



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**June 23, 2015  
at 7 PM**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**



City of Sherwood  
**PLANNING COMMISSION**  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
June 23, 2015 at 7:00 PM

## **Agenda**

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

### **2. Consent Agenda**

- a. April 14, 2015 Planning Commission Minutes
- b. May 12, 2015 Planning Commission Minutes

### **3. Council Liaison Announcements (Council President Robinson)**

### **4. Staff Announcements (Brad Kilby)**

### **5. Community Comments**

### **6. New business**

#### **a. Public Hearing – SP 15-02 Snyder Park Dog Park (Brad Kilby)**

The City proposes to add an off-leash area for dogs within Snyder Park. The fenced dog park will be approximately 1 acre in size and will contain separated areas for large and small dogs. The proposed off-leash area is located on the west side of the park near SW Pine Street.

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

### **8. Adjourn**

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City of Sherwood, Oregon  
Planning Commission  
April 14, 2015

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**Planning Commission Members Present: Staff Present:**

Chair Jean Simson

Vice Chair Russell Griffin

Commissioner Chris Flores

Commissioner Michael Meyer

Commissioner Alan Pearson

Commissioner Lisa Walker

Joseph Gall, City Manager

Tom Pessemier, Assistant City Manager

Julia Hajduk, Community Development Director

Brad Kilby, Planning Manager

Michelle Miller, Senior Planner

Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner James Copfer

**Council Members Present:**

Council President Sally Robinson

Councilor Jennifer Kuiper

Councilor Jennifer Harris

**Legal Counsel:**

Chad Jacobs

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

Chair Jean Simson called the meeting to order at 7:02 pm.

**2. Consent Agenda**

Chair Simson accepted a motion.

**Motion: From Vice Chair Russell Griffin to approve the Consent Agenda, Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioner James Copfer was absent).**

**3. Council Liaison Announcements**

Council President Sally Robinson said she was thrilled to have a full Planning Commission again and the City Council was looking forward to a recommendation for medical marijuana dispensaries with the first reading in a special meeting on April 28, 2015 and the second reading at the May 5, 2015 regular meeting. She said the ordinance would have an emergency clause to make the legislation effective immediately.

**4. Staff Announcements**

Brad Kilby, Planning Manager, announced the two new Planning Commissioners as Chris Flores and Michael Meyer. He reminded commissioners to fill out their Statements of Economic Interest for the State. He announced a Public Forum to be held for the Sherwood West Preliminary Concept Plan project on May 21, 2015 at 6:30 pm at Edy Ridge Elementary School. Brad noted that over sixty property owners in the concept area have been interviewed as part of the outreach for the project. He commented that many of those property owners have history because they have lived in the Sherwood area for many years and sent their children through the school system.

## 5. Community Comments

There were no community comments.

## 6. New Business

### a. Public Hearing – PA 15-02 Medical Marijuana Dispensary Code Amendments

Chair Simson read the public hearing statement and explained that the Planning Commission would be making a recommendation to the City Council on the matter. The City Council was the final hearing authority and will have the first hearing on April 28, 2015.

Senior Planner, Michelle Miller gave a presentation (see record, Exhibit 1), she explained that the hearing was not about recreational marijuana and indicated that the state rules are not in place yet. The council has indicated in previous work sessions that the City will not consider banning Medical Marijuana Dispensaries (MMD) outright because that would likely face legal challenges.

Ms. Miller gave a history of medical marijuana in Oregon:

- 1998-Voters approved Oregon Medical Marijuana Act, caregivers and card holders could obtain marijuana
- 2013-HB 3460- required a dispensary to register with the Oregon Health Authority
- 2014- Senate Bill 1531 authorized local jurisdictions to regulate dispensaries by imposing time, place, and manner restrictions on their operations
  - Allowed a moratorium on dispensaries through May 1, 2015
  - Sherwood enacted a moratorium

Ms. Miller then explained the statewide regulations that were put in place regarding Medical Marijuana Dispensaries (MMD):

- Dispensary must be located in Commercial, Industrial Mixed Use or Agricultural zone
- Cannot be in same location as a Grow site
- Cannot be within 1,000 feet from a school-public or private or another dispensary
- Background check
- Must be a Registered Business in Oregon
- Must install a Security System
- Cannot be Mobile

Ms. Miller showed a map with the school buffers shown that showed locations where MMD's would be allowed per the state regulations in the General, Retail, and Office Commercial and General and Light Industrial zones. During the course of evaluating whether the City wanted to imposed more restrictions than the state we conducted some public outreach. We had a public work session on March 10, 2015 where the planning commissioners met in small groups with citizens, we had an online survey that ran from March 6-31 and generated over 180 responses, details are in the staff report. Staff met with the police advisory board on April 2, 2015 and they came up with some additional thoughts on regulating medical marijuana dispensaries.

The proposed code language includes amendments to the code that added a medical marijuana and mobile vendor definition and also added based on public outreach a restriction on zoning limiting the zones to the general and retail commercial and the general and light industrial zones. (Restricting use in the office and neighborhood commercial and the employment industrial zones). Public outreach

indicated a preference for added buffers around our public parks. She showed a map with added buffers around public parks.

We heard that a type II land use process was the recommended course. A type II is a staff level decision. It will be reviewed under a special use category with a 14 day notice to property owners within 1000' feet and they can comment on the proposal. A public notice for the application will be published at five locations throughout the city and any appeal would be heard by the Hearing Officer.

In the special use category we added language and criteria that regulates time place and manner restrictions with hours of operation, buffers, and various security measures. Also an important component was the registration and compliance with the Oregon Health Authority (OHA) regulations found in ORS 175.314 which was the Oregon Medical Marijuana Act. Any violations of the OHA rules would be a violation of the Development Code.

The police advisory board had some recommended language:

- Limiting the land use zoning to Industrial Land only
- Reduce the allowable size of a dispensary to 2,500 square feet (current is 5000 square feet)
- Allow the dispensary to remain open to 7 pm during the week days
- Add a definition for public plaza

Ms. Miller displayed a comparison of how other local jurisdictions regulate MMD's that included different zoning, added buffers, hours of operation and other regulations. She noted that the City of Tigard was regulating both medical and recreational marijuana at the same time and was restricting Retail marijuana sales to be on 99W or Main Street. She pointed out that Tualatin and Washington County had reduced the size of a dispensary to 3000 square feet and that the City of Hillsboro had increase the buffer between dispensaries to 2000 feet. Ms. Miller displayed a map of the northeast portion of the city showing the location of where Tualatin might place a dispensary and the states required 1000 foot buffer that overlapped into the city. She noted, as an example that no properties in the City's General Industrial zone within 1000 feet of a dispensary in Tualatin would be permitted to site a dispensary. Chair Simson asked if there was a dispensary located there now and was informed that there was not, but whoever had a dispensary first would prevent another one within 1000 feet.

Ms. Miller stated that staff recommended adding definitions to Chapter 16.10, Medical Marijuana to the Use Categories in Commercial and Industrial zones, placing Medical Marijuana Dispensary under a Type II process, and adding criteria for a Medical Marijuana Dispensary in the Special Use category with hours, additional buffers for parks and plazas, and the additional security measures.

Ms. Miller explained that the Commission had the Staff Report with findings and recommendation; Exhibit A, the Proposed Code Amendments; Exhibit B, the Final Rules for Medical Marijuana Dispensary Program (OARs); Exhibit C, the Police Advisory Board Recommendation; Exhibit D, a citizen comment regarding hours of operation; Exhibit E, a letter from Chief Groth regarding Time, Place and Manner Regulations he was recommending; and Exhibit F, the School and Parks Buffer Map of Sherwood. Ms. Miller asked for questions from the Commission and asked that the public hearing be conducted.

Chair Simson asked if any commission members had questions for staff regarding the presentation.

Commissioner Pearson pointed to news reports that showed Tualatin was committed to the industrial area shown in Ms. Miller's presentation. He said the state mandated that each city has to have an opportunity for at least one dispensary and the area was the only place in Tualatin where a dispensary would be permitted. Commissioner Pearson suggested that the City assume as much for intergovernmental relations purposes.

Chair Simson opened the hearing for public testimony.

**Anthony Bevel**, Sherwood resident, commented that the map showed a refined area where dispensaries could be located. He asked how many actual dispensaries were anticipated coming to Sherwood and advocated that medical marijuana was non-issue because it was prescribed by a doctor similar to any prescription. Mr. Bevel asked the Commission to give the matter a hard look beyond the areas identified.

**Sheri Ralston**, resident on Lebeau Road, said she provided the hours of operation information for staff and she had attended several different city's meetings regarding medical marijuana regulation. She said there are currently over one hundred and one medical marijuana dispensaries in the state of Oregon and some have been open for several years. Ms. Ralston asserted that issues or problems with dispensaries are not in the paper or on the news and they have been running efficiently and quietly the entire time. She asked the Commission to take that into consideration when deciding on the hours of operation, adding that most of the medical marijuana patients she knew worked. Ms. Ralston commented that having a dispensary open until 8 o'clock pm would be consistent with what many other cities were voting for and the hours of operation for many of currently open dispensaries. She added that there are dispensaries on the east side open until 10 pm or 24 hours a day as allowed by the state regulations. Ms. Ralston disclosed that she was a medical marijuana patient and had an application in to the state for a dispensary in Sherwood.

Commissioner Walker commented on the hours of operation and said the Police Advisory Board discussed them. She said the Police advisory Board wanted to set the hours of operation so that different work scheduled could be accommodated. Ms. Walker asked Ms. Ralston if she thought the dispensaries should be open passed 8 pm on the weekends.

Ms. Ralston responded that it would be great to have them open until 9 pm but to her it seemed that medical marijuana dispensary open times were similar to liquor stores, even though they are run like a drug store. She commented that she had her personal opinion on the hours and what she thought customers would prefer.

**Dave Poarch**, Sherwood resident said he was late to the party and had reached out to the mayor about banning dispensaries similar to in LaGrande, Oregon. He said he had a lot of questions and had heard the State of Washington was retracting all of their medical marijuana licenses because of the approval of regular marijuana dispensaries. Mr. Poarch asked if it was futile to pass medical marijuana legislation only to have its license pulled. He asked about the requirement to have one dispensary in every city and about the timeline for the moratorium. Discussion followed and Chair Simson indicated that staff would answer Mr. Poarch's questions.

