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**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**March 29, 2016**

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**Planning Commissioners Present:**

Chair Jean Simson  
Commissioner Michael Meyer  
Commissioner Alan Pearson  
Commissioner Rob Rettig

**Staff Present:**

Julia Hajduk, Community Development Director  
Craig Sheldon, Public Works Director  
Brad Kilby, Planning Manager  
Michelle Miller, Senior Planner  
Tammy Steffens, Volunteer Coordinator  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Vice Chair Russell Griffin  
Commissioner Chris Flores  
Commissioner Lisa Walker

**Council Members Present:**

Councilor Sally Robinson

**1. Call to Order/Roll Call**

Chair Jean Simson reconvened the meeting at 7:00 pm.

With no consent agenda she moved to staff and council announcements.

**2. Consent Agenda**

None

**3. Council Liaison Announcements**

Councilor Robinson noted that she was present at the work session on recreational marijuana on March 10, 2016. She commented that the maps did not specify the different types of commercial zones and in light of the new law for automatic voter registration through the DMV she anticipated more voters and encouraged citizens to reach out to friends and family to become educated on the subject. Ms. Robinson said there was a ban that would be on the ballot, but if the ban did not pass the Planning Commission's recommendation to City Council would go into effect. (Note: Councilor Robinson's comments were received after Staff Announcements)

**4. Staff Announcements**

Brad Kilby, Planning Manager, introduced David Bantz as the new member of the Planning Department staff who would fill a vacant position until July 2016. He reminded commission members of the Volunteer Appreciation Dinner on April 11, 2016. He reported that Michelle Miller would be accepting a \$68k Metro Grant for signage on the Cedar Creek Trail.

Ms. Miller added that it was a Nature in Neighborhood Metro Grant for trails in the regional trail system and would be for signage from the SW Murdock Road roundabout to the intersection of the trail with 99W. The signage will include intertwine signage with maps, mile markers, three interpretive signs as well as points of interest in Old Town. She said other trail amenities and some bike racks would be provided by a grant from the Washington County Visitor's Association with a total of about \$100,000

extra that can be used for the trail from both grants and the \$5.1m trail grant from the federal government could be saved for the actual construction of the trail. Ms. Miller said consultants had developed signage locations and the City has partnered with Sherwood Main Street to help with signage in Old Town. She reminded the Commission that the overall Cedar Creek Trail Project involved a Local Trail Advisory Committee to provide feedback on the interpretive signage with possible involvement from the Cultural Arts Committee regarding decorative bike racks along the trail. She said they hoped to get help with sign installation from volunteers. For more information about volunteering contact [Michelle Miller](#) or the [Tammy Steffens](#), Volunteer Coordinator.

Mr. Kilby concluded his announcements by reminding the Commission of two public hearings scheduled for April 12, 2016; Industrial Uses Code Amendments and Public or Commercial Parking within the Old Town Overlay. He said the online Recreational Marijuana Facilities Survey would conclude on March 31, 2016 that had so far received about 290 responses and work session on recreational marijuana would take place after the survey closed.

Chair Simson advised commission members to submit their Statements of Economic Interest forms (SEI) to the State.

## **5. Community Comments**

None were received.

## **6. New business**

### **a. Public Hearing – SP 16-03 Sherwood Community Garden**

Chair Simson began the public hearing by reading the public hearing statement and asked for any ex parte contact, bias or conflicts of interest.

Chair Simson and Commissioner Pearson indicated they had driven past taken note of the site location. Chair Simson asked for any challenge that commission members could participate in the hearing. None were received. Chair Simson explained that the Planning Commission would make a decision and any appeal would be heard by the City Council. She asked for a staff report.

Michelle Miller, Senior Planner, gave a presentation and introduced Craig Sheldon, Public Works Director and Tammy Steffens, Volunteer Coordinator as staff involved in Community Garden (see record, Exhibit 1). She explained that the project was started by Mayor Clark's strong interest in promoting healthy eating and all things that build community in Sherwood. Mayor Clark introduced the idea of starting a Community Garden program within the city in 2015 and the Council became supportive. Ms. Miller said City staff began evaluating the feasibility of a community garden in Sherwood by looking at other community gardens, developing cost estimates and looking at various sites within the city that might be suitable. She said the city was awarded a Metro Grant to fund the first phase of the project after land use approval was received.

Ms. Miller showed a vicinity map of the proposed location and said the property was vacant, zoned Retail Commercial, and located at the end of SW Foundry Avenue; to the east was the TVF&R station with several residential properties, to the north was the railroad track and on the west was the public works yard (also zoned Retail Commercial).

