City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

March 29, 2016 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
March 29, 2016, 7:00 PM
Planning Commission Meeting

Agenda

1. **Call to Order/ Roll Call**
2. **Consent Agenda** - None
3. **Council Liaison Announcements** (Councilor Robinson)
4. **Staff Announcements** (Brad Kilby)
5. **Community Comments**
6. **New business**
   a. **Public Hearing – SP 16-03 Sherwood Community Garden** (Michelle Miller)

   The City proposes to develop a Community Garden which would be available to Sherwood community members. The garden would be constructed in two phases and would consist of approximately 80 garden beds of varying sizes and one shed.
7. **Planning Commissioner Announcements**
8. **Adjourn**

CITY OF SHERWOOD
March 22, 2016
Staff Report **File No: SP 16-03**

Sherwood Community Garden

TO: Planning Commission

Pre-App. Meeting:	N/A
App. Submitted:	February 23, 2016
App. Complete:	February 29, 2016
Hearing Date:	March 29, 2016
120 Day Deadline:	June 28, 2016

From:

Michelle Miller, AICP
Senior Planner

Proposal: The City proposes to develop a community garden which would be available to the Sherwood community. The .82 acre triangular site will be fenced with a pedestrian entrance on the north side, by SW Oregon Street and on the southern end, near the Public Works Yard on SW Foundry. Parking will be available at the Public Works yard adjacent to the garden. The site is located in the Old Town Overlay District. The garden will be constructed in two phases over two years and would contain approximately 80 garden plots of varying sizes and some raised beds.

I. BACKGROUND

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

Contact: Craig Sheldon
Public Works Director
503-925-2310

Tammy Steffens
Garden Coordinator

B. Location: 2S132AB tax lot 1400

C. Parcel Size: .82 acres or 35,719 square feet

D. Existing Development and Site Characteristics: The triangular shaped property is flat and currently vacant. The Public Works Yard is directly to the west. There are 44 onsite parking

spaces adjacent to the site at the Public Works Yard property. A storm water swale is directly to the east of the site within the SW Foundry Avenue right of way. There are no plans to extend the SW Foundry right of way northward due to the location of the railroad tracks on the northern boundary of the site.

E. Site History: The site is vacant. It is adjacent to the Public Works Yard and Field House, located just to the east on SW Willamette and SW Foundry. The City bought both properties in 2002. At that time the Public Works building was used as a warehouse and office. The City received a conditional use permit to convert the warehouse and offices into a public works yard and public recreational facility. The subject site where the gardens are proposed to be located has been vacant since the City acquired it in 2002. (Public Works Facility and Fieldhouse CUP 02-02)

F. Zoning Classification and Comprehensive Plan Designation: The subject property is zoned Retail Commercial (RC) within the Cannery area of the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.

G. Adjacent Zoning and Land Use: The subject property is adjacent to residentially zoned and developed properties to the east, zoned MDRL. The property to the west is zoned RC, and includes the City's Public Works Yard and Fieldhouse.

H. Review Type: Site plan applications with development under 15,000 square feet, are considered a Type II staff level decision. However, the property is within the Sherwood Old Town Overlay. As such, the application is subject to a Type IV review, which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.

I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on December 2, 2016 at City Hall in downtown Sherwood. The neighborhood meeting was attended by Ray Pitz, a reporter with the *Sherwood Gazette* and another citizen interested in the project.

Notice of the application was mailed to property owners within 1,000 feet of the subject property and posted on the property and in five locations throughout the City on March 8, 2016 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on March 17 and again on March 24, 2016 in accordance with Section 16.72.020 of the SZCDC.

J. Review Criteria: Sherwood Zoning and Community Development Code Sections: 16.22 Commercial Zoning Districts; 16.58, Clear Vision Standards, 16.90 Site Plan Review, 16.92 Landscaping, 16.94 Off Street Parking and Loading, 16.96 On-Site Circulation,; 16.162 Old Town Overlay

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property in five locations throughout the City on March 8, 2018. Staff received no public comments as of the date of this report. However, comments are accepted until the Planning Commission closes the public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on March 10, 2016. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: provided comments that are attached as Exhibit B.

Andy Jeffrey, ODOT Development Review Coordinator: provided comments concerning the garden's proximity to the rail road and requested that a fence be installed along the property's railroad frontage. Those comments will be addressed further within this report and are included as Exhibit C.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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.

FINDING: This standard can be met as discussed and conditioned within this report.

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

STAFF ANALYSIS: The applicant proposes to add water by extending an existing water line from the Public Works Yard. Sanitary sewer services are unnecessary because there are no structures on site. There is an existing swale located directly to the east and there is limited impervious area being constructed. The site is proposed to be used by the community as a garden so its very nature is considered a public open space.

FINDING: Based on the above discussion, the applicant is able to meet this condition/

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.

STAFF ANALYSIS: The City owns the property and will continue to maintain and control the maintenance of the site with rental agreements with those citizens that plant a garden bed. Additionally, the City will continue to be responsible for maintenance of the site overall.

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

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.**

STAFF ANALYSIS: The site has limited vegetation aside from grass. In areas that are not to be used for garden plots, the applicant proposes mulch or gravel for ease of maintenance. The site has a storm water swale within the SW Foundry Avenue Right of way east of the subject property that will be retained. There are no natural features on the site that are afforded protection through the Sherwood Zoning and Community Development Code (SZCDC).

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

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.**

STAFF ANALYSIS: The City Engineer has reviewed this proposal and indicated that a Traffic Impact Analysis would not be required because it is not expected to add more than 400 average daily trips. At full build out, the garden will provide up to 80 garden plots. The gardens will be maintained as needed by community members and most will tend to their gardens at various and intermittent times and days of the week. Many garden users will be within walking or biking distance. All these factors combined demonstrate that the traffic impact will be minimal.

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

6. The proposed office, retail 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:

1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

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

3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding 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.

FINDING: There are no buildings associated with the community garden and these standards are not applicable.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.22 below.

A. <u>Division II– Land Use and Development</u>

16.22.020. - Allowed Commercial Land Uses
A. Commercial Land Uses
The table below identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.22.010.

Commercial Uses	RC
Agricultural uses including but not limited to: • Farm equipment sales and rentals • Farming and horticulture	P

STAFF ANALYSIS: The garden use is considered under a "Farming and horticulture" and therefore permitted in the RC zone. Because it is publicly owned, open to the public and changing a vacant property into a public space, a site plan review is required.

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

16.22 Dimensional Standards
A. Lot Dimensions
Except as otherwise provided, required minimum lot areas and dimensions shall be:

Lot area	**5000 square feet**
Lot width at front property line	**40 feet**
Lot width at building line	**40 feet**
Front yard setback	**0**
When abutting residential zone or park	**Same as abutting residential zone**
Side yard setback	**0**
When abutting residential zone or park	**25 feet**
Rear yard setback	**0**
When abutting residential zone or park	**10 feet**
Height	**50 feet.**

FINDING: No structures are proposed other than raised garden beds which are proposed to be less than four feet high. Because they are less than six feet high, the building code does not consider these a structure that the Building Department regulates. Regardless, they meet the dimensional standards of this criterion.

16.58.010 Clear Vision Areas
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.

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.

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.

The following requirements shall govern clear vision areas:
A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.
B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
C. Where no yards are required, buildings may be constructed within the clear vision area.

> **STAFF ANALYSIS:** The parcels are not located near an intersection. The driveway will be located in the rear and have access at the alley. The plans do not show any impediment to the clear vision area.

FINDING: Based on the above discussion, this standard is met.

16.58.020 - Fences, Walls and Hedges

E. Location—Non-Residential Zone:

> **1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.**
> **2. 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.**
> **3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.**

F. General Conditions—All Fences:

> **1. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.**
> **2. Chain link fencing is not allowed in any required residential front yard setback.**
> **3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.**

4. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.

5. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.

6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.

7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.

STAFF ANALYSIS: The applicant proposes a chain link fence along the property line and indicates in the narrative that it will not exceed 8 feet. Because the parcel is zoned commercial, chain link is permitted. Chain link is also allowed in the Cannery section within the Old Town Overlay.

This design is acceptable on the eastern side of the site that is adjacent to the SW Foundry right of way and the western side that is adjacent to the Public Works Yard. However, the north side of the site follows the railroad tracks. The Oregon Department of Transportation Rail and Public Transit Division (ODOT) oversees the maintenance and safety of the right of way on behalf of the owner, Portland and Western Railroad.

ODOT provided comments that recommended that the fence must be at least 8' tall and comprised of either chain link with a two inch opening or a wrought iron picket fence with 3" slats when it is adjacent to the rail line. This is not a requirement, but a "best practices" recommendation based on general safety concerns. (See Exhibit C, ODOT Comments).

There are several different types of fencing currently along the railroad near City Hall and Cannery Square that are approximately six feet high. Since ODOT is recommending rather requiring an eight foot high fence, staff finds that a six foot high fence serves as an adequate barrier for pedestrians safety as it has been already been installed throughout Old Town and therefore would be consistent with what is existing along the railroad.

FINDING: Based on the above discussion, the applicant has not met the criterion, but can do so by complying with the following conditions.

RECOMMENDED CONDITION: Prior to final site plan approval, provide a fence detail on all site boundaries including the northern boundary adjacent to railroad that is no more than six feet tall.

RECOMMENDED CONDITION: Prior to final occupancy, obtain a building permit for any segment of the fence that is over seven feet tall.

RECOMMENDED CONDITION: Prior to final occupancy, install a fence along all of the site's boundary including the site's railroad frontage that is no more than six feet tall.

B. DIVISION V – COMMUNITY DESIGN
The applicable provisions of Division 5 are 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.

STAFF ANALYSIS: The applicant proposes to provide garden beds to the community to rent for produce or flowers. No other landscaping such as typical landscaping including shrubs and trees will be provided due to the proposed use, lack of structures and parking which would generally require some landscaping.

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

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.

STAFF ANALYSIS: The intention of the community garden is to provide plots of land for planting produce or flowers based on the desire of those that rent the beds and will change over time.

FINDING: Based on the above discussion, this section is not applicable.

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.

> **STAFF ANALYSIS**: The entire area will contain plants without structures. Plants do not need to be screened by other plants. Additionally, this is an open space area more similar to a park, and the public garden should be in plain view for the entire community to see. Noise will be limited to conversations between gardeners or gardening equipment which is typical in a residential neighborhood.

FINDING: Based on the above discussion, this criterion is not applicable.

16.94 Off-Street Parking and Loading Parking

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.

E. Location

1. Residential off-street parking spaces:

a. Shall be located on the same lot or development as the residential use.

b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized *letter or instrument.*

STAFF ANALYSIS: The applicant proposes that on street parking on Foundry Street and the sixty-one existing parking spaces at the Public Works Yard are sufficient to accommodate the garden users who arrives by car at varying times of day. There will be up to eighty garden plots at full build out and it is very unlikely that all gardeners will arrive by car and at the same time of day so as to not be able to park near the site.

Because this is a city-sponsored project and the property owner, the City has the ability to monitor any parking situation as it arises and make any necessary restrictions so as to not impact the residential neighborhoods.