Mr. Poarch asked about the Statement of Economic Interest mentioned by the planning manager at the top of the meeting. Chair Simson responded that the Statement of Economic Interest was a requirement for any public official to turn in a form to the State of Oregon and has nothing to do with medical marijuana dispensaries but with public officials reporting their income to the state and was outside of the hearing process.

Chair Simson asked staff to clarify this action to regulate medical marijuana dispensaries in Sherwood, compare it with the impact of recreational marijuana regulation as in the State of Washington, and if the City was required to site one here.

With no other public testimony, Chair Simson closed the public testimony portion of the hearing.

Ms. Miller responded that it was not too late to get involved in the process as there would be at least two more hearings before the City Council with the next hearing on April 28<sup>th</sup> and offered to speak with Mr. Poarch offline. She said the difference between medical and recreational marijuana can get really confusing because of the recent passage of legalizing recreational marijuana. Ms. Miller clarified that medical marijuana is regulated by the Oregon Health Authority (OHA) and recreational marijuana will be regulated by Oregon Liquor Control Commission (OLCC); currently the agencies are not planning on merging the programs.

Ms. Miller explained the medical marijuana dispensary program has been in place since fall of 2013 with final regulations coming about a year later. In March 2014 a house senate bill passed that allowed local jurisdictions to regulate time, place and manner of medical marijuana dispensaries and for local jurisdictions to pass a

moratorium that expires on May 1, 2015. She affirmed that the issue of banning gets into murky legal territory; on one hand we have a strong home rule principal which allows local jurisdictions to make a number of regulations if they are not expressly forbidden by the state, on the other Medical Marijuana Dispensary bans are now being litigated in a couple of jurisdictions that have opted to ban them, which could be tied up for several years in court.

Ms. Miller reprised that City Council indicated early on in this process that they did not want to face legal challenges because of a Medical Marijuana Dispensary ban. Council directed staff to find out what the local community wanted to do regarding time, place and manner regulations.

Ms. Miller indicated that the City would tackle recreational marijuana after completing medical marijuana legislation and when more information regarding how the OLCC will regulate recreational marijuana and its dispensaries is available. She said the state is required to start accepting applications in January 2016, but may not be issuing licenses for retail until 9 months after that.

Chair Simson indicated that when language for hours of operation was being crafted for Medical Marijuana Dispensaries the Commission looked for guidelines from the hours of operation for liquor stores. Ms. Miller said the OLCC had given guidelines indicated that a liquor store must be open at least 8 hours a day, but it was up to each individual operator how late they wanted to be open.

Ms. Miller concluded by saying the Oregon legislature was working on laws concerning combining medical and recreational marijuana sales, in a recent conference she attended it appeared to be going nowhere, but we do not know for sure.

Chair Simson synopsisized the Medical Marijuana Dispensary became a City of Sherwood issue in March of 2014 when the State of Oregon allowed local jurisdictions to regulate time, place and manner and the City put a complete moratorium in place until May 1, 2015 to give the community time to research. She said the research was done and it was time to put something together for our community.

Commissioner Walker asked if recreational licenses would be issued in July. Ms. Miller responded that personal recreational use would be permitted, but it was unknown how one would obtain the marijuana because there was no place to legally obtain it in Oregon.

Ms. Miller disclosed that the number of dispensaries required within a jurisdiction had not been legally tested and there may be issues if the City restricted the number be limited to one. Chair Simson commented that regulating the distance between dispensaries, given the linear feet inside the city limits, restricted the number of dispensary locations available.

Chad Jacobs indicated that the state law allowed jurisdictions to create reasonable time, place and manner restrictions, so any legal challenge would be to whether or not the restrictions were reasonable. If the City could demonstrate that, given the size and population of Sherwood, one or two dispensaries as enough then there would have a strong argument that those are reasonable regulations. He commented that imposing restrictions so broad that it was basically a ban, hit the unreasonable point. Chair Simson remarked that Hillsboro and Washington County had each expanded their buffers so it was reasonable to add to the distance between dispensaries and the City would not be outside of reasonable. Mr. Jacobs cautioned looking at the distance used by other jurisdictions because they may have a larger size or different zoning. He suggested looking at the map provided by staff and determining areas where the dispensaries can be located based on those restrictions and decide if that was a reasonable number of dispensaries based on population.

Chair Simson explained that there were two versions of the proposed language. One provided by staff and a second with suggested amendments by the Police Advisory Board. She acknowledged the extra work performed by the Police Advisory Board and asked for comments from the Commission.

Chair Simson asked about the definition of a public plaza on page 63. She commented that the definition could fit an area similar to the open area next to Rose's Restaurant and she was hesitant to use a definition that

could be used to define any landscaped open space in the city. She expressed concern the definition would restrict the remainder of the city, because there are open green spaces with amenities throughout both the commercial and industrial zones

Ms. Miller noted that it was the dictionary definition of a plaza; when there was ambiguity staff refers to a dictionary definition. She said one solution would be to define a public plaza as owned by the city.

Chair Simson noted that a public park was defined as being controlled, operated or managed by the city. *Under the control, operation or management of the City* was added to the definition of a public plaza.

Chair Simson commented that she was quoted in the newspaper as being concerned about Medical Marijuana Dispensaries being in the industrial areas. As a Planning Commissioner she had always heard the value of not using industrial land for retail purposes. She expressed that the public work session helped her to understand public sentiment and with feedback from the Police Advisory Board and Chief Groth the importance of looking at the industrial zones as a viable alternative for Medical Marijuana Dispensaries.

Chair Simson said she was in support reducing the size of the facility to 2500 square feet as recommended by the Police Advisory Board because it was not a secondary use to a large manufacturing facility.

Commissioner Walker stated she was in complete agreement with the Police Advisory Board language. The Commission went through each section of the Policy Advisory Board's recommended code language.

Commissioner Walker commented on the definition for a *mobile vender*. She asked about items that could be prepared offsite then brought to a site and stated she would consider that mobile. Discussion followed. Staff suggested the following, which was accepted by the Commission.

*Mobile Vendor: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items.*

Chair Simson noted that the Police Advisory Board had removed dispensaries from the permitted uses in the Commercial Zones. Commissioner Walker commented that the majority of the people at the public work session wanted the dispensaries in the Industrial Zone; however the staff recommendation was both commercial and industrial zones. Chair Simson clarified that the public work session consensus was both commercial and industrial, but the online survey was mostly in favor of industrial zones.

Commissioner Walker pointed to page 16 of the packet that stated 54% of the 180 persons taking the online survey wanted industrial zones and in the public meeting there were 27 people. She said the survey might be a better representation of what the public wanted.

Ms. Miller responded that the survey information given about zoning issues was limited and many of the responses came before the public meeting. When we dug a little deeper at the public work session and discussed the alternatives, a different response was generated. She said it was up to the commission to gauge the sentiment across the community as to what was preferred, but from a land use perspective these dispensaries are more of a pharmacy (retail type of use). Ms. Miller stated the Commission would have to come up with a reasonable restriction that medical marijuana dispensaries are better served in the Industrial Zone. She allowed that from a safety point of view the Police Chief thought the Industrial Zone was better for the community.

Chair Simson said it was the exact opposite of where she started because she was preserving the industrial land. She remarked that Chief Groth had a compelling argument when he explained that medical marijuana dispensaries are contrary to a pharmacy; they are not a retail for profit business that needs to be out on the street corner with big signs to gather in the public. Chair Simson held that if placement works in the Industrial Zone it would be easier to put it in one zone and expand to add commercial zones at a later date then to remove a zone. She said she was more comfortable with industrial only when taking into account the Police Advisory Board's recommendation and the online survey results. Chair Simson asked for other comments about medical marijuana dispensaries being restricted in the Commercial Zone.



Commissioner Pearson commented there were empty storefronts in the Commercial Zone, the state run liquor store was in the commercial zone, and a medical marijuana dispensary used plant based derivatives like most pharmaceuticals. He said the Commission was responding in fear and eliminating commercial areas with established buildings. Commissioner Pearson pointed out that the City would not mandate the landlord must rent the space for medical marijuana; they have the right to refuse. He stated there were no buildings in the Industrial Zone to house a medical marijuana dispensary so a new building would have to be built, which would cause further delay and may lead the City to a law suit which the it was trying to avoid. He stated he had no objection to allowing commercial and industrial and the police already patrol in the commercial areas because those businesses need protection.

Chair Simson asked for the presentation slide that showed what other jurisdictions were doing.

Commissioner Walker stated that she gave a lot of credence to what the police thought and Chief Groth's letter in regard to advertising was something she had not thought about. She commented on dispensary advertising needs and referred to the possibility that, at some point, medical and recreation marijuana dispensaries may be merged, as in Washington. She said if that happens the businesses would already be in the retail area and she did not know if that was something people in Sherwood wanted, and she had heard not.

Chair Simson said she there was a comment that we don't need to hide dispensaries in the back corner like it was a dirty little secret and commented we also don't need to advertise it in our community. She stated there were two more hearing and the Planning Commission would give their best recommendation taking the Police Advisory Board's recommendation into account and the City Council would make their own decision. Chair Simson expressed greater comfort starting with one zone to see how it worked and fit in our community and then add another zone later.

Commissioner Walker asked if Tualatin's manufacturing zone was the same as our Industrial Zone and if Commissioner Pearson was correct that this was the only location in Tualatin where Medical Marijuana Dispensaries would be allowed. Brad Kilby, Planning Manager, responded that the map provided with Tualatin's legislation showed a very small area adjacent to Sherwood.

Michelle Miller commented that it was semantics, because if you look Sherwood's busiest thoroughfares; either Tualatin Sherwood Road near the industrial zones or 99W where the commercial zones are, they are both heavily travelled areas. Keeping Medical Marijuana Dispensaries out of public view was going to be pretty impossible. Chair Simson countered that we don't have to have Medical Marijuana Dispensaries right next to the movie theater and we should start small and if it works well we can add it to the Commercial Zone.

