



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: March 5, 2020
Subject: **Notice of Decision for CU2019-0009 / DI2019-0004 / DR2019-0189
Schiffler Park Dog Run**

Please find attached the Notice of Decision for **CU2019-0009 / DI2019-0004 / DR2019-0189 Schiffler Park Dog Run**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for CU2019-0009 / DI2019-0004 / DR2019-0189 Schiffler Park Dog Run is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for CU2019-0009 / DI2019-0004 / DR2019-0189 Schiffler Park Dog Run is 4:30 p.m., March 17, 2020.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jana Fox, Current Planning Manager, at (503) 526-3710.



NOTICE OF DECISION

DATE: March 5, 2020

TO: All Interested Parties

FROM: Anna Slatinsky, Planning Division Manager
Jana Fox, Current Planning Manager

PROPOSAL: **CU2019-0009 / DI2019-0004 / DR2019-0189 Schiffler Park Dog Run**

LOCATION: Map: 1S116DC Tax Lots: 1100, 2202, 400, 5100


SUMMARY: The applicant, Tualatin Hills Park & Recreation District, requests the Director interpret the Beaverton Development Code regarding the permissibility of Dog Runs in Parks as a permissible park-related accessory use. Additionally the applicant seeks approval of a Minor Modification of a Conditional Use and a Design Review Compliance Letter for the changes proposed to Schiffler Park to accommodate the proposed Dog Run.

APPLICANT'S REPRESENTATIVE: Angelo Planning Group
Attn: Frank Angelo
921 SW Washington St, Suite 468
Portland, OR 97205

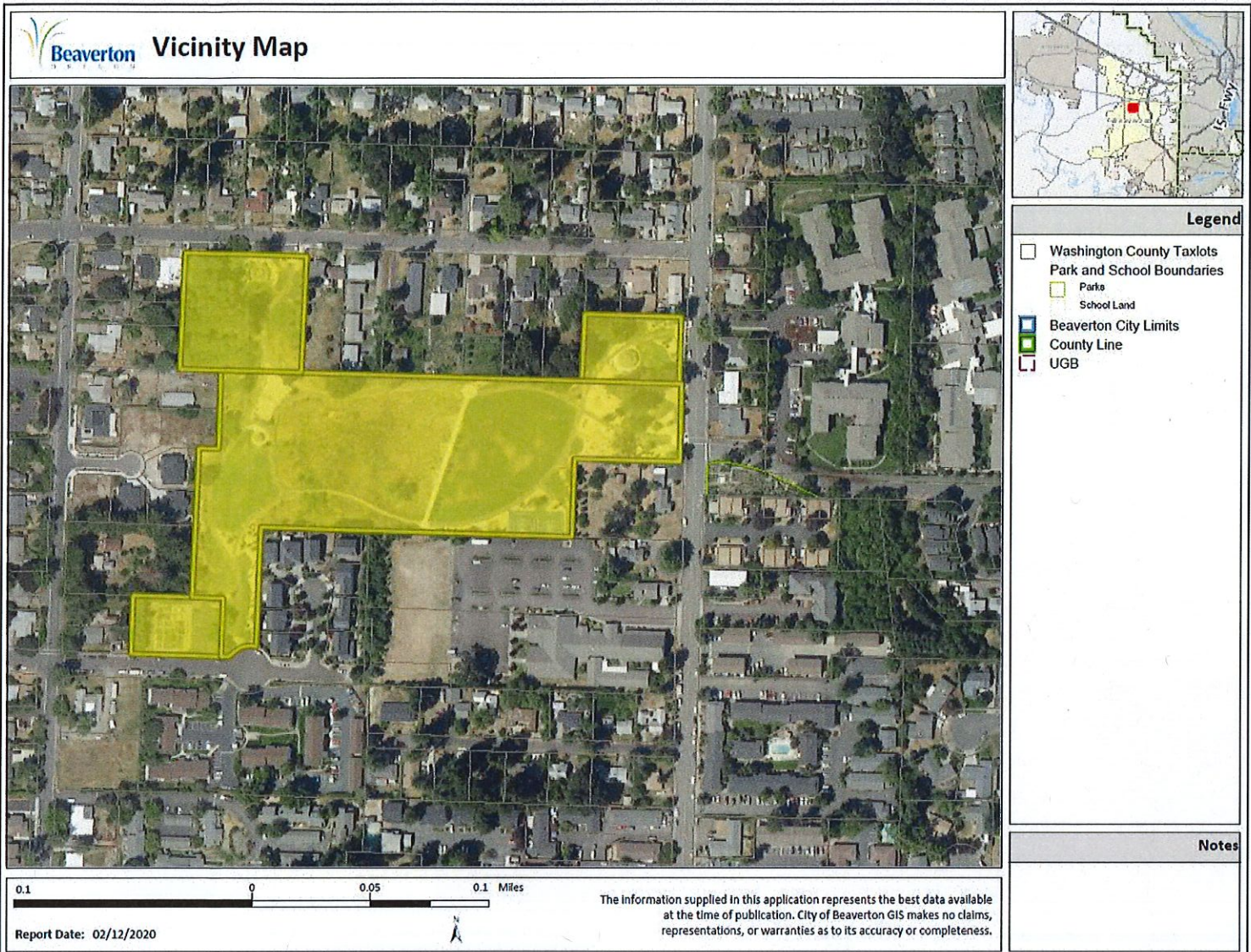
APPLICANT / PROPERTY OWNERS: Tualatin Hills Park and Recreation District
Attn: Jeannine Rustad
15707 SW Walker Rd
Beaverton, OR 97006