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

16.94.020 - Off-Street Parking Standards
A. Generally
Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

STAFF ANALYSIS: Parking for a community garden is not listed in the Development Code's parking table. As discussed above, some people will drive to tend their garden plot, it is anticipated that many will also walk and bike due to the nature of the use.

The applicant discussed in their narrative that in a review of other community gardens in the region, there is traditionally no separate off street parking provided. There are 61 parking spaces and five additional on street parking spaces available on Foundry Street.

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

DIVISION VI. - PUBLIC IMPROVEMENTS

STAFF ANALYSIS: The applicant is not proposing or required to complete any public improvements to the site. Water service will come from the Public Works Yard, adjacent to this site. Therefore the public improvement section is not addressed in further detail.

FINDING: Based on the above discussion this section is not applicable.

B. <u>Division IX – Historic Resources</u>
The applicable provisions of Division IX include:

Division IX. - Old Town Overlay

STAFF ANALYSIS: Although the site is within the Old Town Overlay, Old Cannery Area, there are no structures proposed therefore the majority of the standards do not apply. The "Smockville" section within the Old Town Overlay allows natural metal or

black painted chain link fencing however, this site is in the Cannery section where the type of fencing is not specified. Parking is required to be 65% of what is otherwise required, however there is no specific parking required for this type of use and the project is not proposing to add additional parking, but rather utilize existing parking available on the street and at the public works facility. Landscaping other than the garden beds is not proposed. The applicable code provisions were addressed earlier in this report. The applicant proposes to use new wood or wood by-product materials to construct the smaller raised beds. The final decision will be dependent on availability and cost.

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

STAFF RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approval can comply with the applicable standards of the SZCDC. Therefore, staff recommends land use **approval of File No: SP 16- 03.**

VI. CONDITIONS OF APPROVAL

A. General Conditions

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

2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated February 23, 2016 and, except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.

3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.

4. 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 SZCDC § 16.90.030.F.

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

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

B. Prior to Final Site Plan Approval:

1. Provide a fence detail on the all site boundaries including the northern boundary adjacent to railroad that is no more than six feet tall.

C. **Prior to Issuance of the Certificate of Final Occupancy**:

1. Ensure that the site meets all TVF&R requirements.

2. Obtain a building permit for any segment of the fence that is over seven feet tall.

3. install a fence along all of the site's boundary including the property's railroad frontage that is no more than six feet tall

VII. EXHIBITS

A. Applicant's submitted materials February 29, 2016
B. Engineering Comments dated March 11, 2016
C. ODOT Comments dated March 16, 2016

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

Case No. SP 16-03
Fee
Receipt #
Date 2-23-16
TYPE IV

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ☐ Variance(list standard(s) to be varied in description
- ☒ Site Plan (Sq. footage of building and parking area)
- ☐ Planned Unit Development
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: City of Sherwood - Craig Sheldon Phone: 503.925.2310
Applicant Address: 22560 SW Pine Street Email: sheldonc@sherwoodoregon.gov
Owner: City of Sherwood Phone:
Owner Address: same Email:
Contact for Additional Information: Tammy Steffens 503.625.4213 steffenst@sherwoodoregon.gov

Property Information:

Street Location: SW Foundary
Tax Lot and Map No: 2S132AB01400
Existing Structures/Use: vacant land
Existing Plan/Zone Designation: Retail Commercial (RC)
Size of Property(ies) .82 acres

Proposed Action:

Purpose and Description of Proposed Action: The City proposes to develop a community garden on this site which would be available to Sherwood community members. It would be done in two phases and would consist of approximately 80 garden beds of varying sizes and 1 shed. It will be fenced with a gate at each end.

Proposed Use: Community Garden

Proposed No. of Phases (one year each): 2

Continued on Reverse
Updated November 2010

Exhibit A

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature — Date: 2-22-2016

Owner's Signature — Date: 2/23/2016

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- ■ **3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property.
- ■ **Copy of Deed** to verify ownership, easements, etc.
- ■ **At least 3 * folded** sets of plans
- ■ **At least 3 * sets** of narrative addressing application criteria
- ■ **Fee** (along with calculations utilized to determine fee if applicable) - being transferred internally
- ■ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
- ■ **Signed checklist** verifying submittal includes specific materials necessary for the application process

*** Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Date: February 22, 2016

Applicant's Narrative

Sherwood Community Garden

TO: PLANNING DEPARTMENT

Project Summary

The City proposes to develop a community garden which will be available to community members. The .82 acre community garden will be fenced with a gate at each end and will provide up to 80 garden beds. Several amenities are planned. The project will be developed in phases with approximately half of the beds in the first phase and the remainder in the second phase. Because this will be a largely volunteer and community organized facility, there are other possible amenities including, a "free little library", picnic tables, benches, etc.

I. BACKGROUND

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

Applicant's Representatives: Tammy Steffens, Community Garden Coordinator
Craig Sheldon, Public Works Director

Site Address: No address; located between Public Works Yard and TVF&R Fire Station #33 at the end of Foundary Street

Tax Lot: 1400 on Washington County Tax Assessor Map 2S1-32AB

Property Description: The .82 acre property is zoned retail commercial (RC). It is also located within the Old Town overlay. The property is generally flat and vacant and sits at the end of Foundary Street between the Public Works Yard and the TVF&R Fire Station #33. The property is covered in grass. There are no trees currently on the property.

Adjacent Zoning and Land Use: The property to the east of the subject site is zoned IP and developed with the TVF&R fire station. On the southern end of the eastern property, is property zoned medium density residential low and developed with single family homes. To the southwest is property zoned retail commercial and developed with the Sherwood Public Works building and yard.

Land Use Review: The proposal is to develop a vacant site with a community garden (agricultural use). While it is somewhat questionable whether a garden requires a site plan review, because there are raised beds and we are converting a vacant unused property to something that will draw people in, it has been determined that the best course of action is to go through the land use review process. In addition, because the property is in the Old Town Overlay, it will be processed as a Type IV land use review with the Planning Commission being the decision maker.

Neighborhood Meeting: The City held a meeting on December 2, 2015. At the meeting there were 2 people in attendance to discuss the proposal, not including staff. The questions were general with no specific questions or concerns raised. A copy of the notice and the sign-up sheet is attached.

APPLICATION SUMMARY AND BACKGROUND INFORMATION

The applicant, City of Sherwood, requests site plan approval to convert a flat, vacant .82 acre property into a community garden. The community garden, at full build out will accommodate up to 80 garden plots. The actual location and dimensions of the plots will be developed and may be modified as funding allows. The site will have water for irrigation but no other utilities are proposed.

The garden plots will be available for lease on a yearly basis to residents and non-residents of Sherwood. As such, there will be a variety of landscaping within each garden bed. The facility other than the garden plots will be maintained by the Public Works Department. Their facility is located directly adjacent to 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 further under the "Division II- Land Use and Development" section, and the applicable provisions of Divisions V, VI, 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: Irrigation for watering the garden beds is proposed and will be extended from an existing two inch line located at Public Works and will be a metered line. There are no structures proposed. Electricity, storm water management, and sanitary sewer are not proposed. Garbage and recycling cans will be provided on site and will be maintained by the City Public Works department consistent with other public spaces.

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 and will maintain the site. It is envisioned that rental agreements for specific planter beds will include maintenance expectations and enforcement provisions. Therefore, it can be assured that the area will be adequately maintained.

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: The only natural feature currently on the property is grass. The grass is planned to be removed. In areas that are not covered with garden plots will be bulk mulched to allow easy maintenance. It can be argued that the installation and usage of the garden areas will provide significantly more beauty, contrast and enjoyment than the current grass field.

5. **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. At full build out, the garden will provide up to 80 garden plots. Even if each plot was leased to a different party, it is highly unlikely that people will go daily to

maintain their garden. In addition, it is anticipated that a number of garden plot holders will be within walking or biking distance. All these factors combined demonstrate that the traffic impact will be minimal

Applicable Code Provisions

Division II- Land Use and Development

16.22.020. - Allowed Commercial Land Uses
A. Commercial Land Uses
The table below identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.22.010.

	OC	NC	RC	GC
Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
Agricultural uses including but not limited to: • Farm equipment sales and rentals • Farming and horticulture	N	N	P	P

Applicant's Response: It has been determined that the community garden is a "Farming and horticulture" use and therefore permitted in the RC zone. Because it is publicly owned, open to the public and changing a vacant property into a public space, it was determined that a site plan review would be required.

16.12 Dimensional Standards
A. Lot Dimensions
Except as otherwise provided, required minimum lot areas and dimensions shall be:

Lot area	**5000 square feet**
Lot width at front property line	**40 feet**
Lot width at building line	**40 feet**
Front yard setback	**0**
When abutting residential zone or park	**Same as abutting residential zone**
Side yard setback	**0**
When abutting residential zone or park	**25 feet**
Rear yard setback	**0**

When abutting residential zone or park	**10 feet**
Height	**50 feet.**

Applicant's Response: No structures are proposed other than raised garden beds which are considered landscaping, therefore all of the setbacks are met.

- **16.58.020 - Fences, Walls and Hedges.**

E. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.

2. 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.

3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.

F. General Conditions—All Fences:

1. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.

2. Chain link fencing is not allowed in any required residential front yard setback.

3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.

4. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.

5. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.

6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.

7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.

A chain link fence is proposed along the property line and will not exceed 8 feet. Because the zone is commercial, chainlink is permitted. In addition, the chain link will allow people outside of the garden to see inside and increase security for people tending to their garden.

DIVISION V – COMMUNITY DESIGN

The applicable provisions of Division 5 are 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 is for a community garden which will be landscaped by the community members. Areas of the garden not leased will have minimal additional landscaping, most likely wood chips. Because this project is envisioned to be highly community and volunteer driven, additional modifications that provide more, but not less landscaping and amenities may be possible. The proposal shows the minimum planned.

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: This site plan request is for a community garden which will include up 80 garden plots and raised planter beds. Each plot will be planted by the leasor based on their desire, therefore it is asserted that this section is not applicable to the use proposed.

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.

Not applicable

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: The only existing vegetation is grass which will be replaced with the garden plots and raised beds. The remainder of the site will be covered in wood chips or quarter 10 minus (small gravel).

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 entire site will be landscaping with either garden plots, raised beds, or wood chips/quarter 10 minus. In certain areas, as funds and volunteers become available, it is envisioned that there will be additional features such as garden benches, picnic tables and other decorative elements. Because the entire site is essentially a garden there are no minimum landscaping requirements.

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: The entire area is landscaping and a horticultural use. It would not make sense to require landscaping to be screened therefore it is argued that it should not be required to screen this community garden. In addition, all areas of the site, except for the southernmost eastern edge is adjacent to property zoned commercial or institutional and public.

- **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.

- **E. Location**

1. Residential off-street parking spaces:

a. Shall be located on the same lot or development as the residential use.

b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized *letter or instrument.*

It is proposed that on-street parking on Foundary Street and existing parking from the public works/Field house be utilized for community garden parking. The Public works facility is immediately adjacent to the site and parking is located as close as 68 feet from the main garden entrance. To lessen the impact on the neighboring residents, Garden members will be encouraged to walk, bike, or park in the lot.