Vice Chair Griffin commented that Sherwood liked to be found in the middle; not too extreme one way or the other. He thought Tualatin might be a little too restrictive whereas others have gone the other direction being open until 10 pm. He said it was smart to start with our industrial zone and Tualatin Sherwood road goes right through the middle of it intersecting with roads leading behind the scenes so it was an easily trafficked area and easy to patrol for the police. He agreed with starting with one zone in a busy area and deciding later because of need or because it was the will of the people to expand to other zones. Vice Chair Griffin stated he did not think it was too restrictive or out of fear but careful planning.

Commissioner Mike Meyer asked if dispensaries are restricted to the Industrial Zone are there buildings for these facilities to locate. If there aren't and we restrict to that zone only does that make it an unreasonable restriction for those businesses, because they have to go to the expense of building the entire infrastructure and they are supposed to be a not for profit facility.

Brad Kilby clarified that restricting facilities to industrial zones as proposed would include both Light Industrial and General Industrial zones.

Vice Chair Griffin added that he takes Herman Road to downtown Portland and he noticed a number of signs indicating there was space for lease in those light industrial plazas.

Mr. Kilby agreed that there are spaces available in Light and General Industrial that could locate a dispensary. The only struggle would be ensuring they do not exceed the 2500 square feet. He commented the location where Two Kilts was sited as having suites small enough and it was light industrial.

Chair Simson said what she was referring to earlier was that Metro wanted us to not burn all of our light industrial with commercial activities such as the light industrial across the street from Home Depot, but the area looks very commercial in those bays. She said all the properties along Tualatin Sherwood Road and north along 99W was light industrial and there was a lot commercial application.

Commissioner Flores requested clarification regarding Commissioner Pearson commented that landlords are not required to lease the spaces to commercial uses and asked if it was the same in the industrial area.

Michelle Miller responded that they could decline to rent unless the potential business was a protected class. Chad Jacobs confirmed that Ms. Miller was correct and as long as they are not refusing to rent the space for an illegal reason such as because the renter was in a protected class ( i.e. a female). He continued by stating a landlord had the right to refuse to rent because the type of business was medical marijuana (which is prohibited by federal law) and would not be illegal for a landlord to refuse. Mr. Jacobs said if there were no landlords within Sherwood who wanted to rent to a medical marijuana dispensary then there would not be any dispensaries in the city.

Chair Simson noted that it was whether the City provided the opportunity and even if the landlord says “no” the City of Sherwood has complied with the regulations by offering it in those zones.

Vice Chair Griffin commented that he did not have any direct involvement because he did not have a need for medical marijuana, but there was obviously a need for it and I did not want to heavily restrict it for those individuals. He wanted them to be able to get to what they needed and as a citizen of Sherwood they have as much right to that as those that do not need it. He said if there was a need then opportunity would open the door.

Chair Simson acknowledged that Commissioner Pearson was in favor of retaining the original staff recommended language and asked for a response for taking the Police Advisory Board’s recommendation to restrict dispensaries from commercial zones and to make them a permitted use in Light and General Industrial zones from the other commissioners. All other commissioners were in favor of the Board’s recommendation.

Chair Simson asked about the size limitation of 2500 square feet. Vice Chair asked how much space a dispensary needed. Commissioner Walker commented that two other jurisdictions limited the space to 3000 square feet. Discussion followed with the consensus to allow up to 3000 square feet of space for a dispensary.

Chair Simson moved to Medical Marijuana Dispensaries being a Type II land use process. She reminded that in the public discussion it was indicated that a Type II application for a Medical Marijuana Dispensary was the appropriate place, because it utilized objective standards that staff can review. She said there was no need for large fees or for applicants to come to the Planning Commission when objective standards are used.

Chair Simson noted the characteristics of a Medical Marijuana Dispensary and stated the big one was hours of operation. In earlier discussions it was noted that the Sherwood Liquor Store closed earlier than other retail establishments. She said the Police Advisory Board recommended a 7 pm closing time on weekdays and 8 pm on the weekends, which was nine hours open during the weekday and someone working an eight hour shift would have time to go before or after work. Ms. Miller noted that the Sherwood Liquor Store was open 10:30 am to 7:30 pm Monday through Thursday and 10:30 am to 8 pm on Friday and Saturday; closed on Sunday.

Commissioner Pearson suggested using liquor store hours. Ms. Miller replied that those hours were imposed by the local operator, at their discretion, and the times could change. Vice chair Griffin suggested 10 am to 8 pm, seven days a week and said it put Sherwood in line with other jurisdictions. The Commission was in agreement.

Chair Simson asked if there were any other concerns for the proposed language. Commissioner Walker asked what prohibited colocation meant. Ms. Miller responded that a dispensary may not be located at the same address as a manufacturing facility or a grow operation. She added that you cannot consume at the same location either.

Chair asked about the information on page 68 that said the addition of a dispensary may not operate as a mobile business to deliver medical marijuana. Ms. Miller responded that a concern was raised that if there was a dispensary, then deliveries should not be permitted. She noted that there was opportunity for caregivers to obtain the medical marijuana for the patient.

Commissioner Walker asked about number 5 regarding drive-through or walk-up sales. She suggested using the word “access” instead of “window”. Discussion followed. Ms. Miller commented that it was a provision from the ORS and checked the statute. Chad Jacobs suggested the Sherwood code should mirror the state language. He suggested *a medical marijuana dispensary may not engage in sales outside of the facility through means such as a walk-up window or drive-through access*. The Commission changed the language to such.

Commissioner Pearson pointed out that 6.c should include a public park or a public plaza as discussed earlier.

The Commission discussed the proximity restrictions but did not make and other changes.

Chair Simson said Chief Groth suggested in his letter that ORS 475.314 be adopted as part of the Sherwood Municipal Code. She said staff explained to her that this was the intent of proposed language for 16.38.020A.2, as shown on page 67 of the packet. The language requires dispensaries to register with the Oregon Health Authority under ORS 475.314 and failure to comply was a violation of the Code. She described that because the language was in our code, the Police Chief would have jurisdiction.

Ms. Miller noted some scrivener’s errors. The first under the Medical Marijuana Dispensary definition where she asked to change the word “plans” to “plants”. She said she referenced Chapter 16.22 in the staff report as Residential Land Use and it should have been Commercial Land Use zones.

Chair Simson noted that staff had been in contact with the OHA and their process was sixty days out so the passage of this language in Sherwood should put code in place prior to any applications in Sherwood.

With no other discussion, the following motion was received.

**Motion: From Vice Chair Russell Griffin to forward a recommendation of approval to the City Council for Medical Marijuana Dispensary Code Amendments (PA 15-02), based on the applicant testimony, public testimony received, and the analysis, finding and conditions with the stated modifications. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioner James Copfer was absent).**

Chair reminded that the first hearing with the City Council would be a special session on April 28, 2015. They will take public testimony at that time.

## **7. Planning Commissioner Announcements**

Chair Simson commented on the great turnout for the public meetings regarding Sherwood West Preliminary Concept Plan. The eighteen Community Advisory Committee members were all in attendance at the last meeting with twenty seven additional people. She said Brad and Connie have been conducting one on one meetings with the property owners in the area and the engagement process has been going very well. Chair Simson expressed excitement regarding how the process would move forward and invited all to take the opportunity to attend the May 21, 2015 meeting to get more information.

Vice Chair Griffin reported that the next play “Into the Woods” will be July 8-11 at Stella Olsen Park.

Commissioner Pearson commended Ms. Miller for her efforts.

The Planning Manager solicited for a Planning Commissioner to serve on the Local Trails Advisory Committee for the Cedar Creek Trail. Commissioner Flores accepted the call to serve.

**8. Adjourn**

Chair Simson adjourned the meeting at 8:39 pm.

Submitted by:

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Kirsten Allen

Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

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City of Sherwood, Oregon  
Planning Commission  
Work Session  
May 12, 2015

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**Planning Commission Members Present: Staff Present:**

Chair Jean Simson  
Commissioner Michael Meyer  
Commissioner Alan Pearson  
Commissioner Lisa Walker

Julia Hajduk, Community Development Director  
Brad Kilby, Planning Manager  
Michelle Miller, Senior Planner  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Vice Chair Russell Griffin  
Commissioner James Copfer  
Commissioner Chris Flores

**Council Members Present:**

None

**Legal Counsel:**

None

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

Chair Jean Simson called the meeting to order at 6:06 pm.

**2. Council Liaison Announcements**

None

**3. Staff Announcements**

Brad Kilby, Planning Manager, announced a Sherwood West Preliminary Concept Plan Community Workshop on May 21, 2015 from 6-8 pm at Edy Ridge Elementary School. He said the consultant was beginning to develop alternatives.

Mr. Kilby informed of a Washington County Transportation Future Study survey to study the limitations to transportation in all the jurisdictions within the Washington County area. The study will help inform the Washington County commissioners where to invest towards future growth. Chair Simson indicated that she had difficulty with the survey and Julia Hajduk, Community Development Director, confirmed that she had similar issues. Mr. Kilby indicated he would inform the County.

Mr. Kilby stated that City Council approved legislation forwarded with recommendations by the Planning Commission regarding Medical Marijuana Dispensaries and the Water System Master Plan update, on May 5, 2015 and announced the annual Tualatin River Bird Festival on May 16, 2015 at the Tualatin River National Wildlife Refuge beginning at 10 am with early morning walks starting at 5:30 am.

Mr. Kilby disclosed that an application for an off leash area at Snyder Park has been received which will come to the Planning Commission in June or July.

Chair Simson noted that because it was a work session, the Planning Commission would not be accepting citizen comments and reminded that citizens could sign up for [email notifications](#). She moved to the next agenda item and turned the time over staff.

#### **4. Backyard Chickens**

Michelle Miller, Senior Planner, recounted that the Planning Commission conducted a code clean-up in 2011 resulting in draft code language to the City Council. She said Council decided to wait and gather more information before they considered it any further, then in April 2015 the City Council directed the Planning Commission to revisit the code language. Ms. Miller gave a presentation about Backyard Chickens (see record, Exhibit 1) and noted that over 560 responses were received in an online survey conducted by the City (see record, Exhibit 2).