Ms. Miller showed a larger map and said the property directly to the east of the site was a water quality public right of way about 25 feet wide where Foundry Avenue would be if it were extended. She said the extension of Foundry Avenue was unlikely, because of its proximity to the rail line. Ms. Miller stated

the property for the community garden was owned and maintained by the city and was proposed to have a fenced in area with two gated entrances; one on the north near Oregon Street, and one on the southern side off of Foundry Avenue.

Ms. Miller revealed that the project was expected to be constructed in two phases over the next two years, with the north side being constructed in 2016 and the south side in 2017, to total about 80 garden rental spots of various sizes. She said the proposed sizes were large beds at about 20 feet by 20 feet, medium raised beds at 10 feet by 20 feet and smaller waist high beds for easy access. Ms. Miller indicated that city staff had heard concerns about how the water would be extended. She said the water would be extended through the Public Works yard and metered separately.

Ms. Miller reported that there would be two bicycle parking areas, one each at the north and south side, with a common area for the west side. She said the Community Garden proposed to use the sixty one parking spaces from the Public Works yard and explained that the development code did not have a specific number of parking spaces required for a Community Garden or a park so staff looked at the potential number of garden beds (40 in this phase). She noted that staff anticipated gardeners would come and go throughout the day and use the facilities intermittently on different days of the week during daylight hours only. She said there were five additional on street parking spaces located along Foundry Avenue and staff felt this would be sufficient to accommodate the gardeners coming to the site at different times of the day. Ms. Miller addressed that if the parking should become a problem staff would be able make adjustments in Phase I and use the public works yard to accommodate additional parking spaces, if needed. She pointed out that the City wanted to be a good neighbor and ensure that parking was not a neighborhood issue.

Ms. Miller said the proposed powder coated chain link fence surrounding the garden was to keep out animals and to mark off the garden area so people did not walk through the garden as a shortcut. She pointed to Exhibit C from ODOT (facilities manager for rail facilities) who recommended an eight to ten foot fence. Ms. Miller said she called and found out it was a standard recommendation for fences along rail lines. She said to evaluate whether this was necessary, the city looked at the existing fencing next to rail lines in the Old Town area and showed two pictures of existing fences in old town with varying sizes of fences along the rail line. She pointed out that up and down the section of rail near the community garden anyone who wanted to walk on the tracks was not hindered and the height of the fence would not prohibit anyone from getting on the tracks. Ms. Miller noted that outside city hall was a six foot fence and for consistency staff recommended a six foot chain link fence next to the rail line and explained that the City proposed to use the existing public works yard fence on the west side and to tie it into new four foot fencing on the east side.

Staff recommended approving SP 16-03 Sherwood Community Garden, to open a public hearing and offered to field questions.

Commissioner Pearson asked if the gates would be locked after dark. Commissioner Meyer asked about the width of the gates to enable gardeners to bring in soil amendment or wheelbarrows. Ms. Miller indicated the applicant would speak to those questions.

Commissioner Pearson said he was aware of water consumption and billing concerns. Ms. Miller answered that the plan was to rent out the garden spaces where the gardeners would pay a fee that would cover the cost of the water. She said the cost was a best guess, but the garden would have a separate meter, and the city would be able to monitor the water usage. She said the city could make adjustments in the second year depending on how much water was used the first year so the water usage

was paid for by the gardeners. Mr. Pearson received confirmation that at no time was the city going to absorb the cost of the water and that the users would be required to pay for the water.

Chair Simson asked for applicant testimony.

**Craig Sheldon**, Public Works Director and **Tammy Steffens**, Volunteer Coordinator came forward. Craig Sheldon stated staff's presentation had covered the project well and added that there was a meter at Public Works, and there would be a meter at the end of the service line coming from public works. He said the usage would be backtracked from the public works usage and billed to the community garden. He confirmed that the City was asking for the six foot fence along the railroad as discussed by Ms. Miller and stated that it looked better than an eight or ten foot fence as ODOT requested. Mr. Sheldon said the four foot fence was to keep animals out and the gate openings would allow for wheelbarrow access, because Public Works staff would have to get in and maintain the area. There could also be a service gate off the Public Works side for equipment access.

Commissioner Pearson asked if the gate would be wide enough for wheelchair access and that raised beds would be helpful for wheelchair access. Mr. Sheldon agreed.

Chair Simson asked how fertilizer, pesticide, or soil treatment additive run off would be managed. Ms. Steffens responded that the garden would likely be a pesticide free garden, as most of the community gardens in neighboring municipalities are, and signs will be used to indicate so. Mr. Sheldon added that any other runoff would go into the storm system in the nearby swale.

Chair Simson stated she was okay with water runoff, but would have a concern if there were concentrations of pesticides and fertilizer into the area. She questioned if that should be conditioned as part of the application or if it would be conditioned for a non-city application. She asked who owned the community garden across from Sherwood Middle School and if it was operated differently than this one would be. Ms. Miller responded that the garden was owned by the Cedar Creek Church and they operated it as a function of their church so they monitored the garden plots, but the city was not involved in that project. Chair Simson wondered how that garden was dealing with pesticides and other runoff and if the city had any input or had heard any concerns. Miller said she received a letter from CWS today that indicated they had no issues with the project or no comment.