16.94.020 - Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Parking for a community garden is not listed in the parking table. It is proposed that no additional parking be provided to serve the community garden as there are parking spaces available at the adjacent public works facility and Fieldhouse. While it is envisioned that some people will drive to tend their garden plot, it is anticipated that many will also walk and bike due to the nature of the use. In addition, while there are up to 80 plots planned, they will not all be tended to daily and not all at the same time, therefore parking demand is anticipated to be minimal. In a review of other community gardens, there is traditionally not separate off street parking. The parking is either shared with the facility they are located on or utilize on-street. That said, there were 61 spaces required and provided at the time of Conditional Use approval to locate the public works facility and field house in its current location and the City Public Works staff believe there is adequate parking for the occasional gardener tending their garden. In addition, there are approximately five on street parking spaces available on Foundary Street. Finally, as mentioned before, it is anticipated that a number of users will walk or bike to the garden and a bike rack is proposed to encourage people to use that method of transportation.

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.

Division IX. - Old Town Overlay

Applicant's Response: While this site is in the Old Town Overlay, Old Cannery Area, there are no structures proposed therefore the majority of the standards do not apply. Parking is required to be 65% of what is otherwise required, however there is no specific parking required for this type of use and the project is not proposing to add additional parking, but rather utilize existing parking available on the street and at the public works facility. Landscaping other than the garden beds is not proposed.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Neighborhood Meeting Notice
City Projects: Community Garden & SW First Street Parking Lot

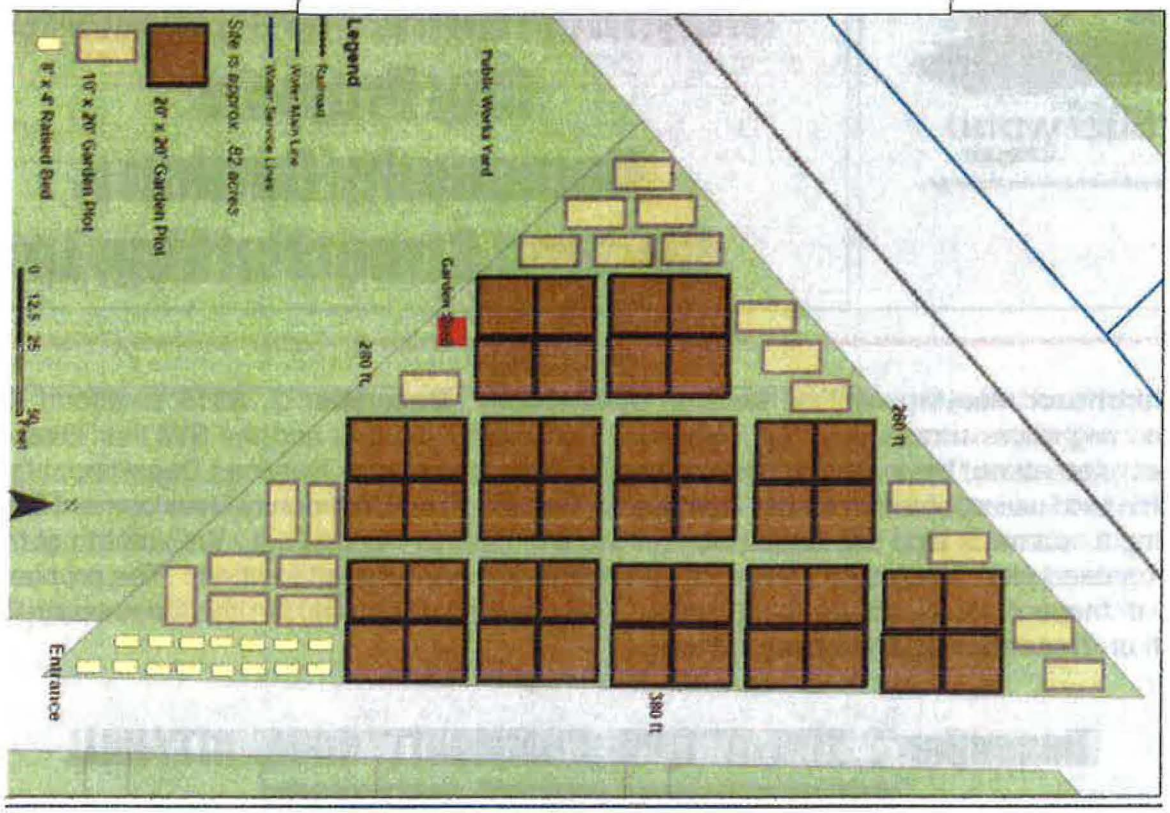
A Neighborhood Meeting will be held on **Wednesday, December 2, 2015** to inform Old Town Sherwood neighbors surrounding the Sherwood Community Garden and the SW First Street Parking Lot project sites about the proposed developments. The Community Services Department is planning to submit a land use application for the Community Garden. The Community Development Department is planning to submit a land use application for the SW First St Parking Lot. We want to get feedback on the proposed plan. Interested community members are encouraged to attend. The proposed layout for each of these projects can be found below. The meeting will be held in the **Community Room at City Hall** on **December 2, 2015 from 6-7 pm.**

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

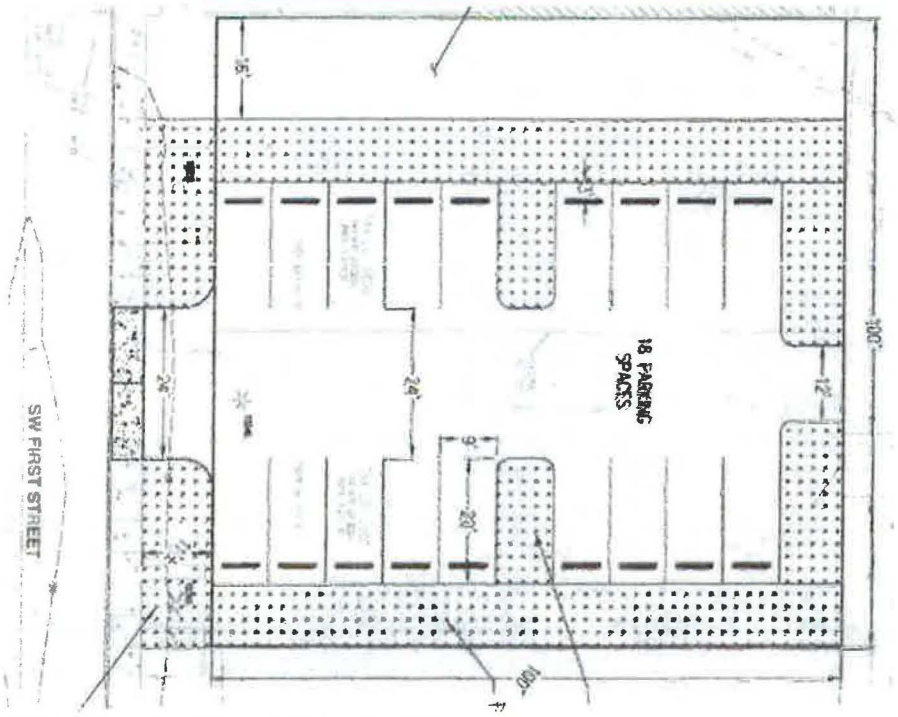
Project Proposal Information

For more information about the proposal please contact:
Tammy Steffens, Community Services Department 503-625-4213, or steffenst@sherwoodoregon.gov

Proposed Community Garden



Proposed Parking Lot



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City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

AFFIDAVIT OF POSTING

CITY FILE # / DESCRIPTION:
Sherwood Community Garden and SW 1st Street Parking Lot

I, Michelle Babcock do hereby certify that on November 6, 2013 the following action took place:

☒ A public notice was posted in five (5) conspicuous places - City Hall, Library, Sherwood Senior Center, YMCA, and the Sherwood Post Office.

☐ A sign identifying the proposed land use action was placed on the subject property.

☒ Notice to property owners within 1,000-feet of the site was placed in a U.S. Mail receptacle.

☐ Published notice was sent to local daily or weekly newspaper.

Signed: Tamara Gillens
Planning Department

OFFICIAL SEAL
MICHELLE ANN BABCOCK
NOTARY PUBLIC - OREGON
COMMISSION NO. 921140A
MY COMMISSION EXPIRES OCTOBER 09, 2017

(SIGNED AFFIDAVIT TO BE PLACED IN APPROPRIATE PLANNING FILE FOR THE RECORD.)

COMMUNITY NEWSPAPERS
6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 • Portland, OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS
I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Sherwood
Notice of Open House Neighborhood Meeting - Community Garden
TT12098

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
2
Successive and consecutive weeks in the following issues:
November 12, 2015
November 19, 2015

Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this November 19, 2015.

Desirae A Marglin
NOTARY PUBLIC FOR OREGON
My commission expires March 02, 2019

Acct #108443
Attn: *Tammy Steffens*
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

OFFICIAL STAMP
DESIRAE ANN MARGLIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 936708
MY COMMISSION EXPIRES MARCH 02, 2019

Size: 2 x 3"
Amount Due: $108.60*
*Please remit to address above.

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For the Sherwood Community Garden and the SW First Street Parking Lot

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Published in The Times on 11/12/15 and 11/19/14. TT12098