Ms. Miller noted that the draft code language was provided in the memo dated May 12, 2015 (see record, Exhibit 3) which included:

- Four hens
- No roosters
- Chicken enclosures must be secure and at least 10 feet from property line
- A Type I process that includes no notice
- Non-compliance would go in Municipal Code under nuisance criteria

Ms. Miller stated the code language would have been in the development code in the residential use category. She gave a summary of the survey results and compared the results to the draft language.

Ms. Miller noted that public outreach was conducted in 2011 to help draft the language. She asked how the Commission wanted additional public outreach beyond the survey and when to start the formal hearing process for a recommendation to City Council. She noted that the final page of the memorandum included a listing of how other jurisdictions were regulating backyard chickens and stated many jurisdictions were placing the regulations in the Municipal Code. Ms. Miller pointed out that the draft language did not have noticing requirements to adjoining property owners, and asked if the Commission wanted to open the process to other animals.

Julia Hajduk, Community Development Director, commented that the Council's directive was to revisit the old language and see if it was worth another look. She said a majority of the City Council supported the motion in April, community sentiment was still split, and the comments on the survey validated the work done in 2011.

Discussion followed regarding noise, licensing, education, public outreach, noticing requirements, who would administer the regulations, if other animals should be included in this language, and the fees for comparable licensing.

Staff was directed to

- Find out about nuisance abatement regarding chickens,
- Prepare an Archer article, then schedule public hearings for July after the next edition of the Sherwood Archer has been distributed,
- Report on the number of responses the code enforcement officer makes for nuisance animals and animals other than household pets
- Inform on the language from other jurisdictions regarding "poultry" or other non-domesticated animals.
- Add language that bases the number of hens to the lot size with a minimum of 5000 square feet for three hens and minimum of 10,000 square feet for five hens.

- Add language that places enclosures 10 feet from the property line and 25 feet from any other dwelling unit.
- Add language for notifying neighbors that about the property
- Update the municipal code section referencing violations

Chair Simson recessed the meeting at 7:10 pm and reconvened at 7:13 pm.

## 5. Tonquin Employment Area Update

Community Development Director, Julia Hajduk informed the Commission that the Tonquin Employment Area (TEA) is a concept planned area that was not inside the city limits, but inside the urban growth boundary and designated as Employment Industrial zone. She stated annexation of the area was preapproved by voters (2013) so when property owners are ready to come into the city the process will be easier. Ms. Hajduk added that no activity has taken place so the City applied to Metro for Construction Excise Tax Grant Funds to identify obstacles that are preventing the area from growing. Metro combined the grant request with a request from Washington County for a large lot industrial site readiness grant. She pointed out that the area has been reviewed holistically with industrial land in Tualatin; however, more details will be provided for the TEA area. Ms. Hajduk turned the time over to the consultant team.

Todd Johnson, Project Manager with Mackenzie, in answer to a question from Chair Simson said that they were not looking at design standards to help promote development, but they were looking at the physical characteristics of the land, utilities and market constraints with Johnson Economics. They were looking to see if the vision for the area is aligned with current employment trends, refining information in the concept plan and reporting the cost of infrastructure through phasing and funding strategies, because the area is underserved. He provided handouts to the Commission (see record, Exhibits 4 and 5). Mr. Johnson informed that they were working on two studies; evaluation of the sub area and creating specific layouts on certain properties to help evaluate the value of investing in infrastructure and to inform how physical land characteristics impede large format industrial development in the region.

Mr. Johnson said that Apex (brownfields consultant) and Pacific Habitat Services (wetland inventory) were on board to help with any environmental constraints in the area, but were not present.

Chris Blakney with Johnson Economics reviewed the Economic and Market Conditions handout (Exhibit 4) and said they looked at Sherwood's Economic Opportunities Analysis from 2007 and the TEA Concept Plan to gain some background information. Mr. Blakney advised that the information was updated based on an industry analysis. He said Sherwood had a solid manufacturing base, good access to work force and a strong quality of life. The challenges come with infrastructure capacity and how to fund site improvements in order to make the area more marketable for development. He said the types of industrial uses that might develop were small to midsize companies, at fifty thousand to one hundred thousand square foot building ranges with flex spaces for specialty contractors and creative services. Mr. Blakney stated the evaluation area extended from Boones Ferry Road (east), to Herman (north) to 99W (west) with the southern boundary where development stops. He revealed that the area had over sixty six companies with twenty-five to seventy-five employees that fit in this market. Mr. Blakney spoke of recent growth and a tightness in the market that has started to spur development. He said the industrial real

estate market is at a jumping off point characterized by falling vacancy rates, increasing rents, and an interest in construction.

Brian Varricchione, Land Use Planner and Civil Engineer with Mackenzie, explained that the Tonquin Employment Area Concept Plan and Tualatin's Southwest Concept Plan abut each other, were part of a common market, and were looked at as one area for the purposes of the study. He said they were looking for barriers to development and would provide recommendations to overcome them with marketing strategies. Mr. Varricchione went over Exhibit 5 and explained that Mackenzie's task was to discover specific site needs for the industrial properties and to refine the concept plan.

Mr. Varricchione showed refined roadway alignments intended to minimize impact to the wetlands and commented that there were several power line easements running through the area. He identified different nodes; areas where industrial development can occur, and labeled them in phases. As the phases are built, roadway and infrastructure improvements will enable adjacent phases to develop.

Brent Ahrend, Traffic Engineer with Mackenzie, explained that developing properties along Tualatin Sherwood Road are required by Washington County to make frontage improvements for a future five lane road. He said the County was considering a five lane road in the area funded by the Major Streets Transportation Improvement Program project (MSTIP). Mr. Ahrend indicated that properties will be required to access development from new roadways, because of access restrictions off of 124<sup>th</sup> Avenue and Oregon Street. One of the new roads (tentatively named Blake Road) is proposed to have connectivity to 115<sup>th</sup> Avenue, but will not be a through road parallel to Tualatin Sherwood Road as originally envisioned.

Julia commented that the TEA Concept Plan identified zoning and a collector road, but the purpose of the study was to refine the assumptions with more data and the consultant would provide a tool kit of what can be done to make the industrial sites more ready for development. She said the study will go to City Council for acceptance in mid-June and staff will move forward as directed by Council. It will not be the adoption of a new plan, but information to take into account when reviewing the Capital Improvement Plan or for the city to be more supportive of Low Impact Development (LID).

Note: Brent Nielson, Civil Engineer with Mackenzie, was there to answer questions focused on the utility side of the infrastructure but did not present.

Discussion followed.

## 6. Adjourn

Chair Simson adjourned the meeting at 8:09 pm.

Submitted by:

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Kirsten Allen  
Planning Department Program Coordinator

Approval Date: \_\_\_\_\_



# **New Business Agenda**

## **Item A**

**Staff Report**

**June 12, 2015  
File No: SP15-01**

**Snyder Park Off-Leash Dog Park**

**TO: Planning Commission**

App. Submitted: May 8, 2015  
App. Complete: May 27, 2015  
Hearing Date: June 23, 2015  
120 Day Deadline: September 24, 2015

From:



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Brad Kilby, AICP  
Planning Manager

**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.

**STAFF 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:** The required findings for site plan are met with this proposal, as discussed and conditions recommended further in this report.

## 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	30 or 2 stories	30 or 2 stories	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.**

**STAFF 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.

**STAFF 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.

**STAFF 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.

**RECOMMENDED 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.

**RECOMMENDED 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.

**RECOMMENDED 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.

**RECOMMENDED 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 CERTIFICATE OF 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 occupancy, an 8-foot wide public utility easement shall be dedicated along the subject property frontage to SW Pine Street.

**VII. EXHIBITS**

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

Exhibit A.  
**Applicant's Narrative**

**Date: May 8, 2015**

**Snyder Park Off-Leash Dog Area**

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**TO:** PLANNING DEPARTMENT

**Project Summary**

The City proposes to add an off leash area approximately for dogs within Snyder Park. The fenced area, nearly an acre in size will contain separate areas for large and small dogs and near the western edge of the park, near SW Pine Street. The area will not be lit but operate under existing park rules. Other amenities include water, table, benches, dog play features and entry gates. There will be no additional structures and patrons will use the existing off street parking areas within Snyder Park on the southern edge of the park, near SW Sunset and northern edge, near SW Division.

**I. BACKGROUND**

**Applicant/Owner:** City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**Applicant's  
Representatives:** Kristen Switzer, Community Services Director  
Craig Sheldon, Public Works Director  
Michelle Miller, AICP, Senior Planner

**Site Address:** 15356 SW Sunset Blvd

**Tax Lot:** 800 on Washington County Tax Assessor Map 2S1-32DB

**Property Description:** 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. Various heritage trees are located on site with a lit pathway that circles the landscaped park area. 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 over the years. There is an existing reservoir tank immediately adjacent to the park on tax lot 2S132DB00700. A reservoir, pump station and tennis courts were added at the park in 2008. The reservoir is located on the western side of

the park partially buried underneath the hillside and nearby the proposed off-leash area.

**Existing Development and Site Characteristics:** Snyder Park is situated in the central part of Sherwood atop one of the highest elevations in the City. The park changes in elevation from the lowest point of 348 feet at the southern boundary to an elevation of 380 feet. It offers views of the surrounding valley at the crest point of approximately 380 feet, near the parking lot and existing reservoir by SW Division Street. The hillside within the park slopes westward toward SW Pine Street where the off leash area is proposed.

**Zoning Classification and Comprehensive Plan Designation:** Snyder Park is zoned Low Density Residential (LDR). The surrounding area is also LDR, with a small parcel on the northern boundary of the site zoned Institutional/Public (IP).

**Adjacent Zoning and Land Use:** The properties to the north, east and south are zoned LDR and developed with single family homes. Adjacent to the park on the northeastern corner is a parcel zoned IP and developed with a water reservoir. The properties to the west and adjacent to the park are also zoned LDR. The properties to the west, across SW Pine are zoned Medium Density Residential-Low (MDRL) and contain single family homes. According to the Sherwood Transportation System Plan, the surrounding streets to the park are classified as the following: SW Sunset Blvd. is an arterial; SW Pine is a collector, and SW Division is a neighborhood street. SW Smock Street, a local street, terminates at the eastern boundary of the park, near the soccer field and baseball diamond.