Commissioner Pearson asked about setting aside a compost area. Ms. Steffens replied that it was one of the options given to City Council at a work session, there would be room for one in the community area and it had not yet been decided as of a year ago. Commissioner Pearson strongly recommended using a compost bin. Chair Simson asked for further explanation of the community area. Ms. Steffens responded that some of the ideas were to install a picnic table, a basket for extra produce, a community board for Community Garden dates, and a children's garden, but no decisions had been made. Chair Simson asked about hours of operation. Ms. Steffens responded they would be from dawn to dusk.

Chair Simson asked about obtaining a parking access easement in case the public works yard changed ownership and the gardeners lost their parking. Ms. Miller advised that an access easement would not need to be created because the owner was the same for both properties and the interest is the same. She said if the ownership were to change, the city would be able to put an easement in the agreement of sale. Commissioner Rettig commented that a future easement would be needed for the water and sewer lines.

Chair Simson asked for the height of the neighboring fence at the public works yard. Mr. Sheldon responded that it was a six foot tall fence with 16-24 inches of barbed wire at the top and the proposed was a six foot powder coated chain link fence along the railroad side, a four foot fence along the swale and along Foundry Avenue and that they would use the existing fence at the public works yard. He added there would be no lights in the garden, because there should not be anyone in the garden after dark, however as part of the City's street light program (separate from this project) two lights were to be added on the poles by the residences on Foundry Avenue. Chair Simson asked if there were any concerns about transient traffic coming in and out of the area. Mr. Sheldon said they did not know, but that the City would address problems as needed.

With no other questions for the applicant, chair Simson asked for public testimony.

**Tony Bevel**, Sherwood resident said he was not being frivolous when he asked if recreational marijuana plants could be grown in the Community Garden. Ms. Miller responded that state regulations for growing recreational marijuana were that it had to be on private property and out of public view so growing marijuana at this site would be ruled out. Mr. Bevel said he had asked the question, because Sherwood was so fixated on marijuana.

There was no other testimony and the applicant declined rebuttal. Julia Hajduk offered that the Commission's review was for the overall concept to provide up to eighty plots and to clarify, an approval was for a community garden with up to eighty plots of varying dimensions with a fence and gates.

Chair Simson commented that her intent was to try to set a standard for future or existing community gardens that made sense and if the garden was going to be organic, with no concerns about pesticides that it should be conditioned as an organic garden and pesticides would not be used and go into our ground water. She said the parking was a non-issue, because of the common ownership, but if the garden was abutting commercial and residential properties she thought any potentially offensive smells or odors from a compost area should be oriented away from the residential neighborhood. She said if this were the first application for a community garden in a neighborhood they could orient it away from the residences.

Ms. Miller responded that imposing conditions meant setting requirements. She referred to calling the garden organic and asked if that would require the city to test all the materials that come with it or if it was, instead, a rule and a policy that was stated in the gardener's agreement for garden plots, instead of a condition.

Commissioner Pearson stated he was not suggesting the community garden should be organic, but that refraining from using pesticides made it sound like organic. Ms. Miller said she was using "organic" as an example and explained that if we impose conditions that it ties the hands of how it gets regulated and might be more onerous than intended. It should be a rule or policy that is set up through the program.

Commissioner Myer suggested the applicant had recommended types of fertilizers or herbicides that were low impact or non-toxic as being organic was a USDA regulation with a number of rules. He said if the City was concerned about the run off, maybe a low cost solution to address concerns would be a list of recommended products.

Commissioner Pearson said he understood the fire department and the city food bank, wanted to participate in the garden and he was all in favor of edible green space and this was going to be a wonderful addition to the city.

With no other comments, the following motion was received.

**Motion: From Commissioner Alan Pearson that the Sherwood Planning Commission approve the application for the Sherwood Community Garden SP 16-03 based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report. Seconded by Commissioner Michael Meyer. All present Planning Commissioners voted in favor (Commissioners Griffin, Flores and Walker were absent).**

#### **7. Planning Commissioner Announcements**

Chair Simson noted that she had sent website video links for the smart growth conference and said the one to watch was Colonel Mickelby from the Friday session about what smart growth means. She said the speaker provided insight and opportunity for anyone on how to think about our country in a new way. She asked for the video to be distributed. Mr. Kilby said he would research it.

#### **8. Adjourn**

Chair Simson adjourned the meeting at 7:45 pm.

Submitted by:

Kirsten Allen

Kirsten Allen, Planning Department Program Coordinator

Approval Date:

May 24, 2016