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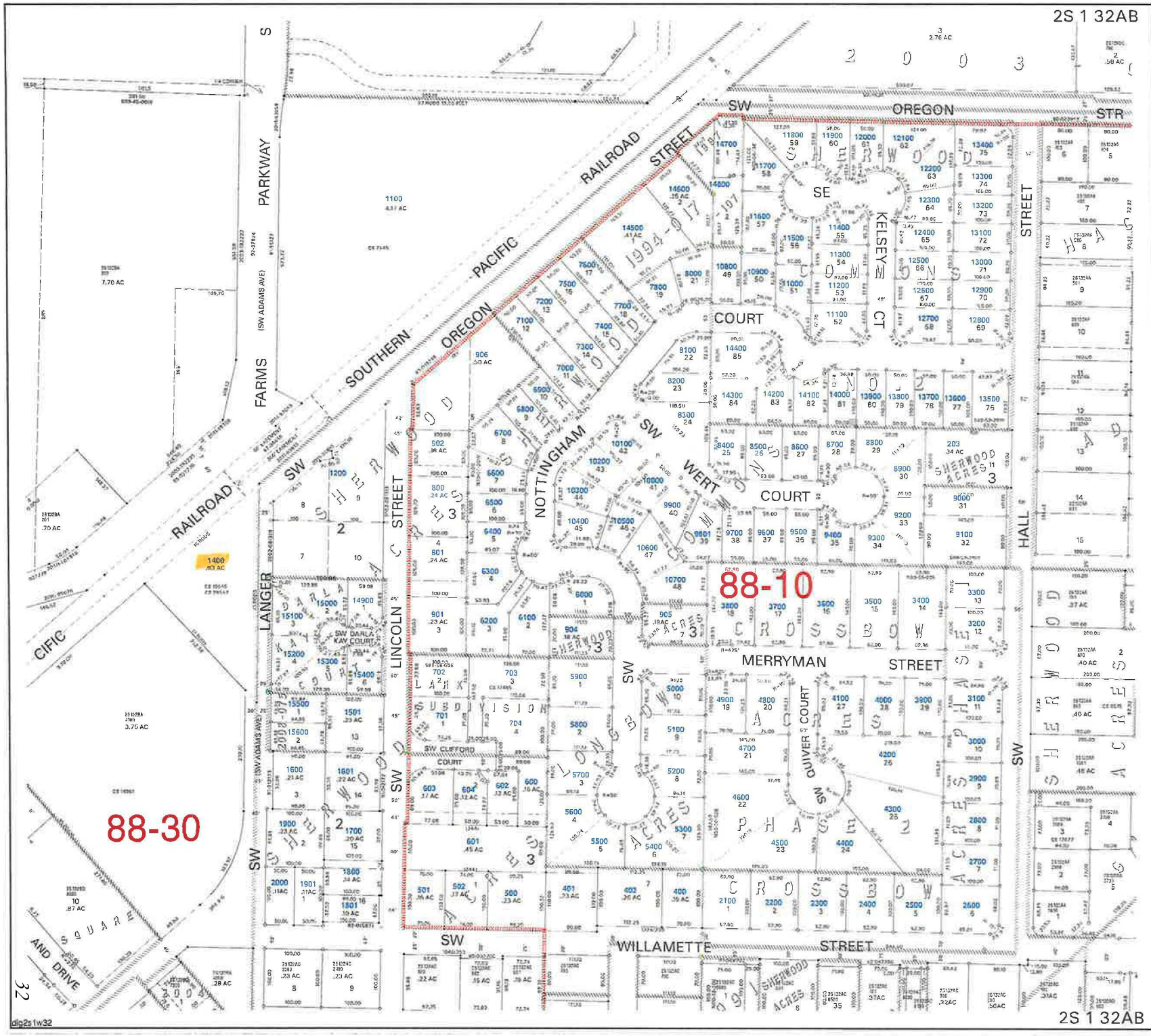
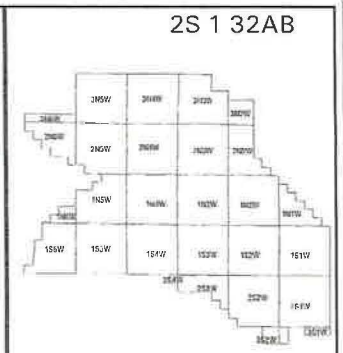
Published in The Times on 11/12/15 and 11/19/14. TT12098

12/2/15 Neighborhood Meeting

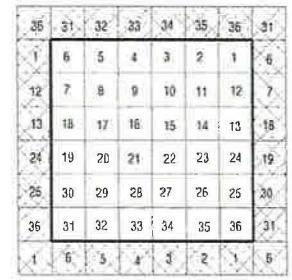
Proposed City Projects: Community Garden & SW First Street Parking Lot

Name	Email	I would like more info on	
		Community Garden	Parking Lot
Karen Abdill			
Ray Pitz			

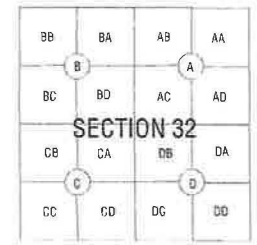




WASHINGTON COUNTY OREGON
NW1/4 NE1/4 SECTION 32 T2S R1W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us



Cancelled Taxlots For: 2S132AB

202,1300,301,300,402,303,700,200,900,9800,100,201,1001,7900,1000,1101,1100-A2,1500,1100-A1.

SCALE 1" = 100'
0 50 100 200

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: July 15, 2015
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross hatch pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate tax lot for the most current information.

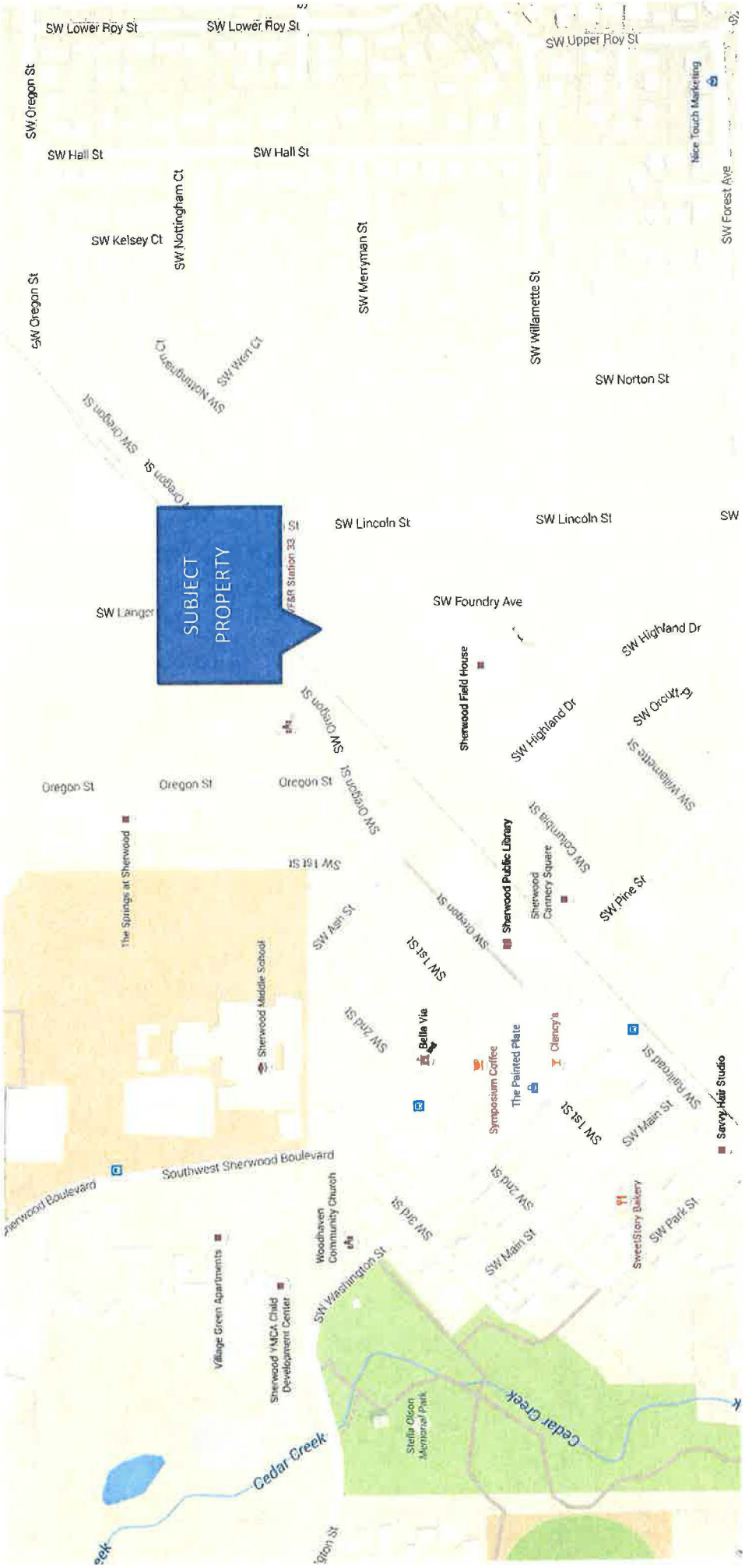
SHERWOOD
2S 1 32AB

Planning Commission Meeting
April 29, 2016

32

dig2s1w32

VICINITY MAP



Washington County, Oregon
07/30/2004 11:16:22 AM
D-DW Cnt=1 Stn=16 D HOFFMAN
$10.00 $6.00 $11.00 $20.00 - Total = $47.00

2004-088153

00629410200400881530020025

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry Hanson

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

10 S 1 T 2S R 1 W 210
20-NS

FIRST AMERICAN

THIS SPACE RESERVEI

After recording return to:
City of Sherwood
20 NW Washington Street
Sherwood, OR 97140

Until a change is requested all tax statements shall be sent to the following address:
City of Sherwood
20 NW Washington Street
Sherwood, OR 97140

File No.: 7073-278777A (MH)
Date: June 16, 2004

FATCO. NO. 278777-LO

STATUTORY WARRANTY DEED

Mark Britcliffe and Darla Britcliffe, Grantor, conveys and warrants to **City of Sherwood, an Oregon municipal Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

PARCEL II:
A tract of land situated in the Northeast one-quarter of the Northwest one-quarter of Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, more particularly described as follows: Commencing 10.34 chains South of the quarter section corner on the North line of Section 32, Township 2 South, Range 1 West, of the Willamette Meridian; thence South 47 3/4 ' West 16 rods; thence South 42° East 17 rods; thence North 23 rods to the place of beginning.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

2. The **2004-2005** Taxes, a lien not yet payable.

2004-88153

APN:

Statutory Warranty Deed
- continued

File No.: **7073-278777A (MH)**
Date: **06/16/2004**

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **$183,000.00.** (Here comply with requirements of ORS 93.030)

Dated this 29 day of July, 2004

Mark Britcliffe

Darla Britcliffe

STATE OF Oregon)
County of ~~Washington~~ Clackamas) ss.

This instrument was acknowledged before me on this 29 day of July, 2004 by Mark Britcliffe and Darla Britcliffe as of , on behalf of the Mark Britcliffe and Darla Britcliffe.