**Land Use Review:** This land use application proposal includes modifying the existing Snyder Park and requires a Major Modification Site Plan review by the Planning Commission, the decision maker for the original site plan approval for Snyder Park.

**Neighborhood Meeting:** The City held a meeting on March 2, 2015 to inform the neighborhood surrounding Snyder Park about the proposed off leash area.

Some of the neighbors present were concerned about the location of the off leash area near SW Pine. Some were concerned that people may park on SW Pine rather than the designated off street parking areas for Snyder Park. Additional questions were raised about the fence, natural landscaping materials within the off leash area and maintenance issues.

**Applicant's Response:** No on street parking is permitted on SW Pine. There are parking facilities in Snyder Park on SW Division and SW Sunset. If people park illegally on SW Pine Street, they could receive a citation. Some

of the details requested by neighbors are provided in the site plans submitted with this application and resolved.

Noise from people enjoying all of the park facilities is to be expected. There are sport courts and a water feature that attracts people to the park. The hours at the park and off leash area will remain the same. The City will mitigate any additional noise of the barking dogs with landscaping near the properties of the two homes located nearby. The property to the north is over 100 feet from the proposed off lease area.

### **APPLICATION SUMMARY AND BACKGROUND INFORMATION**

The applicant, City of Sherwood, requests a major modification to a site plan for the addition of an off-leash area on the west side of Snyder Park. The location for the proposed off-leash area within the park is relatively unimproved and slopes downhill toward SW Pine Street. The off leash area will be about 85 feet from the western edge of the park, near Pine Street. The fenced area will contain separated large and small dog play and run areas. The larger dog park area will be approximately .58 acres and the small dog park area will be .12 acres. The off leash area is an irregularly shaped rectangle approximately 263 ft. by 122 ft. The site will contain a combination of bark chips that surrounds the interior of the fenced area and grass in the interior along with other landscaping and pathways. Several trees will remain within the fenced off area.

As the dogs enter the enclosed off leash area, there will be a separate gated entry to the small dog area. Site amenities include picnic tables, woodchip pathways, tables, benches, receptacles, dog waste dispensers with bags, and a domestic water fountain.

The entire area will be confined with a five-foot tall black vinyl coated fence with buffer plantings along the south side of the fenced area. The fence is approximately 13 feet from the property line to the south and will include a landscaped buffer. The visitors to the off leash area will follow the pathways from the parking areas on SW Sunset and SW Division to access the site.

### **SITE PLAN REVIEW (SECTION 16.90)**

#### **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 all provisions of Divisions V, VI, VIII, and IX.**

**Applicant's Response:** 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.

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.**

**Applicant's Response:** Adequate services including but not limited to water, sanitary facilities, storm water, solid waste, public safety, electric power and communications will not be altered with the addition of the lights. Parks and open space services will be extended as a result of adding the off leash area to the park.

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.**

**Applicant's Response:** The City owns the site and maintains the park. Therefore, it can be assured that the area will be adequately maintained. Craig Sheldon, Public Works Director has evaluated the options for maintenance and has budgeted appropriated funds to maintain the off leash area. This criterion is not applicable.

4. **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.**

**Applicant's Response:** No natural features with the exception of some landscaped shrubs will be removed with the installation of the off leash area. Additionally steps have been taken to siting of the off leash area in order to minimizes the visibility and any negative impacts to the adjoining property owners.

5. **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.**



**Applicant's Response:** The site is not located in this zone, and therefore this criterion is not applicable. Regardless, the Highway 99W Capacity Allocation Program was terminated in 2014.

- 6. Pursuant to Section 16.106.080, or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer shall be required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.**

**Applicant's Response:** The City Engineer has reviewed this proposal and indicated that a Traffic Impact Analysis would not be required for the off-leash area. The citizens going to the larger Snyder Park specifically for the off-leash area will not significantly increase as compared to the visitors of the larger park area. The City Engineer considered that due to the park's size, the impact of adding a typical amenity such as an off-leash area to the park would not increase enough to warrant the study.

### **Applicable Code Provisions**

#### **A. Division II- Land Use and Development**

#### **16.12.020. - Allowed Residential Land Uses**

##### **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 16.12.010.**

<b>Civic</b>	<b>VLDR</b>	<b>LDR</b>	<b>MDRL</b>	<b>MDRH</b>	<b>HDR</b>
<b>Public Recreational Facilities(5)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(5) Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses</b>					

**Applicant's Response:** The off-leash area will be entirely within the existing Snyder Park and is a type of use associated with parks and thus a permitted use within this zone.

## **16.12 Dimensional Standards**

### **A. Lot Dimensions**

**Except as otherwise provided, required minimum lot areas and dimensions shall be:**

<b>Lot area</b>	<b>No minimum required</b>
<b>Lot width at front property line</b>	<b>25 feet</b>
<b>Lot width at building line</b>	<b>Varies from 50 -80 feet depending on type of housing</b>
<b>Front yard setback</b>	<b>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of 20 feet</b>
<b>Side yard setback</b>	<b>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of 20 feet.</b>
<b>Rear yard setback</b>	<b>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of 20 feet.</b>
<b>Height</b>	<b>Except as otherwise provided, the maximum height of buildings in the IP zone shall be 50 feet, except that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential zone.</b>

**Applicant's Response:** Because park abuts a residential zone, the front, side and rear yard setbacks apply. There will be no buildings associated with this off leash area so all of the setbacks are met.

### **B. DIVISION V – COMMUNITY DESIGN**

The applicable provisions of Division 5 include: 16.90 (Site Planning), 16.92 (Landscaping). Compliance with the standards in these sections is discussed below.

#### ***Chapter 16.92 Landscaping***

##### **16.92.010 Landscape Plan Required**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that 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.**

**Applicant's Response:** The proposal includes a site plan with the landscaping location provided. The entire site is a park so it is a predominantly landscaped area.

#### **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.**

**Applicant's Response:** Since the site is an unimproved area within Snyder Park, the applicant proposes to add landscaping such as grass, trees and shrubs around the site to complement the existing park landscaping and aesthetic.

#### **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.**

**Applicant's Response:** The application includes picnic tables and benches and other amenities that would be consistent with an off-leash area.

**Applicant's Response:** The applicant proposes to preserve the existing trees and landscaped within the site and there are no trees that will be disturbed with this development.

#### **16.92.030 Landscaping Standards**

##### **1. Perimeter Screening and Buffering**

**A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.**

**Applicant's Response:** As discussed previously in this report, the applicant proposes to include buffer planting along the southern edge of the site to buffer any noise impacts of the added park amenity.

#### **C. DIVISION VI. - PUBLIC IMPROVEMENTS**

**Applicant's Response:** The applicant is not proposing or required to complete any public improvements to the site; therefore the public improvement section is not addressed in further detail.

The applicant requests land use approval of the modification of the site plan for the off leash area within Snyder Park.





Snyder Park

Proposed Off Lease Area





Clean Water Services File Number

15-000407

## Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Sherwood

2. Property Information (example 1S234AB01400)

Tax lot ID(s): 2S132DB00800

Site Address: 15356 SW Sunset

City, State, Zip: Sherwood OR 97140

Nearest Cross Street: SW Pine Street

3. Owner Information

Name: City of Sherwood

Company: City of Sherwood

Address: 22560 SW Pine Street

City, State, Zip: Sherwood OR

Phone/Fax: 503-625-4242

E-Mail: millerm@sherwoodoregon.gov

4. Development Activity (check **all** that apply)

- ☐ Addition to Single Family Residence (rooms, deck, garage)  
☐ Lot Line Adjustment ☐ Minor Land Partition  
☐ Residential Condominium ☐ Commercial Condominium  
☐ Residential Subdivision ☐ Commercial Subdivision  
☐ Single Lot Commercial ☐ Multi Lot Commercial

Other \_\_\_\_\_

Adding an Off Leash Dog Area to Snyder Park

5. Applicant Information

Name: Michelle Miller

Company: City of Sherwood

Address: 22560 SW Pine Street

City, State, Zip: Sherwood OR 97140

Phone/Fax: 503-625-4242

E-Mail: millerm@sherwoodoregon.gov

6. Will the project involve any off-site work? ☐ Yes ☒ No ☐ Unknown

Location and description of off-site work \_\_\_\_\_

7. Additional comments or information that may be needed to understand your project \_\_\_\_\_

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Michelle Miller

Print/Type Title Senior Planner

ONLINE SUBMITTAL

Date 2/13/2015

### FOR DISTRICT USE ONLY

- ☐ Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- ☒ Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- ☐ Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- ☐ This Service Provider Letter is not valid unless \_\_\_\_\_ CWS approved site plan(s) are attached.
- ☐ The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by Chuck Buckle