APPLICABLE CRITERIA: Facilities Review, Section 40.03
Minor Modification of a Conditional Use, Section 40.15.15.1.C
Director's Interpretation, Section 40.25.15.1.C
Design Review Compliance Letter, Section 40.20.15.1.C

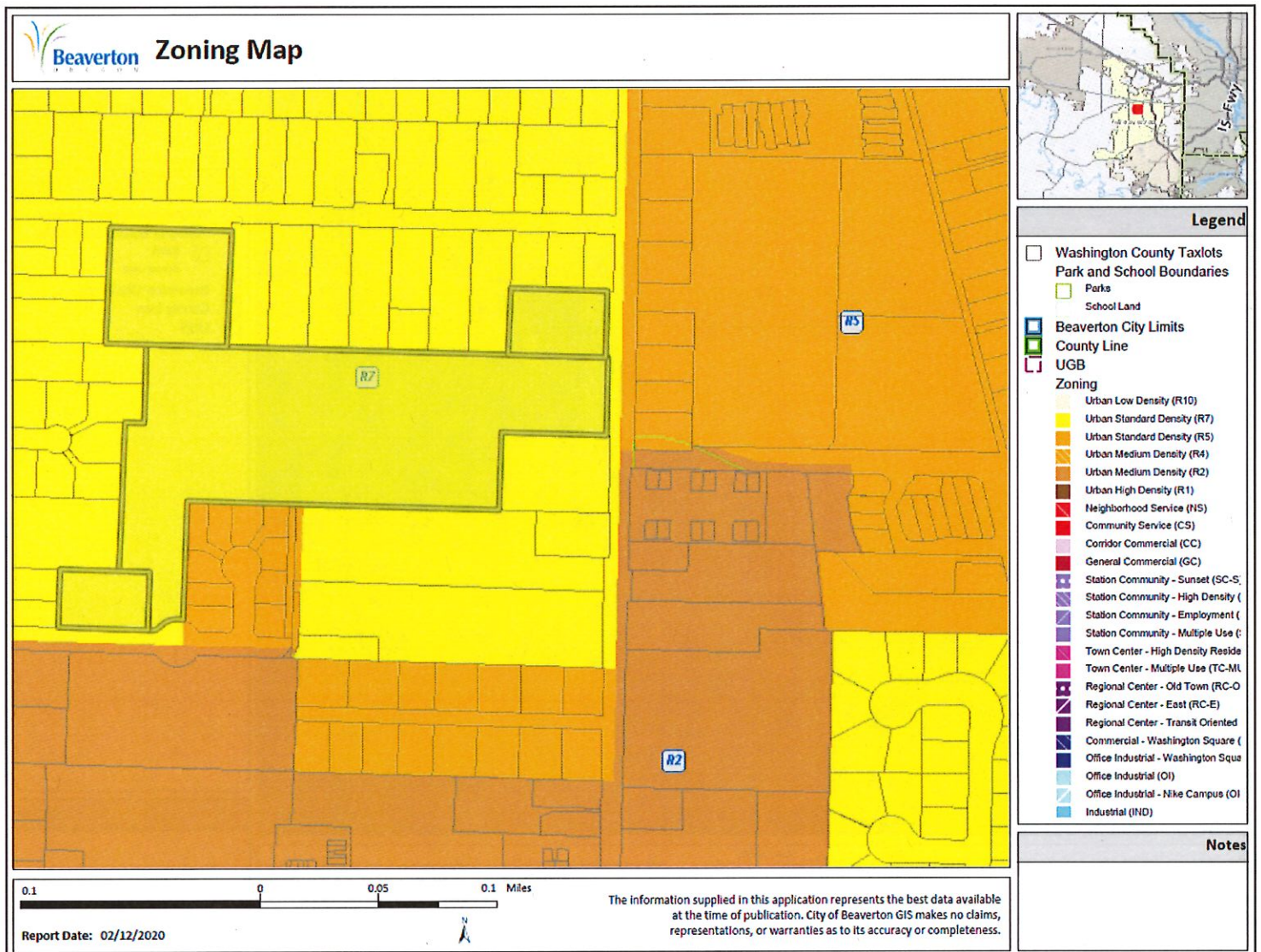
DECISION: **APPROVAL of CU2019-0009 / DI2019-0004 / DR2019-0189 Schiffler Park Dog Run**, subject to conditions identified at the end of this report.