OFFICIAL SEAL
MARY HARVEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 376007
MY COMMISSION EXPIRES JANUARY 13, 2008

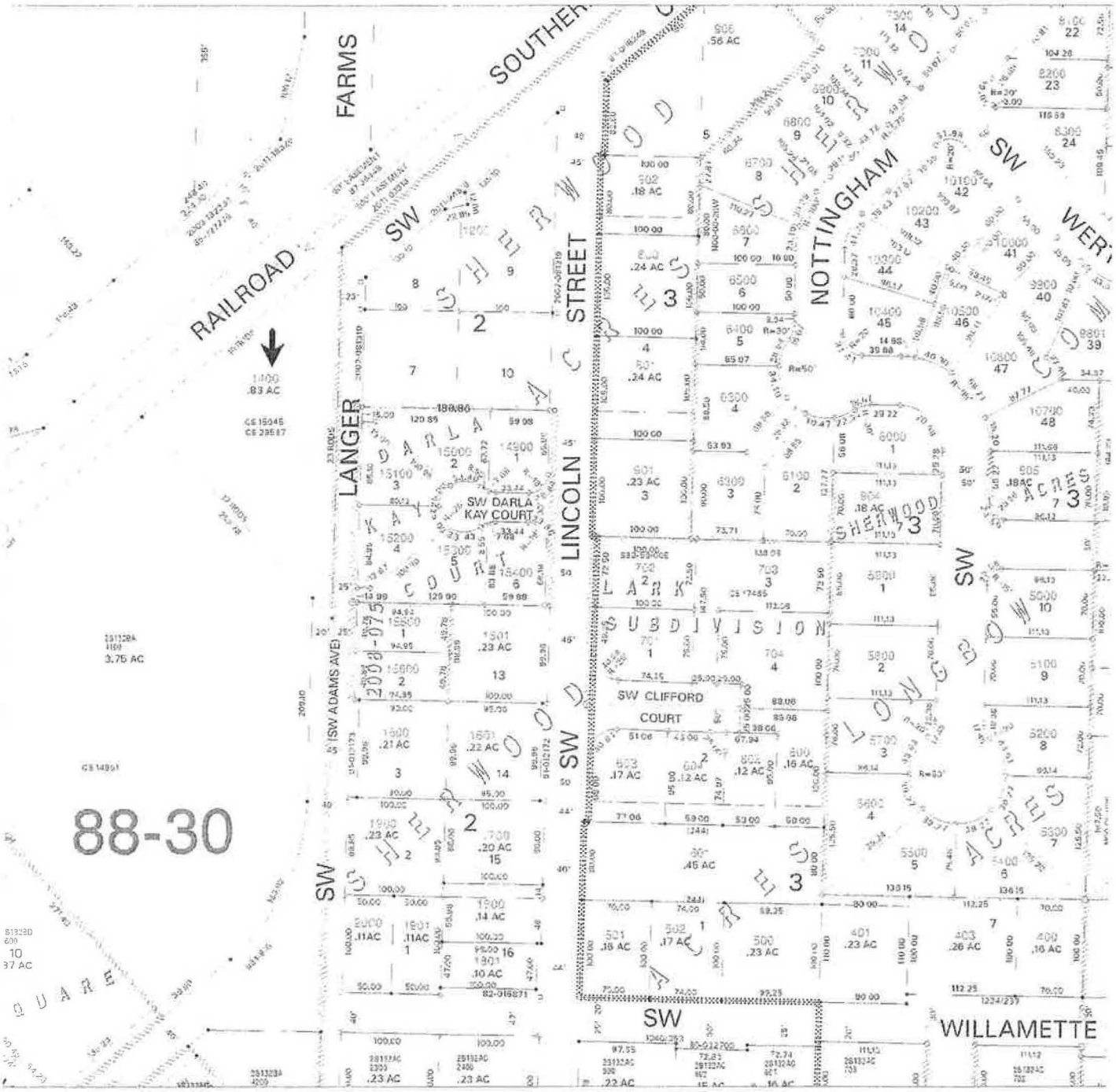
Mary Harvey
Notary Public for Oregon
My commission expires:

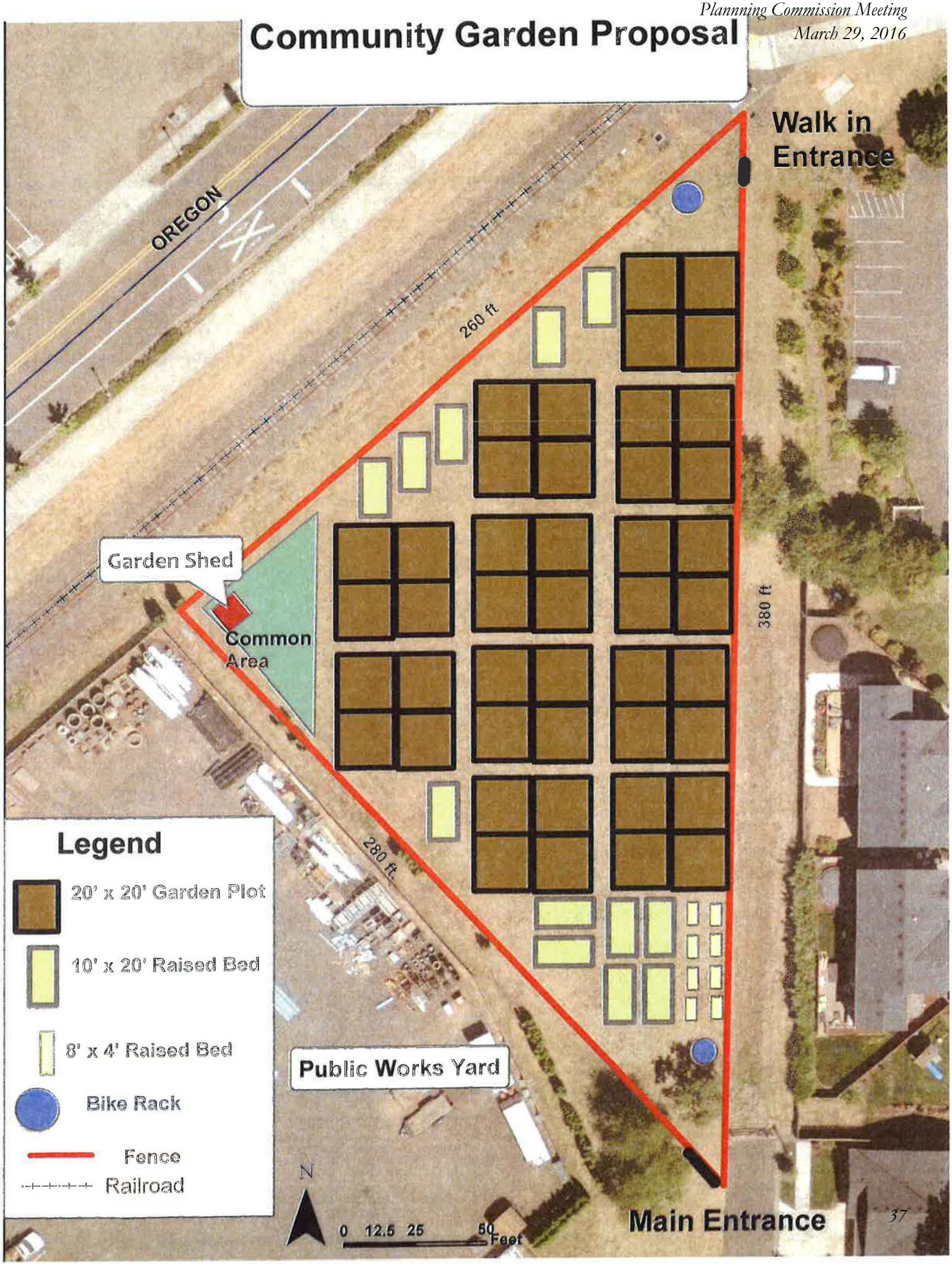
Description: Washington,OR Document-Year.DocID 2004.88153 Page: 2 of 2
Order: des Comment:

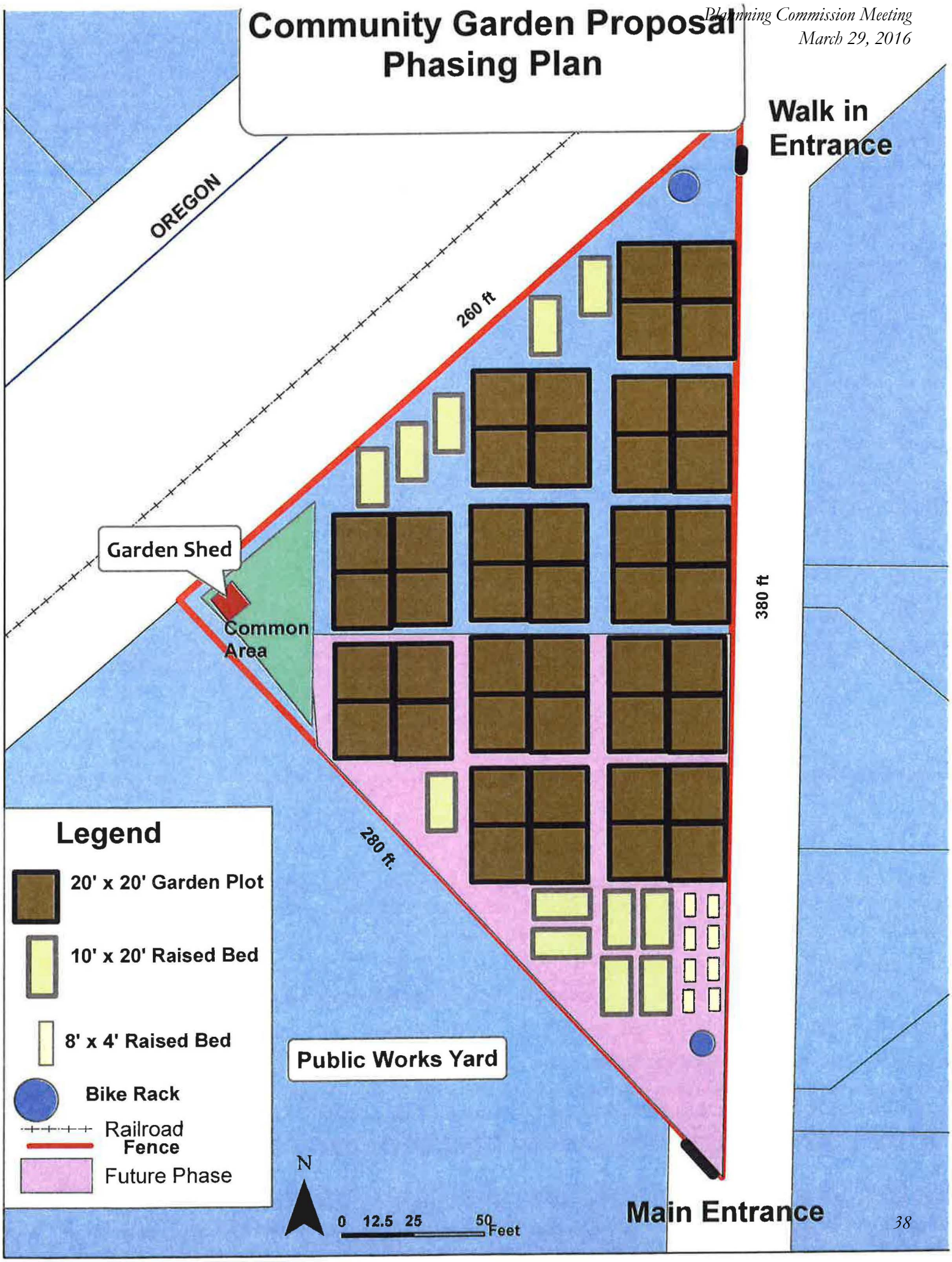
First American Title Insurance Company of Oregon
An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