Date 2/17/15



# SHERWOOD DOG PARK

MEARS DESIGN GROUP LANDSCAPE ARCHITECT

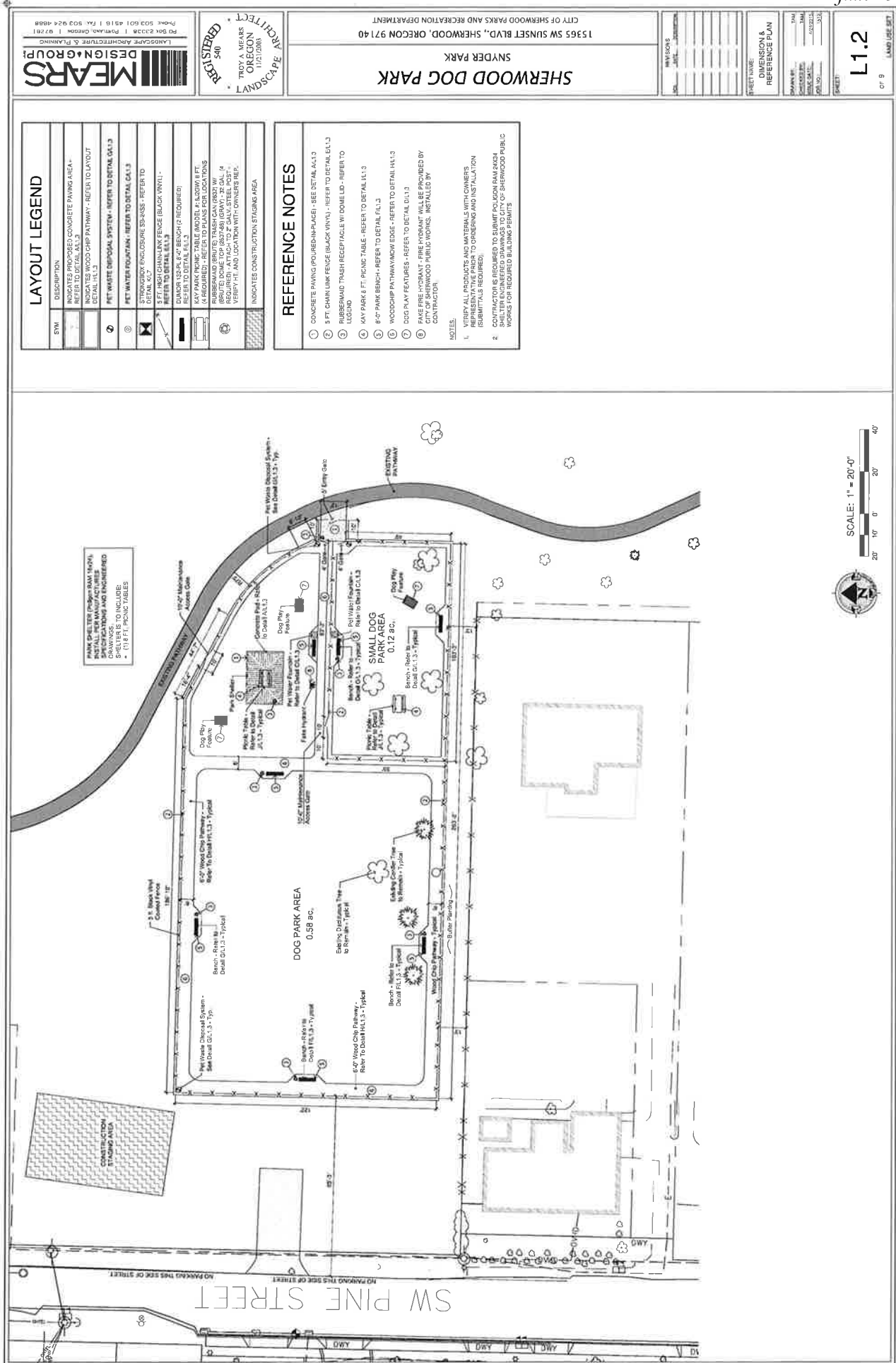
## CONCEPT 'B'

October 8, 2014  
ALL RIGHTS RESERVED BY ALL FIRMS





		<h1>LOCATION MAP</h1> <p>N.T.S.</p>																					
<h2>PROJECT TEAM</h2> <p><b>OWNERS REPRESENTATIVE</b>          CRAIG SHELTON - PUBLIC WORKS DIRECTOR          CITY OF SHERWOOD          100 WEST PINE STREET          SHERWOOD, OR 97140          (503) 922-2310          (503) 625-4679 FAX</p> <p><b>LANDSCAPE ARCHITECT</b>          TROY A MEARS          OREGON LANDSCAPE ARCHITECTURE PLLC          PO BOX 23338          PORTLAND, OR 97261          (503) 824-4688 FAX</p>		<h2>GENERAL NOTES</h2> <ol style="list-style-type: none"> <li>ALL CONSTRUCTION SHALL ADHERE TO DRAWINGS AND SPECIFICATIONS.</li> <li>ADVISE THE OWNERS REPRESENTATIVE OF ANY CONFLICTS OR DISCREPANCIES 5 (FIVE) WORKING DAYS PRIOR TO STARTING WORK.</li> <li>VERIFY ALL SITE CONDITIONS BY SITE VISIT PRIOR TO BID SUBMITTAL.</li> <li>ALL EXISTING PLANTS IN AREA OF WORK ARE TO REMAIN UNLESS OTHERWISE NOTED OR ARE DETERMINED DEAD. IF DETERMINED DEAD, DEAD PLANTS FREED ARE TO BE REPLACED WITH SAME SP. COES.</li> <li>STAGING AREAS ARE TO BE DETERMINED BY OWNERS REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK.</li> <li>ALL CONSTRUCTION IS REQUIRED TO BE COMPLETED BETWEEN THE HOURS OF 7:00 AM THRU 5:00 PM; MONDAY THRU FRIDAY. COORDINATE TIME OF CONSTRUCTION WITH OWNERS REPRESENTATIVE.</li> <li>REFER TO PROJECT TECHNICAL SPECIFICATIONS FOR ADDITIONAL INFORMATION.</li> <li>VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR TO PROVIDE PRIVATE LOCATES AS REQUIRED.</li> </ol>																					
<h2>DRAWING INDEX</h2> <table border="1"> <thead> <tr> <th>SHEET TITLE</th> <th>SHEET NUMBER</th> </tr> </thead> <tbody> <tr> <td>COVER SHEET</td> <td>L1.1</td> </tr> <tr> <td>DIMENSION AND REFERENCE PLAN</td> <td>L1.2</td> </tr> <tr> <td>DETAILS AND NOTES</td> <td>L1.3</td> </tr> <tr> <td>GRADING &amp; DRAINAGE PLAN</td> <td>L1.4</td> </tr> <tr> <td>DRAINAGE DETAILS &amp; NOTES</td> <td>L1.5</td> </tr> <tr> <td>PLANTING PLAN</td> <td>L1.6</td> </tr> <tr> <td>IRRIGATION PLAN</td> <td>L1.7</td> </tr> <tr> <td>IRRIGATION DETAILS &amp; NOTES</td> <td>L1.8</td> </tr> <tr> <td>IRRIGATION DETAILS &amp; NOTES</td> <td>L1.9</td> </tr> </tbody> </table>		SHEET TITLE	SHEET NUMBER	COVER SHEET	L1.1	DIMENSION AND REFERENCE PLAN	L1.2	DETAILS AND NOTES	L1.3	GRADING & DRAINAGE PLAN	L1.4	DRAINAGE DETAILS & NOTES	L1.5	PLANTING PLAN	L1.6	IRRIGATION PLAN	L1.7	IRRIGATION DETAILS & NOTES	L1.8	IRRIGATION DETAILS & NOTES	L1.9	<h2>AREA OF WORK MAP</h2> <p>SCALE: 1" = 40'-0"</p>	
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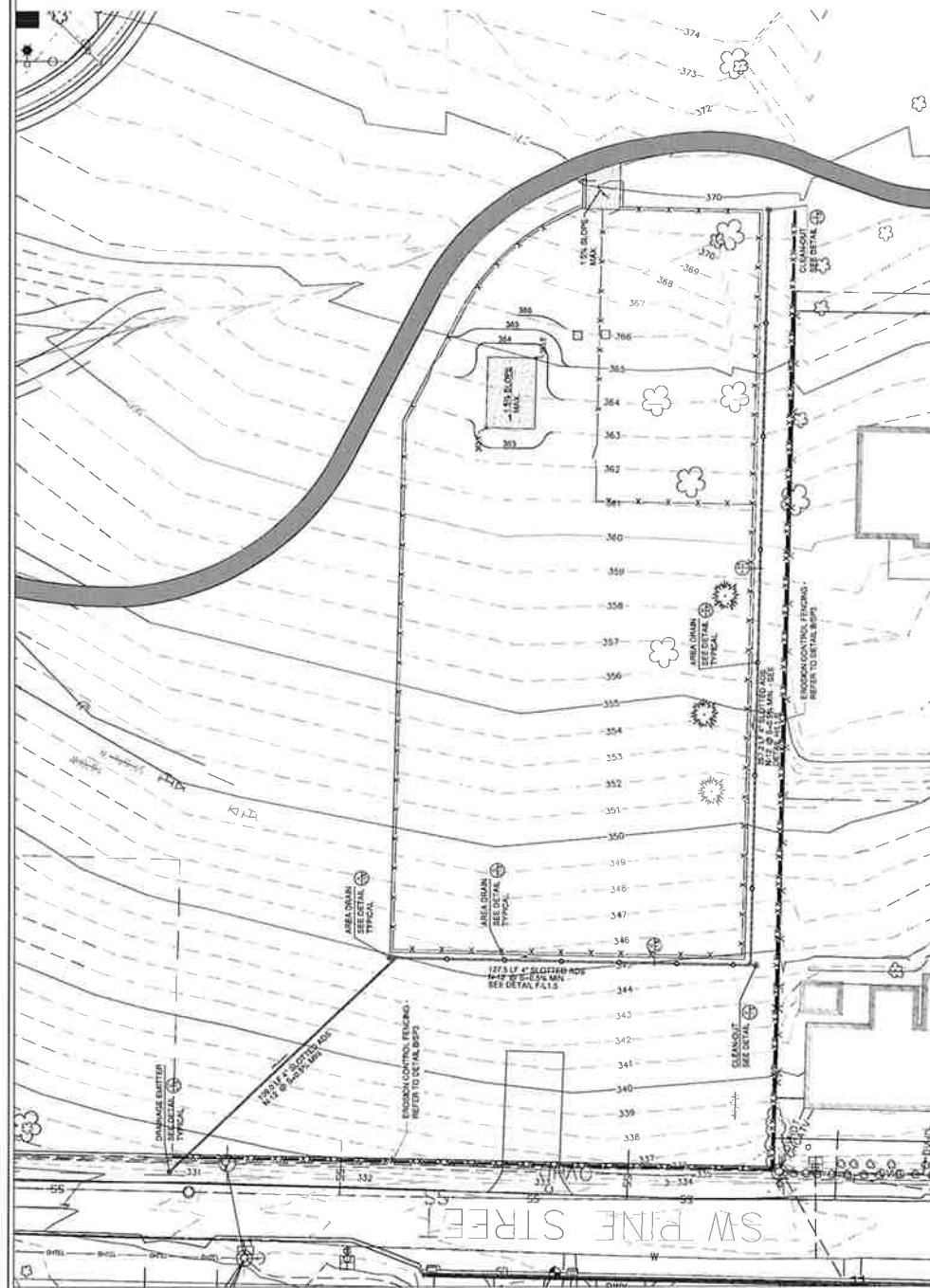