AUTHORIZATION: 
Cheryl Twete, Community Development Director

VICINITY MAP



ZONING MAP



BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
CU2019-0009	November 27, 2019	December 24, 2019	April 22, 2020	December 23, 2020
DI2019-0004	November 27, 2019	December 24, 2019	April 22, 2020	December 23, 2020
DR2019-0189	December 24, 2019	December 24, 2019	April 22, 2020	December 23, 2020

*Pursuant to Section 50.25.9 of the Beaverton Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

**Pursuant to ORS 227.178(5), the total of all extensions may not exceed 365 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	R7 Urban Standard Density	
Current Development	Tualatin Hills Park & Recreation District Public Park	
Site Size	10.05 acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Urban Standard Density (R7) South: Urban Standard Density (R5) Urban Medium Density (R2) East: Urban Standard Density (R5) Urban Medium Density (R2) West: Urban Standard Density (R7)	<u>Uses:</u> North: Single Family Residential South: Single Family Residential Multi-Family Residential East: Single Family Residential Multi-Family Residential West: Single Family Residential

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Attachment C:	DI2019-0004 Director's Interpretation	DI1-DI4
Attachment C:	DR2019-0189 Design Review Compliance Letter	DR1-DR4
Attachment E	Conditions of Approval	COA1

Exhibits

Exhibit 1. Materials submitted by Staff

- Exhibit 1.1 Vicinity Map (page SR-3 of this report)
- Exhibit 1.2 Zoning Map (page SR-4 of this report)

Exhibit 2. Public Comment

- Exhibit 2.1 Email from Bert Goo, dated January 10, 2020
- Exhibit 2.2 Email from Deborah Brown, dated January 21, 2020

Exhibit 3. Materials submitted by the Applicant

- Exhibit 3.1 Submittal Package including plans (on file at City Hall)

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
CU2019-0009 / DI2019-0004 / DR2019-0189
SCHIFFLER PARK DOG RUN**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Director's Decision, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the submitted Minor Modification of a Conditional Use application as submitted.
- Facilities Review Committee criteria do not apply to the Director's Interpretation and Design Review Compliance Letter applications.

A. *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.*

Chapter 90 of the Beaverton Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, stormwater drainage and retention, transportation, and fire protection. The scope of the proposal is limited to fencing in a portion of an existing park, Schiffler, to allow for an enclosed dog run. No additional water service, or changes to existing water service are proposed. No modification to existing stormwater facilities or hardscape areas are proposed. No modification to sanitary sewer service are proposed.