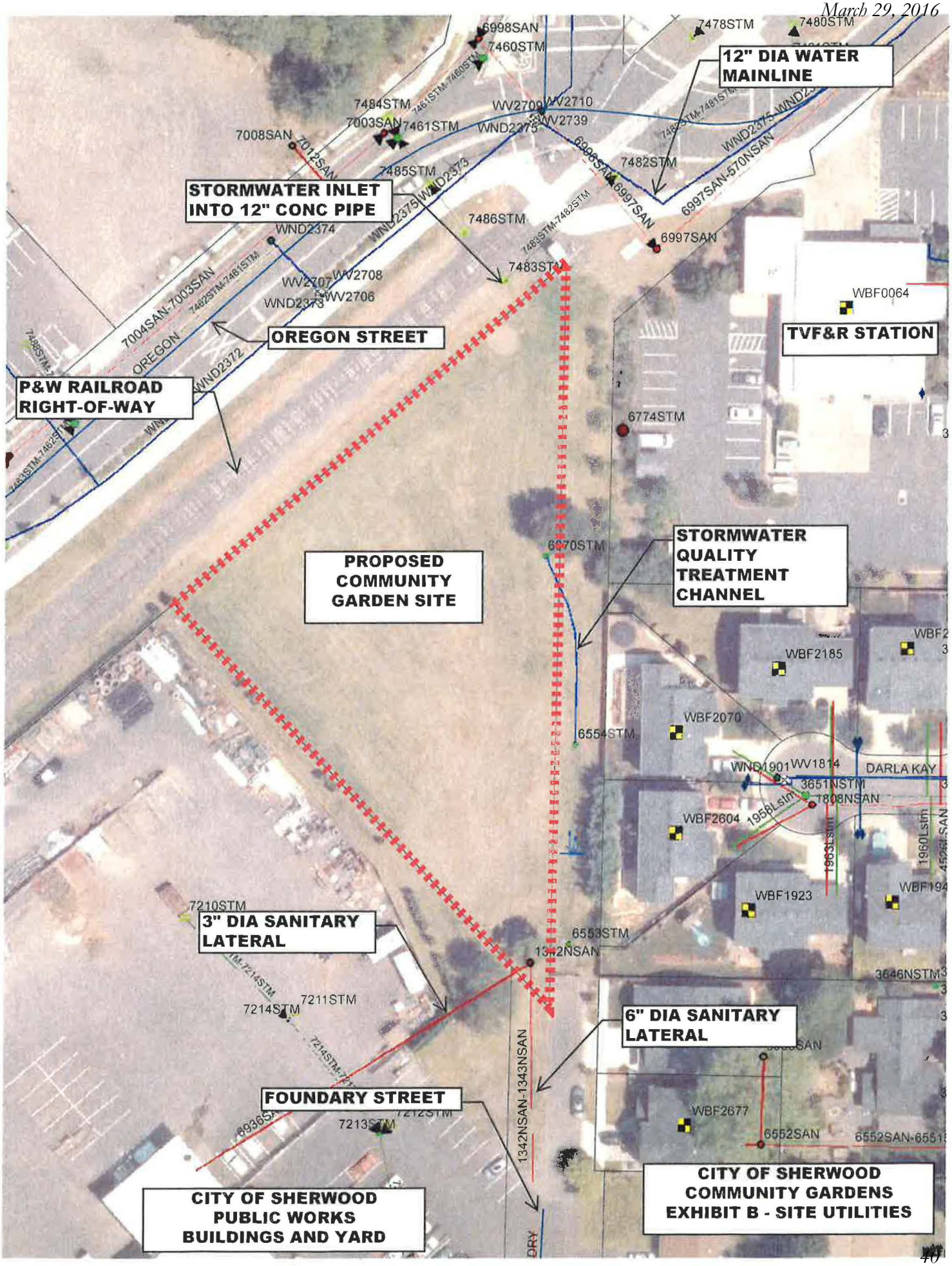
Reference Parcel Number 2S132AB 01400




Community Garden Proposal
Walk in Entrance
OREGON
260 ft
Garden Shed
Common Area
380 ft
280 ft
Public Works Yard
Main Entrance
Legend
20' x 20' Garden Plot
10' x 20' Raised Bed
8' x 4' Raised Bed
Bike Rack
Fence
Railroad
N
0 12.5 25 50 Feet


Community Garden Proposal
Phasing Plan
Walk in Entrance
OREGON
260 ft
Garden Shed
Common Area
380 ft
280 ft.
Public Works Yard
Main Entrance
Legend
20' x 20' Garden Plot
10' x 20' Raised Bed
8' x 4' Raised Bed
Bike Rack
Railroad
Fence
Future Phase
N
0 12.5 25 50 Feet

OREGON STREET
P&W RAILROAD RIGHT-OF-WAY
TVF&R STATION
LINCOLN STREET
PROPOSED COMMUNITY GARDEN SITE AREA = 0.82 AC
DARLA KAY
COMMUNITY GARDEN SITE ACCESS
SITE BOUNDARY
FOUNDARY STREET
FOUNDRY
CITY OF SHERWOOD PUBLIC WORKS BUILDING AND YARD
CITY OF SHERWOOD COMMUNITY GARDENS EXHIBIT A - SITE LOCATION


12" DIA WATER MAINLINE
STORMWATER INLET INTO 12" CONC PIPE
OREGON STREET
P&W RAILROAD RIGHT-OF-WAY
TVF&R STATION
PROPOSED COMMUNITY GARDEN SITE
STORMWATER QUALITY TREATMENT CHANNEL
3" DIA SANITARY LATERAL
6" DIA SANITARY LATERAL
FOUNDARY STREET
CITY OF SHERWOOD PUBLIC WORKS BUILDINGS AND YARD
CITY OF SHERWOOD COMMUNITY GARDENS EXHIBIT B - SITE UTILITIES
6998SAN
7460STM
7478STM
7480STM
7484STM
7003SAN
7461STM
7008SAN
7012SAN
WV2709
WV2710
WV2739
WND2375
7482STM
7485STM
WND2373
7486STM
WND2374
7483STM
WV2707
WV2708
WV2706
WND2373
7004SAN-7003SAN
OREGON
WND2372
6997SAN
6997SAN-570NSAN
WBF0064
6774STM
6770STM
WBF2185
WBF2070
6554STM
WND1901
WV1814
DARLA KAY
3651NSTM
1808NSAN
WBF2604
WBF1923
7210STM
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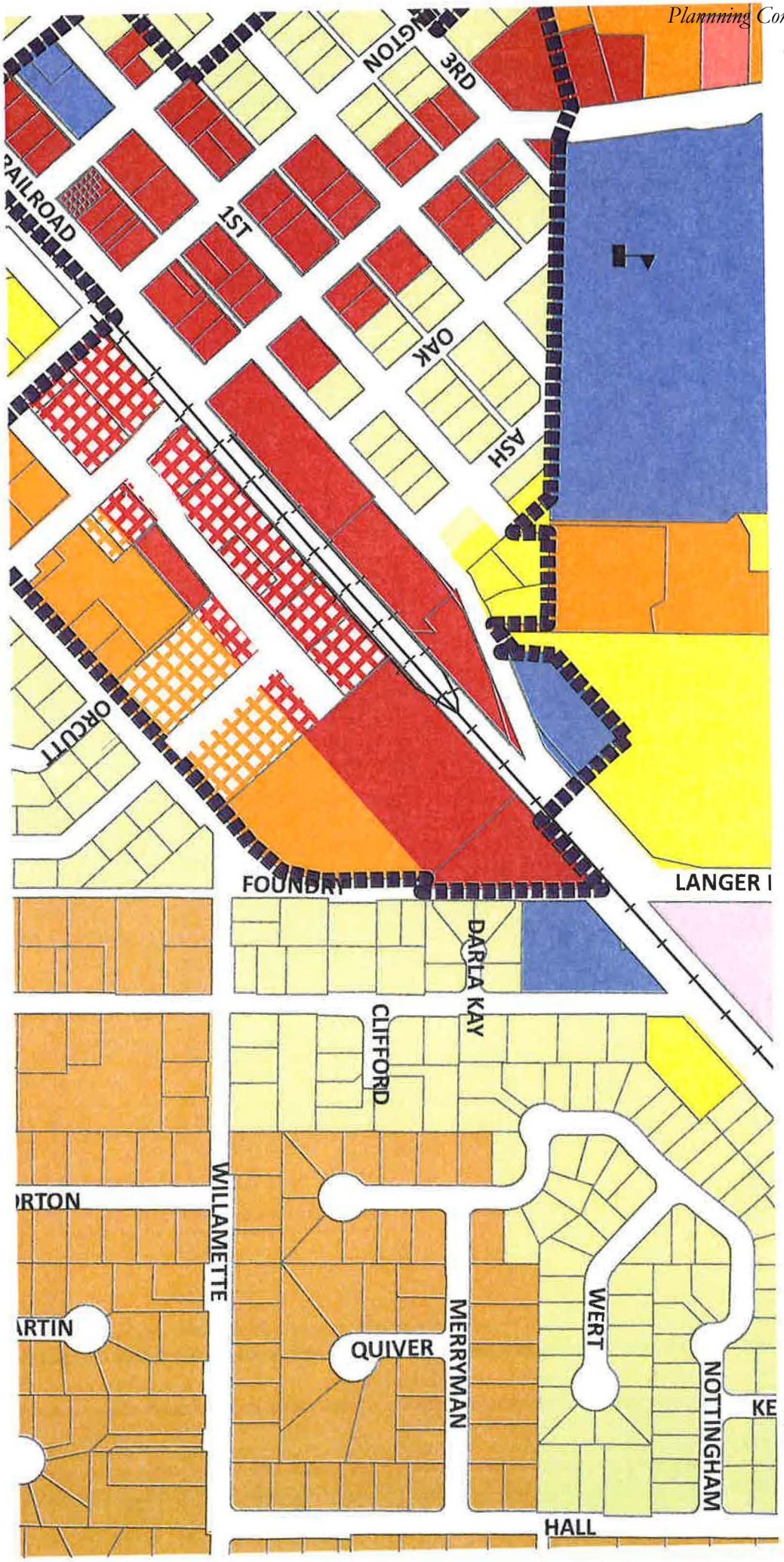
6552SAN
7213STM
6936SAN


GTON
3RD
AILROAD
1ST
OAK
ASH
ORCUTT
FOUNDRY
LANGER
DARLA KAY
CLIFFORD
RTON
WILLAMETTE
RTIN
QUIVER
MERRYMAN
WERT
NOTTINGHAM
KE
HALL

SURROUNDING LAND USES

CleanWater Services

Clean Water Services File Number
16-000588

Sensitive Area Pre-Screening Site Assessment

1. **Jurisdiction:** Sherwood

2. **Property Information** *(example 1S234AB01400)*
   Tax lot ID(s): 2S132AB01400
   Site Address:
   City, State, Zip: Sherwood, OR 97140
   Nearest Cross Street: SW Foundary St

3. **Owner Information**
   Name: Contact: Lynn Johnson
   Company: City of Sherwood
   Address: 22560 SW Pine St
   City, State, Zip: Sherwood, OR 97140
   Phone/Fax: (503) 925-2311
   E-Mail: johnsonl@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 Community Garden

5. **Applicant Information**
   Name: Jeanette DeCastro
   Company: City of Sherwood
   Address: 22560 SW Pine St
   City, State, Zip: Sherwood, OR 97140
   Phone/Fax: 503-925-2305
   E-Mail: decastroj@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**
   Community Garden is still at the land-use application step. Determining ESCP requirements for budget

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 Jeanette DeCastro **Print/Type Title** Engineering Tech I

ONLINE SUBMITTAL **Date** 2/15/2016

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.