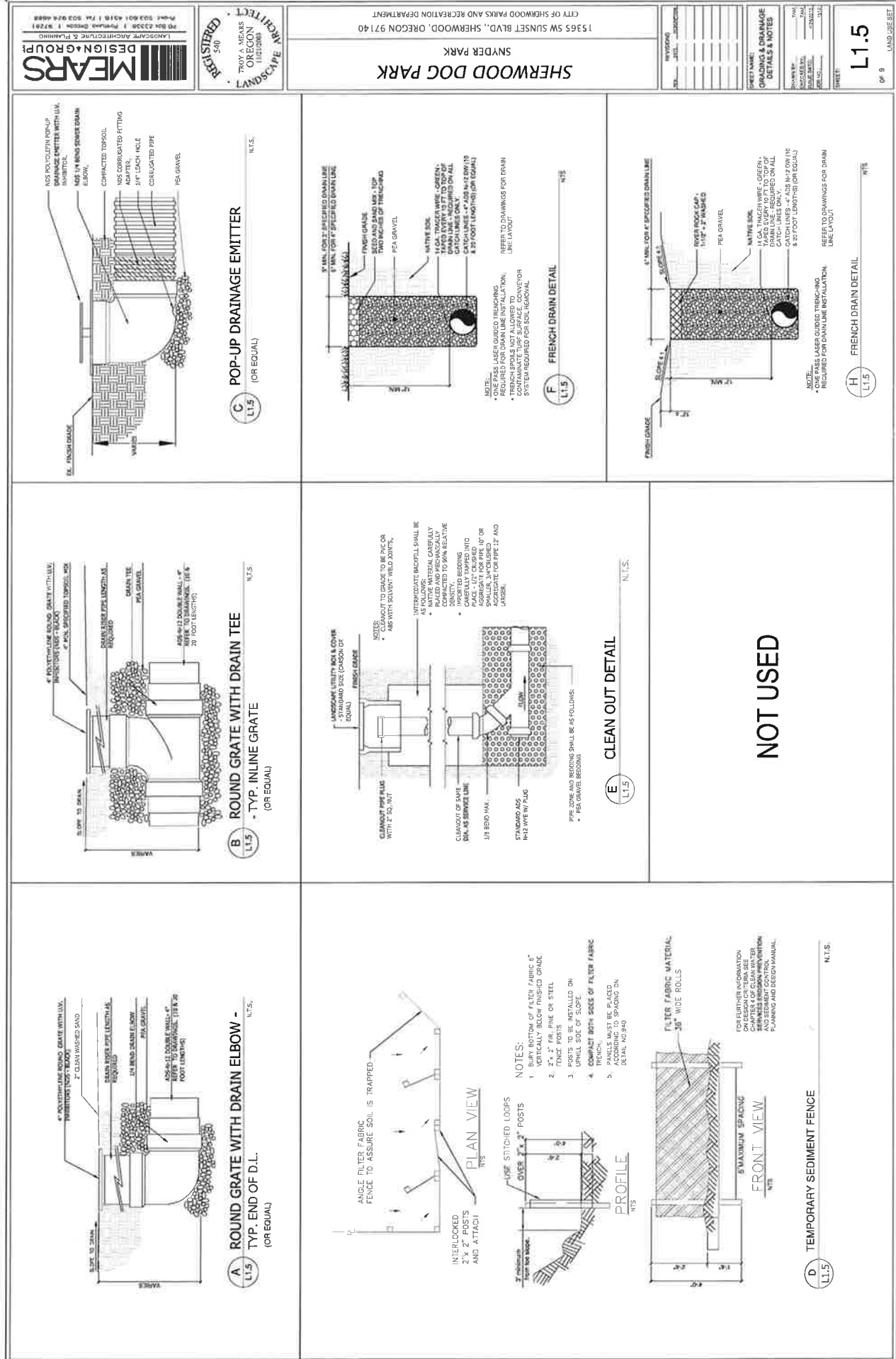
 <p><b>MEARS</b> DESIGN • GROUP</p>	<p>LANDSCAPE ARCHITECTURE &amp; PLANNING PO BOX 32233   BIRMINGHAM, GEORGIA 35202-0233 PHONE: 205.901.4516   FAX: 205.924.4686</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>RECEIVED</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">THE MAYNARD COMPANY ARCHITECTS 11/1/2003</p>	<p align="center"><b>SHERWOOD DOG PARK</b></p> <p align="center">SNYDER PARK</p> <p align="center">13665 SW SUNSET BLVD., SHERWOOD, OREGON 97140</p> <p align="center">CITY OF SHERWOOD PARKS AND RECREATION DEPARTMENT</p>	<p>DATE: _____ BY: _____</p>	<p>PROJECT NAME: <b>GROUNDS FOR DIVERSITY/FUN</b></p>	<p>DATE: _____ BY: _____</p>	<p>NO. _____ PAGE _____</p>
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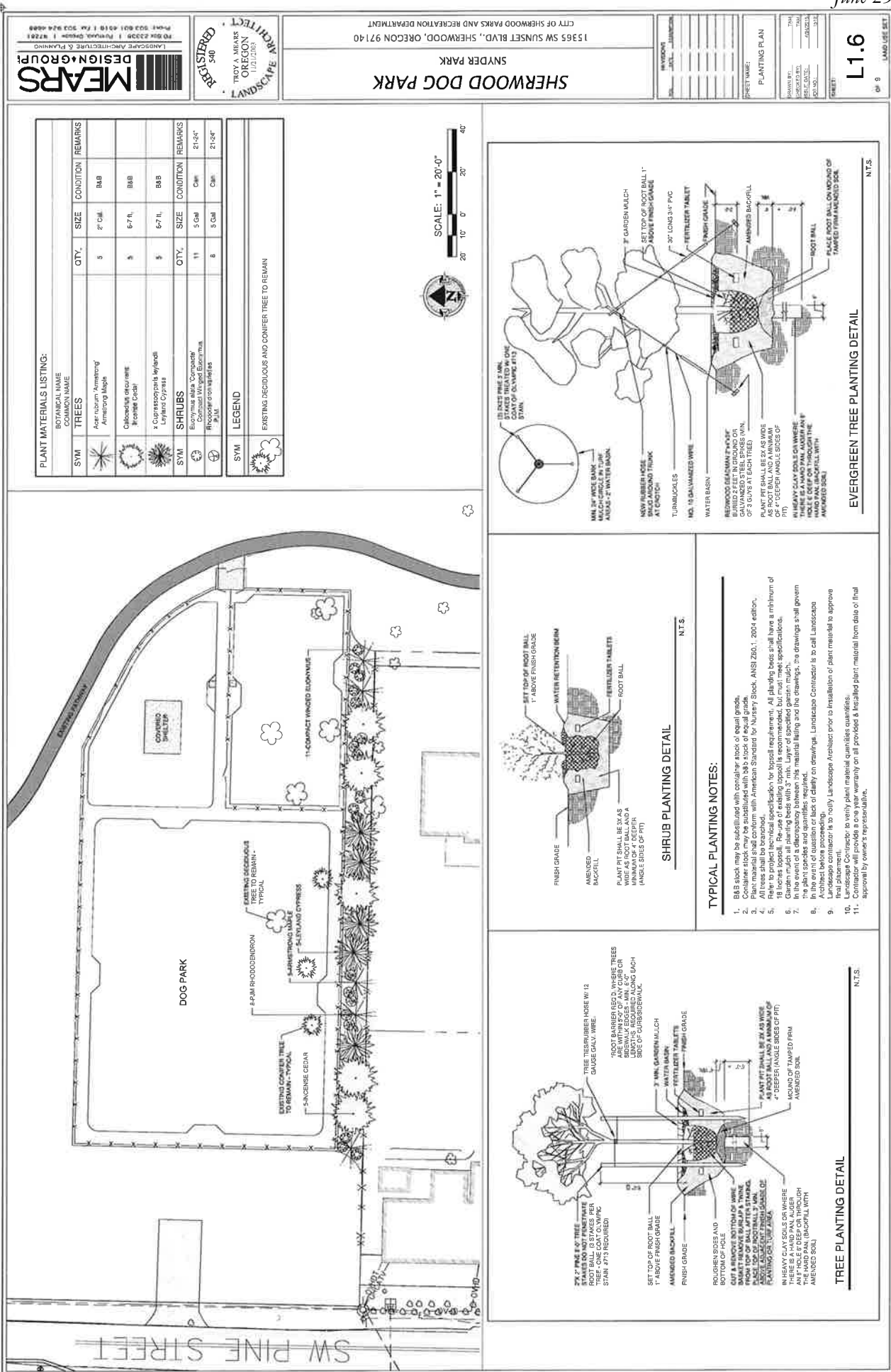
GRADING/DRAINAGE LEGEND	
SYMBOL	DESCRIPTION
	PROPOSED ELEVATION AT FINISH GRADE
	EXISTING CONTOURS
	PROPOSED CONTOURS
	FINISH SURFACE ELEVATION
	SLOPE DIRECTION
	* CLEANOUT - SEE DETAIL C-1.1
	* POP-UP MANHOLE - SEE DETAIL C-1.1
	* ROUND NOSE INLET AREA DRAIN REFER TO DETAIL B-1.3
	* ROUND NOSE END AREA DRAIN REFER TO DETAIL C-1.3
	* CHAMFERED WALL REFER TO DETAIL F-1.3
	* DOUBLE WALL REFER TO DETAIL H-1.3
	INLET