The applicant does not propose any modification to the existing transportation system. The applicant has provided a trip generation memorandum from David Evans and Associates, Inc. which estimates a total of 10 peak hour trips generated by the proposed dog run improvements. Peak hour for dog run facilities is mid-day on Sunday. The additional 10 trips per day is not sufficient to warrant a full traffic impact analysis. No modifications or improvements to the existing vehicular, pedestrian, or bicycle system are warranted by the proposed park modifications to accommodate a dog run.

The applicant has provided an email from Jeremy Foster, Deputy Fire Marshal with Tualatin Valley Fire & Rescue (TVF&R) stating that there are no comments or conditions

on the project and no Service Provider Permit is required from TVF&R.

The Committee finds that essential facilities and services are provided to the proposed development.

Therefore, staff finds that the proposal meets the criterion for approval.

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Chapter 90 of the Beaverton Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The scope of the proposal is limited to fencing in a portion of an existing park to allow for an enclosed dog run. The proposed modifications do not effect schools, transit improvements, or police protection.

Access to Schiffler Park is provided by three public streets, SW Berthold Street, a neighborhood route, SW Erickson Avenue, a collector street, and SW Bonnie Brae Street, a local street. All three streets contain sidewalks and shared vehicular/bike facilities. Additional pedestrian or bicycle improvements are not proposed or required.

The Committee finds that essential facilities and services are provided to the proposed development.

Therefore, staff finds that the proposal meets the criterion for approval.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

The Committee refers to the Chapter 20 use and site development requirements tables at the end of this report.

Therefore, staff finds that the proposal will meet the criterion for approval.

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed***

development.

Staff cites the findings in the Code Conformance Analysis Chart, at the end of this report, which evaluates the project as it relates to applicable Code requirements of Chapter 60.

Additional off-street parking and bicycle facilities are not required onsite because ratios are based on the gross floor area under roof, of all of the floors of a building. The project does not propose the construction of new floor area; therefore, no additional off-street parking and bicycle facilities are required.

Therefore, staff finds that the proposal will meet the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.**

The property owner is Tualatin Hills Parks and Recreation District (THPRD), a public agency who will maintain the facility. The applicant does not show a trash receptacle for animal waste and garbage within the dog run area, staff recommends a condition of approval that the applicant provide a trash receptacle within the dog run area. The site as conditioned doesn't present any barriers, constraints, or design elements that would prevent or preclude required maintenance or replacement of the private infrastructure and facilities on site.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion.

- 6. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.**

The project as proposed is limited to fencing in a dog run in an existing open area. The area for the dog run is surrounded by pedestrian paths which connect to the pedestrian system within the park. The proposal will not limit access to any of the existing pedestrian paths which connect to the park features as well as the public rights-of-way surrounding the site.

Therefore, staff finds that the proposal meets the criterion for approval.

- 7. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.**

No physical changes are proposed to the pedestrian or vehicular circulation systems, including connections to the surrounding street system.

Therefore, staff finds that the proposal meets the criterion for approval.

- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.**

No structure or public facilities are proposed. Only fencing is proposed to be provided.

Therefore, staff finds that the criterion is not applicable.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.**

No changes to existing structures are proposed, the scope of the project is limited to fencing an area to allow for a dog run. The proposal will not preclude protection from crime, accident, or hazardous conditions.

Therefore, staff finds that the proposal meets the criterion for approval.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.**

The project as proposed is limited to fencing an existing open space area to allow for a dog run. No grading is proposed.

Therefore, staff finds that the criterion is not applicable.

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.**

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA).

Therefore, staff finds that the proposal meets the criterion for approval.