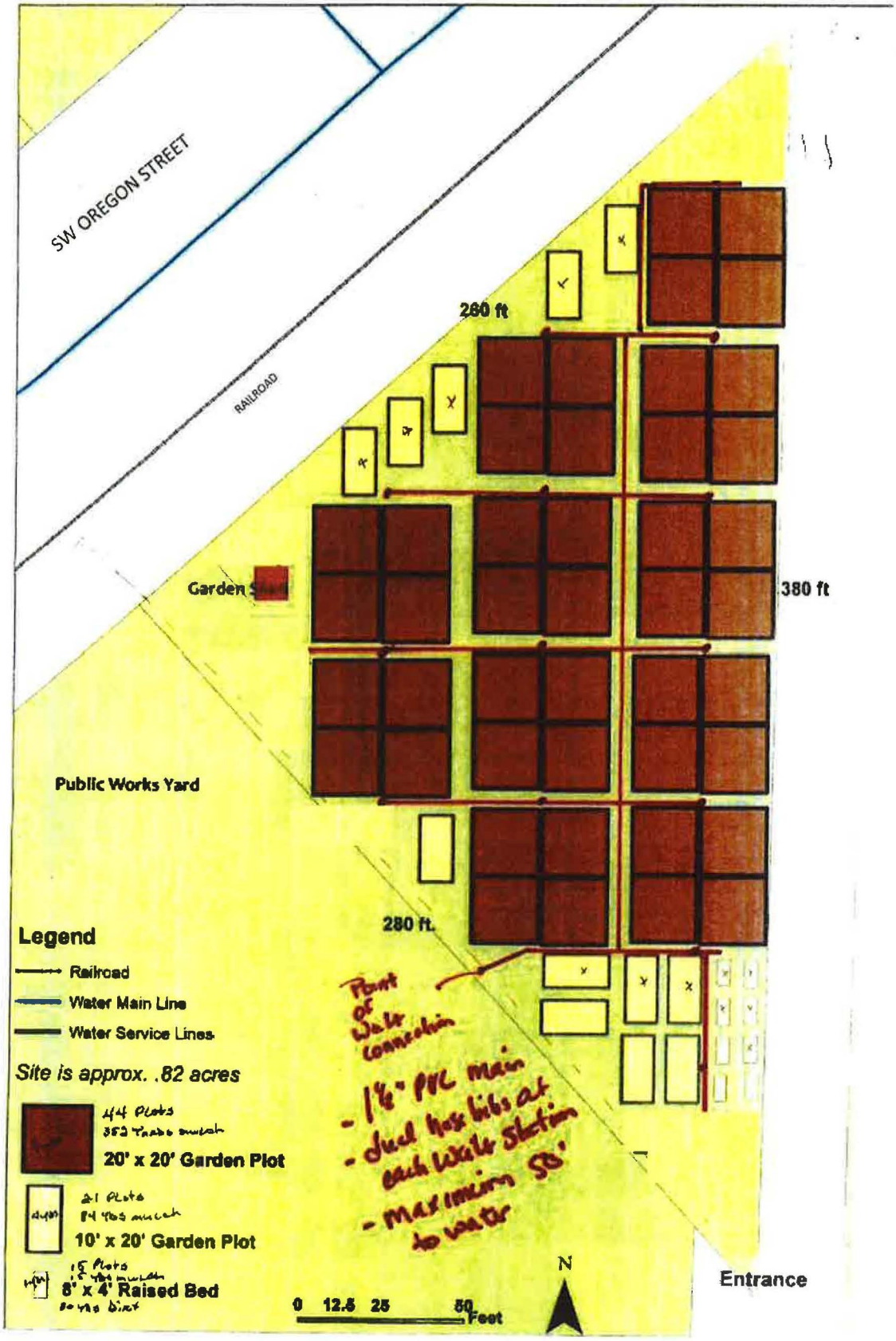
☐ **This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.**

☐ 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 Bichelbaum Date 2/16/16

2550 SW Hillsboro Highway • Hillsboro, Oregon 97123 • Phone: (503) 681-5100 • Fax: (503) 681-4439 • www.cleanwaterservices.org

Public Works Area



15440 SW Oregon St
Legend - BMP Installation
Const. Entrance
Field inlet protection
Sediment fence
Phased Ground disturb.
Ph I: irrigation; 6ty 9 10'x20' plots; 6ty 5 6'x4' raised beds.
Ph II: TBD.
City Public Works Yard
25 12.5 0 25 50 75 Feet
N

First American

First American Title Company of Oregon
121 SW Morrison St, FL 3
Portland, OR 97204
Phn - (503)222-3651 (800)929-3651
Fax - (877)242-3513

MULTNOMAH COUNTY TITLE UNIT
FAX (877)242-3513

Title Officer: **Dona Cramer**
(503)222-3651
dcramer@firstam.com

LOT BOOK SERVICE

City of Sherwood Attn: Tammy Steffens
2560 SW Pine Street
Sherwood, OR 97140

Order No.: 7019-2575502
December 24, 2015

Attn:
Phone No.: (503)625-4213 - Fax No.: (503)625-5524
Email: steffenst@sherwoodoregon.gov

Re:

Fee: $300.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of December 18, 2015 at 8:00 a.m.

We find that the last deed of record runs to

City of Sherwood, an Oregon Municipal Corporation

We find the following apparent encumbrances prior to the effective date hereof:

1. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. R552459.

2. Statutory powers and assessments of Clean Water Services.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. City of Sherwood, Ordinance No. 2011-010 , an Ordinance renaming SW Adams Avenue to SW Langer Farms Parkway
   Recorded: October 21, 2011 as Fee No. 2011 073855

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens:

1. City liens, if any, of the City of Sherwood.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING 10.34 CHAINS SOUTH OF THE QUARTER SECTION CORNER ON THE NORTH LINE OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 47 3/4' WEST 16 RODS; THENCE SOUTH 42° EAST 17 RODS; THENCE NORTH 23 RODS TO THE PLACE OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

Engineering Land Use Application Comments

To:	Michelle Miller, Senior Planner
From:	Craig Christensen, P.E., Engineering Associate II
Project:	(SP 16-03) Sherwood Community Garden
Date:	March 11, 2016

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 and Clean Water Services (CWS), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Sanitary Sewer

The subject property is not proposing to add any sanitary service and all adjacent properties have sanitary sewer service, therefore no extension of the sanitary sewer within SW Foundry Avenue is required.

Water

Water for the new community garden is proposed to come from the adjacent parcel west of the subject property which currently comprises of the City of Sherwood Public Works building and yard.

All water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Water Department (Public Works Department) prior to issuance of an Engineering Compliance Agreement.

Storm Sewer

A storm water swale exists within the SW Foundry Avenue right-of-way east of the subject property. This swale enters the subject property as it heads northward toward an inlet within a ditch along the south side of the railroad tracks.

If the storm water swale is impacted by construction (relocated/reconstructed), the new swale shall meet Clean Water Services (CWS) standards and be reviewed and approved by the Sherwood Engineering Department prior to granting occupancy.

Exhibit B

If construction work is to be performed within SW Foundry Avenue right-of-way, a right-of-way permit will be required.

Since there is no impervious area being constructed with the exception of a small shed, water quality treatment is not required unless otherwise conditioned by Clean Water Services.

Transportation

Since SW Foundry Street is not anticipated to ever be extended, no right-of-way dedication or street improvements are required.

Since the proposed use of community garden is a daytime activity, it does not necessitate the need for street illumination. Therefore, no street illumination is required to be added along SW Foundry Street.

Grading and Erosion Control:

City policy requires that prior to any grading, a permit shall be obtained from the Building Department for all grading on the private portion of the site. In addition, an approved grading and erosion control plan is also required prior to any grading and to obtain a Storm Water Connection Permit from Clean Water Services (CWS).

Other Engineering Issues:

The proposed development shall comply with the conditions of the CWS Service Provider Letter.

Storm Water Connection Permit Authorization is required from CWS.

Any design features proposed that are not in compliance with City of Sherwood standards will require City Engineer approval.

Developer shall obtain all required permits/approvals prior to issuance of a right-of-way permit, if necessary.

End of Engineering Land Use Review Comments.

Oregon
Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

March 16, 2016 ODOT #7030

ODOT Response

Project Name: Sherwood Community Garden	**Applicant:** City of Sherwood
Jurisdiction: City of Sherwood	**Jurisdiction Case #:** SP 16-03
Site Address: SW Foundry and SW Willamette	

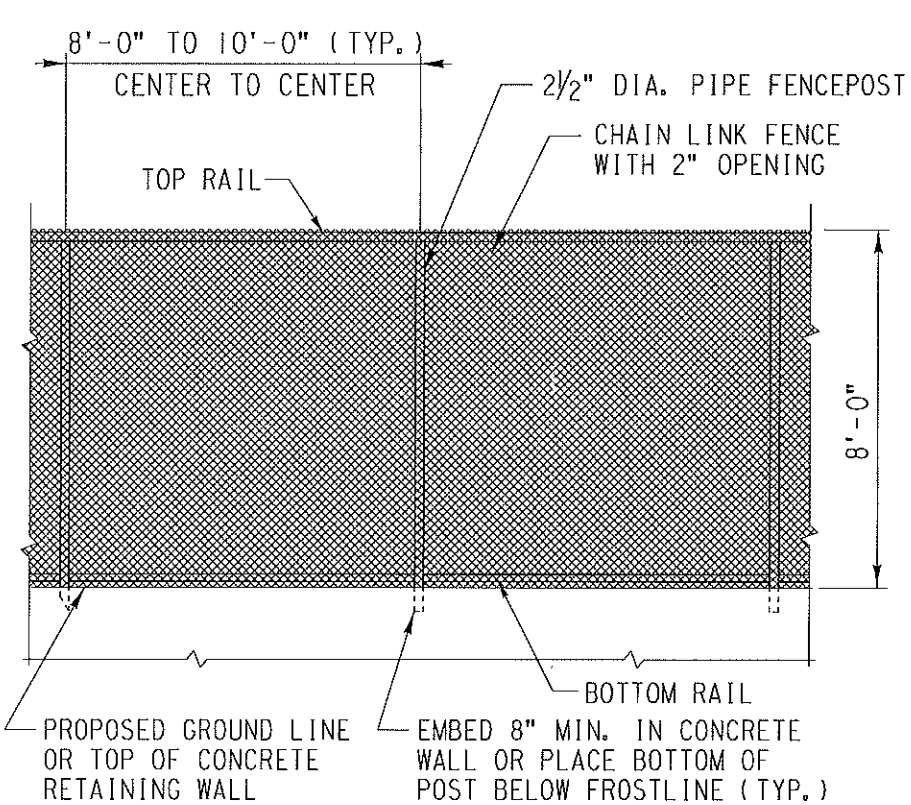
The site of this proposed land use action is adjacent to the Portland and Western Railroad. The ODOT Rail and Public Transit Division has an interest in ensuring that this proposed land use is compatible with the safe rail operation.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

