following conditions are warranted. This standard is not met.

#### **CONDITIONS:**

Prior to final occupancy, Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074 unless otherwise approved by the City of Sherwood IT Director.

Prior to final occupancy, an 8-foot wide public utility easement shall be dedicated along the subject property frontage to SW Pine Street.

#### **16.118.030 Underground Facilities**

**Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.**

#### **16.118.040 Exceptions**

**Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.**

**FINDING:** No above ground utilities are proposed with this development. This standard is met.

### **16.142 PARKS, TREES AND OPEN SPACES**

#### **16.142.070 Trees on Property Subject to Certain Land Use Applications**

##### **D. Retention requirements**

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
2. **Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)**

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.
3. **Required Tree Canopy - Non-Residential and Multi-family Developments**

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.
4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
  - a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
  - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
  - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
  - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
  - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.
6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.
7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

**FINDING:** The proposed development would affect approximately one acre, and there are no trees proposed for removal. There are plans to provide additional trees along the southside of the park to buffer the use from the adjacent residential uses. Because this is a major modification, and that review specifically limits the scope of the review to the changes that are being made, these criteria are not applicable to the proposed dog park.

#### **G. Tree Protection During Development**

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

**FINDING:** The Applicant has not indicated how trees will be protected during development. This standard is not met but could be met as conditioned below.

**CONDITION:** Prior to issuance of a building permit, submit a tree protection plan to be implemented during site development.

### **16.146. NOISE**

#### **16.146.020 - Noise Sensitive Uses**

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

**B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.**

**C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.**

**FINDING:** Although there will be a concentration of dogs within the park, excessive noise is not anticipated with this use and will be addressed via code compliance if necessary.

## **16.152 ODORS**

### **16.152.010 - Odors**

**All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.**

**FINDING:** The proposed park will be maintained by Public Works on a scheduled basis, and will include the collection of dog waste that is disposed of within on-site trash receptacles. Although excessive odor is not anticipated with this use, the City will be vigilant in controlling odors associated with the dogs, and any complaints will be addressed via code compliance if necessary.

#### **STAFF RECOMMENDATION**

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of public comments, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File Nos: SP 15-01 with the recommended 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 continue to substantially comply with the submitted preliminary site plans dated April 24, 2015 prepared by Mears Design Group, except as modified by this approval, and as indicated in the following conditions.
3. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

**B. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

1. Prior to the issuance permits, a Storm Water Connection Permit Authorization from Clean Water Services is required.
2. Submit a tree protection plan to be implemented during site development.

**C. PRIOR TO FINAL INSPECTION OR OCCUPANCY:**

1. Prior to final occupancy, five feet of right-of-way shall be dedicated along the subject property frontage of SW Pine Street.
2. Prior to final occupancy, Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074 unless otherwise approved by the City of Sherwood IT Director.
3. Prior to final inspection and occupancy, an 8-foot wide public utility easement shall be dedicated along the subject property frontage to SW Pine Street.
4. Prior to final inspection, the applicant shall provide signage along the sites frontage with SW Pine Street indicating that the improved public entrances for the dog park are located along SW Division Street and SW Sunset Blvd. The language of the signs should discourage public access from unimproved Pine Street.

**VII. EXHIBITS**

- A. Applicant's submitted materials stamped "received" on May 8, 2015
- B. Letter from Eileene Gillson dated June 10, 2015
- C. City of Sherwood Engineering comments dated June 12, 2015