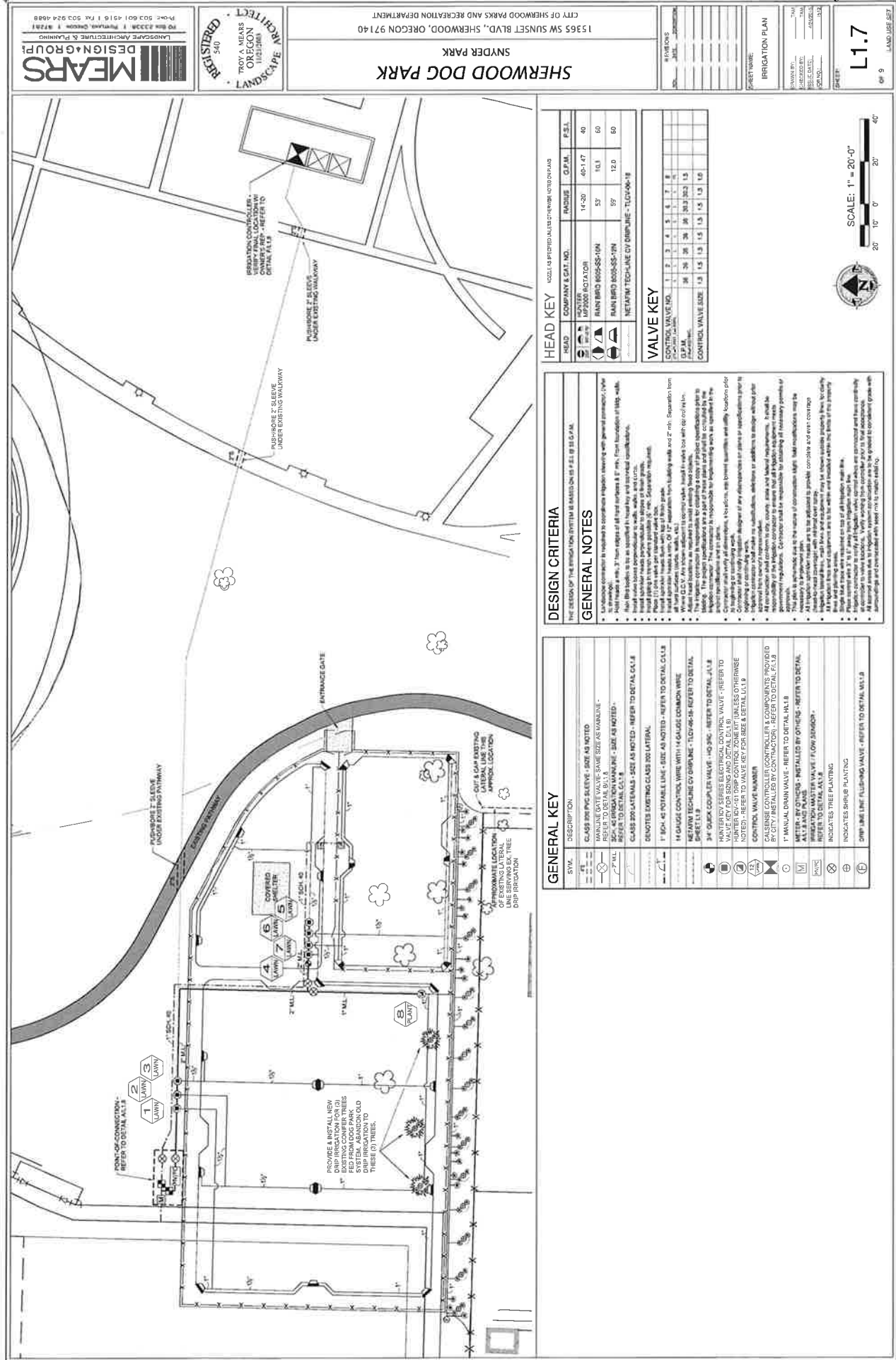
## GRADING/DRAINAGE NOTES

1. THE PLAN PROVIDES GENERAL GRADING INFORMATION THAT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
2. EXPORTATION OF SOIL WHICH MAY BE NECESSARY TO MEET THE GRADES SHOWN ON THIS PLAN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE PART OF THE CONTRACT.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF THE LOCATION OF ALL EXISTING UTILITIES IN THE FIELD LOCATIONS SHOWN ON THE PLAN AND FOR NOTING ANY CHANGES TO THE INFORMATION ONLY.
4. THE CONTRACTOR SHALL MATCH THE NEW GRADES WITHIN THE LIMITS OF WORK TO THE EXISTING GRADES.
5. CONTRACTOR SHALL PROVIDE SECURITY BARRIER DURING CONSTRUCTION UNTIL ACCEPTED. REFER TO [ARTICLE 10.000 REQUIREMENTS FOR PROTECTION](#).
6. EROSION CONTROL FENCING REQUIRED TO BE IN PLACE















<p><b>MEARS</b> DESIGN+GROUP</p> <p>LANDSCAPE ARCHITECTURE &amp; PLANNING 10100 SW 22ND AVE.   SUITE 200   BEAVERTON, OR 97005 PHONE: 503.637.4318   FAX: 503.637.4888</p>	<p>RECEIVED 540 TROY A. MEARS ARCHITECT OREGON 11/17/2003</p>	<p><b>SHERWOOD DOG PARK</b> SNYDER PARK 15365 SW SUNSET BLVD., SHERWOOD, OREGON 97140 CITY OF SHERWOOD PARKS AND RECREATION DEPARTMENT</p>	<p>DATE: _____ BY: _____ CHECKED: _____ APPROVED: _____</p>
<p><b>SHERWOOD DOG PARK</b></p>			
<p><b>IRRIGATION DETAIL &amp; NOTES</b></p>			
<p><b>L1.9</b></p>			
<p>OF 8 LAND USE SET</p>			
<p><b>NOT USED</b></p>			
<p><b>TREE WELL IRRIGATION DETAIL</b></p>			
<p><b>PLAN</b></p>			
<p><b>DETAIL</b></p>			
<p><b>SHRUB PLANTING - DRIP IRRIGATION DETAIL</b></p>			
<p><b>DRIP CONTROL ZONE KIT</b></p>			
<p><b>TECHLINE CV MANUAL LINE FLUSH VALVE</b></p>			
<p><b>NOTES</b></p>			



## **Neighborhood Meeting Notice**

### **Proposed Off-Leash Dog Area at Snyder Park**

A **Neighborhood Meeting** will be held on **Monday, March 2, 2015** to inform the neighbors surrounding Snyder Park about the proposed off leash dog area at Snyder Park. The Community Services Department is planning to submit a land use application for the off leash area at Snyder Park shortly and we want to get feedback on the proposed plan. Interested community members are encouraged to attend. The proposed layout is on the back of this notice. The meeting will be held in the **Community Room at City Hall**, before the Parks and Recreation Board meeting on **March 2, 2015** from 6-7 pm.

**MARCH 2, 2015 AT 6 PM, COMMUNITY ROOM, CITY HALL**  
**22560 SW PINE STREET, SHERWOOD**

**Project Proposal Information**

For more information about the proposal please contact:

Kristen Switzer, Community Services Director 503-625-4210, or [switzerk@sherwoodoregon.gov](mailto:switzerk@sherwoodoregon.gov)



For more information about the proposal please contact:  
Kristen Switzer, Community Services Director 503-625-4210, or [switzerk@sherwoodoregon.gov](mailto:switzerk@sherwoodoregon.gov)

Brad Kilby, Planning Manager

June 10, 2015

Planning Department,

Sherwood City Hall

Dear Sir;

A review of the recent print of the planned dog park indicates that none of the committee members have any knowledge of the various breeds of dogs and their exercise needs. The design clearly assumes that small dogs do not need very much space to run. Nothing could be further removed from the truth. Not all small dogs are low energy lap dogs. Information regarding this issue is readily available on the internet or by watching some dog segments of Animal Planet. It is abundantly clear that none of the committee members have bothered to do any of the research on this subject.

I know of three letters addressing the need for a larger small dog area that were previously delivered for enlightenment to City Hall prior to the last public meeting but have been told only that the letters were on file. Did anyone read those letters to the committee?

At the last public meeting I was told that high energy small dogs could just use the large dog area. This is a monumentally bad idea as it is not safe for small dogs to be in the large dog area. Many small dogs have fragile bone structures that could result in injury when encountering large dogs. Comparing an Italian Greyhound to a Doberman, both charging around at high speed, the possibility of serious consequences should be clear.

The statement has also been made that the small dog area could always be adjusted at a later date, if indicated. Since there is a flat rate fee each time the fencing crew is employed an additional cost would be incurred. This duplicate cost would be avoided by doing it right the first time. It is always more cost effective to do things right the first time. Also, the reality is that upgrades generally do not get done after the fact.

Thank you for your careful consideration of this issue.

Eileene Gillson

A handwritten signature in cursive script that reads "Eileene Gillson".

503-925-9138



## **Exhibit C.** **Engineering** **Land Use Application** **Comments**

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To: Brad Kilby, Planning Manager

From: Craig Christensen, P.E., Engineering Department

Project: Snyder Dog Park (SP 15-01)

Date: June 12, 2015

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

### **Sanitary Sewer**

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 sanitary sewer service.

### **Water**

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. Domestic and irrigation water flows to be supplied to Public Works for verification of meter sizing.

### **Storm Sewer**

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.

Project: Snyder Dog Park (SP 15.01)  
Date: June 12, 2015  
Page: 2 of 3

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If impervious area is added to the site, then water treatment shall be installed or a payment in lieu of installing water treatment shall be made if approved by the City Engineer and Clean Water Services.

Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Plumbing Code.

#### Transportation

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. As part of this development, 5 feet of right-of-way shall be dedicated along the subject property frontage of SW Pine Street.

#### Grading and Erosion Control:

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

An erosion control plan and permit is required from the City of Sherwood Engineering Department for all public and private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

City policy requires that prior to grading, a grading and erosion control permit shall be obtained from the Building Department for all grading on the private portion of the site.

Area of disturbance shall be kept to less than 1 acre unless a NPDES 1200-CN permit has been obtained.

#### Other Engineering Issues:

A Service Provider Letter and Storm Water Connection Permit Authorization from Clean Water Services are required.

An 8-foot wide public utility easement shall be dedicated along the subject property frontage to SW Pine Street.

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.

Project: Snyder Dog Park (SP 15.01)  
Date: June 12, 2015  
Page: 3 of 3

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Currently layout of dog park would likely prevent future lots along SW Pine Street in the vicinity of the dog park due to inadequate lot depth.

END OF COMMENTS