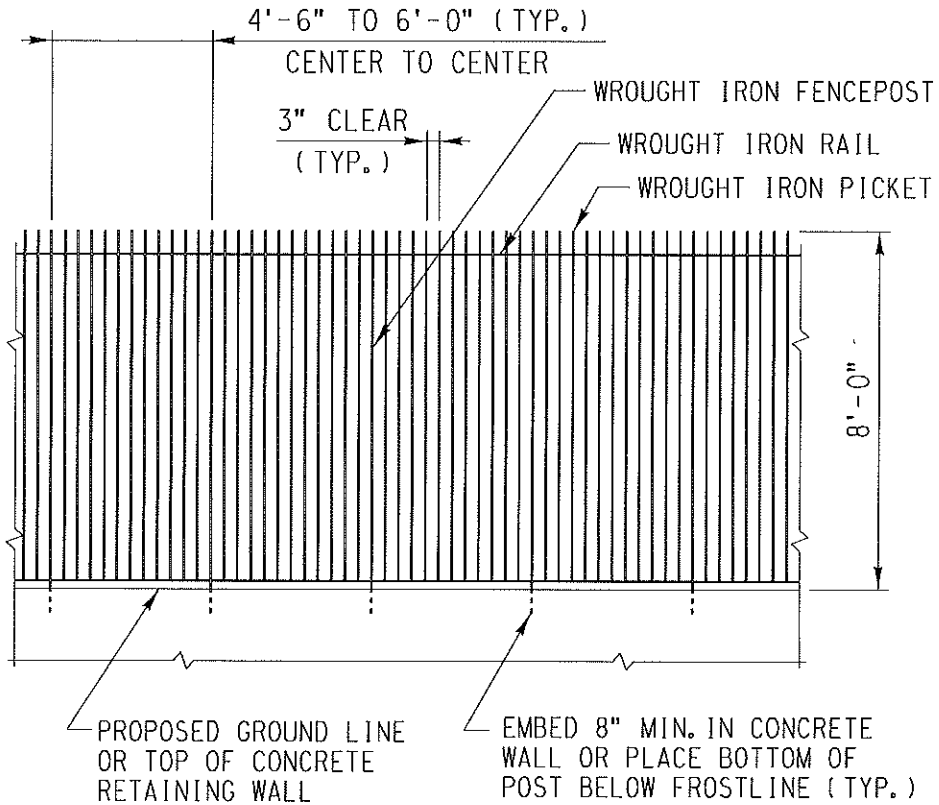
☒ To ensure users of the community garden do not cross the rail tracks and to improve safety, the applicant shall install a fence along the property's railroad frontage (see attached Fence Detail).

Development Review Coordinator: Andy Jeffrey	503.731.8435, andy.jeffrey@odot.state.or.us
Rail Contact: Carrie Martin	503.986.6801

Exhibit C



CHAIN LINK FENCE



WROUGHT IRON PICKET FENCE

FENCE ELEVATION

SCALE: 3/16" = 1'-0"

REVISIONS		
DATE	LTR.	DESCRIPTION
/		
/		
/		
/		
/		
/		

DESIGN BY: RAF | DRAWN BY: FJS | CHECKED BY: KHJ

APPROVED:

K.H. Jennison

BNSF - ASSISTANT DIRECTOR STRUCTURES DESIGN

George J. Moyn

UPRR - MGR SPECIAL PROJECTS STRUCTURES DESIGN

BNSF RAILWAY | UNION PACIFIC

BRIDGE STANDARDS

RIGHT-OF-WAY FENCING

FENCE DETAILS

FILE OWNER: UPRR | DATE: 1/24/07

PLAN NO.: 711000 | SHEET: 1

PLOTTED: 3/30/2007 2:53:20 PM

FILE NAME: P:\ustation\dgn\std\pp_guidelines.dgn

Michelle Miller

From: JEFFREY James A *Andy <Andy.JEFFREY@odot.state.or.us>
Sent: Friday, March 18, 2016 3:58 PM
To: Michelle Miller
Subject: FW: Sherwood Community Garden near Rail

Hi Michelle,

Below is the ODOT Rail Crossing Safety Manager's response to our recommendation to have the appropriate fencing installed. Apparently there are no ORS's or OAR's addressing the fencing. It is purely a safety recommendation.

If you need more info please let me or Rick Shankle (Rail Crossing Safety Manager for ODOT: Richard.A.SHANKLE@odot.state.or.us) know.

Hope this helps,

Andy Jeffrey, P.E.
Transportation Analyst
ODOT Region 1 Planning
Andy.Jeffrey@odot.state.or.us
503-731-8435

From: SHANKLE Richard A
Sent: Friday, March 18, 2016 3:22 PM
To: JEFFREY James A *Andy; MARTIN Carrie A
Subject: RE: Sherwood Community Garden near Rail

The fence is a best practice and addresses safety issues of trespassing on railroad property. There are no ORS's or OAR's that address this fencing. The fence is a safety recommendation.

Rick Shankle
Manager, Crossing Safety Unit
ODOT, Rail & Public Transit Division
503-986-4273

From: JEFFREY James A *Andy
Sent: Friday, March 18, 2016 2:33 PM
To: SHANKLE Richard A; MARTIN Carrie A
Subject: RE: Sherwood Community Garden near Rail
Importance: High

Rick,

The City is wanting to know what basis we are recommending or requiring them to build this fence. Are there certain OARs or ORSs that give direction on how we require these rail fences to be installed?

Andy Jeffrey, P.E.
Transportation Analyst
ODOT Region 1 Planning
Andy.Jeffrey@odot.state.or.us

503-731-8435

From: SHANKLE Richard A
Sent: Friday, March 18, 2016 2:13 PM
To: JEFFREY James A *Andy; MARTIN Carrie A
Subject: RE: Sherwood Community Garden near Rail

Lack of current operations has no effect on what we have recommended. The railroad is actively pursuing the reconstruction of the bridge. A deviation from the fence detail would need to come from the railroad.

Rick Shankle
Manager, Crossing Safety Unit
ODOT, Rail & Public Transit Division
503-986-4273

From: JEFFREY James A *Andy
Sent: Friday, March 18, 2016 2:04 PM
To: SHANKLE Richard A; MARTIN Carrie A
Subject: Sherwood Community Garden near Rail
Importance: High

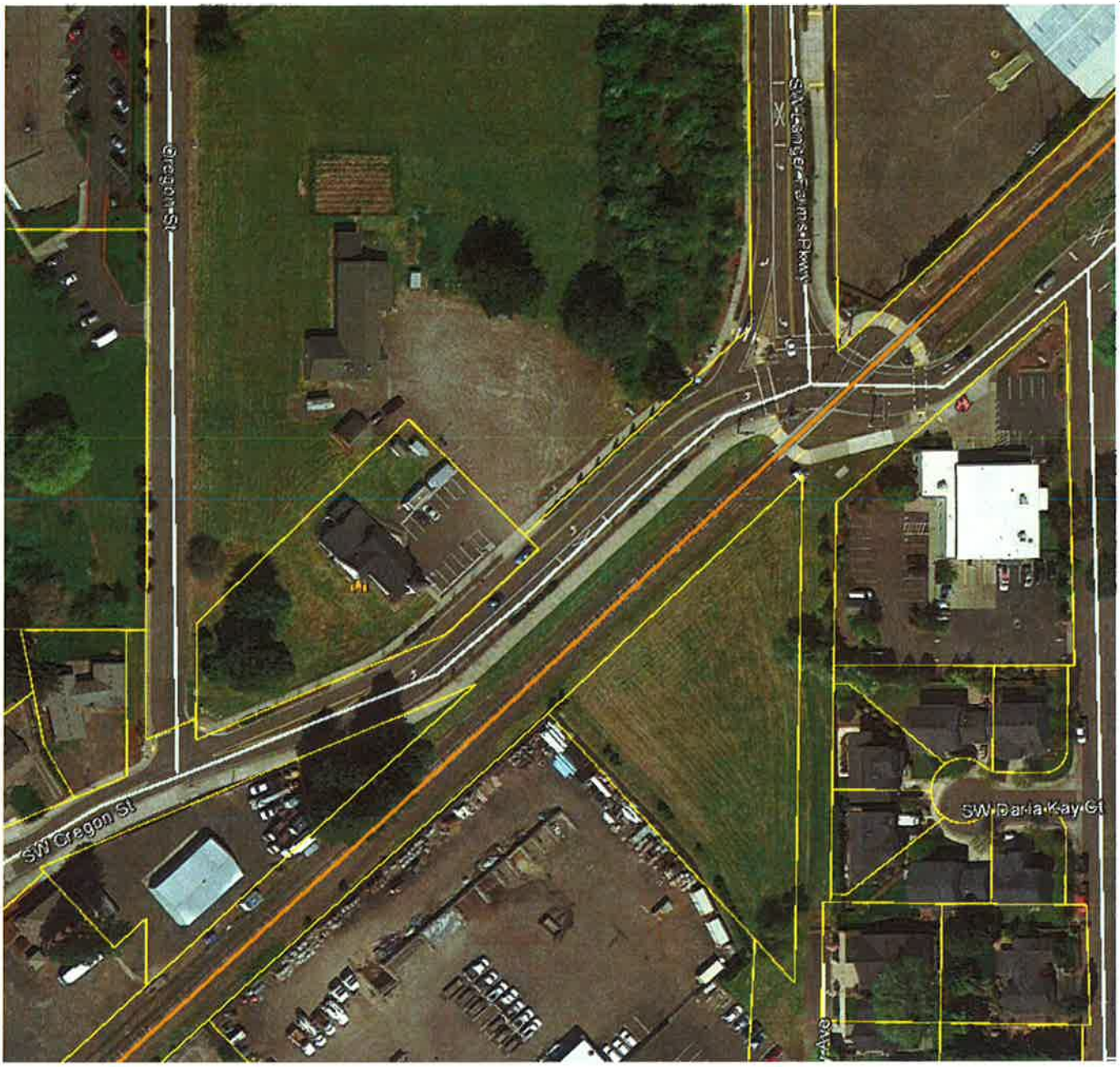
Hi Rick and Carrie,

We received a development review case for a community garden in the City of Sherwood adjacent to their public works yard (corner of SW Langer Farms Pkwy and SW Oregon St). The site abuts the Portland and Western Railroad (see below image, the proposed community garden will be in the vacant lot). We initially responded with the attached letter and rail fence detail recommending they construct a similar fence as a barrier between the garden and rail line.

I got a call today from the planner saying this threw them for a loop for a few reasons. One, they are planning on building a fence but a shorter chain-linked fence (<6'). Two, this rail line is currently non-operational because of the trestle that burned down further northeast.

My questions for you is what kind of fence would you like to see at this location? Is it possible to deviate from the rail fence detail attached? Also, what effect does the lack of train operations on this line have on recommending a fence barrier?

Your quick attention to this would be greatly appreciated!



Thank you,

Andy Jeffrey, P.E.
Transportation Analyst
ODOT Region 1 Planning
Andy.Jeffrey@odot.state.or.us
503-731-8435