- L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.**

The applicant submitted the land use applications on November 27, 2019 and was

deemed complete on December 24, 2020. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban Standard Density (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (R7)			
Public Park	Conditional Use	Modify an existing approved Conditional Use to allow for a dog run.	See CU Findings
Development Code Section 20.05.15 (R7)			
Minimum Lot Area	7,000 sq. ft.	No change to existing lots are proposed.	N/A
Yard Setbacks Minimums: Front Side Rear	17 feet 5 feet 25 feet	No new structures are proposed which would be subject to setback standards.	N/A
Maximum Building Height	35 feet	No new structures are proposed which would be subject to height standards.	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05-Design Standards			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant has applied for a DRCL application concurrently.	See DR Findings
Development Code Section 60.12-Habitat Friendly & LID Practices			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking	<u>Public Parks</u> 40 on-site parking spaces in 2 lots	<u>Detached Dwellings</u> No changes proposed or required for fencing of existing park area for a dog run.	N/A
Development Code Section 60.33 – Park and Recreation Facilities & Service Provisions			
Parks & Recreation Facilities	Areas within the City must annex to THPRD or provide commensurate facilities.	The subject site is a THPRD facility.	YES

ANALYSIS AND FINDINGS FOR
MINOR MODIFICATION OF A CONDITIONAL USE
Schiffler Park Dog Run
CU2019-0009

Section 40.03.1. Facilities Review Committee Approval Criteria

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met, as applicable.

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report. Staff cites the findings presented in Attachment A in response to the Facilities Review Committee approval criteria. As identified in Attachment A, the proposal meets Approval Criteria 40.03.1.A through L, subject to conditions of approval identified in Attachment D.

Therefore, staff finds that the proposal meets the criteria for approval.

Section 40.15.05 Conditional Use; Purpose

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis.

1. The proposal satisfies the threshold requirements for a Minor Modification of a Conditional Use application.

The applicant proposes to make modifications to an existing conditional use in the R7 zoning district, Schiffler Park, by enclosing an open area to create a dog run. Scott Harmon, PE and PTOE, of David Evans and Associates studied similar dog run facilities and produced a trip generation estimate for the proposed dog run. The proposed dog run is anticipated to generate approximately 50 additional trips per day, meeting threshold 4 for a Minor Modification to a Conditional Use Application:

4. A projected or actual increase in vehicular traffic to and from a site approved for an existing Conditional Use of up to and including 100 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are located in a Residential zoning district or within a distance of up to and including 50 feet of a Residential zoning district.

Therefore, staff finds that the proposal meets the approval criterion.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

The fee for a Minor Modification of a Conditional Use application has been paid.

Therefore, staff finds that the proposal meets the approval criterion.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]

Staff has reviewed the materials provided and determined that the proposal contains all necessary submittal requirements specified in Section 50.25.1 of the Development Code.

Therefore, staff finds that the proposal meets the approval criterion.

4. The existing use has been approved as a Conditional Use as governed by the regulations in place when the use was established and complies with the applicable conditions of the Conditional Use approval. [ORD 4473; March 2008]

Staff has reviewed the existing Conditional Use approval for Schiffler Park (CU77-13), the proposed enclosure of a dog run within the park area does not conflict with any conditions of approval of CU77-13.

Therefore, staff finds that the proposal meets the approval criterion.

5. The proposal will not remove or modify previously established conditions of approval for the prior Conditional Use consistent with Section 50.95.6. of the Development Code. [ORD 4473; March 2008] [ORD 4584; June 2012]

Staff has reviewed the existing Conditional Use approval for Schiffler Park (CU77-13), the proposed enclosure of a dog run within the park area does not modify any conditions of approval of CU77-13.

Therefore, staff finds that the proposal meets the approval criterion.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The applicant has submitted all documents related to this request for a Minor Modification of a Conditional Use (CU2019-0009) approval. The applicant has also submitted a Design Review Compliance Letter (DR2019-0189) application and a Director's Interpretation (DI2019-0004) application. The Minor Modification of a Conditional Use application is dependent upon approval of the Director's Interpretation and Design Review Compliance Letter applications. Staff recommends a condition of approval requiring the Director's Interpretation and Design Review Compliance Letter be consistent with approval. No additional application or documents are needed at this time.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the approval criterion.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2019-0009 Schiffler Park Dog Run**, subject to the applicable conditions identified in Attachment E.

**ANALYSIS AND FINDINGS
DIRECTOR'S INTERPRETATION
Schiffler Park Dog Run
DI2019-0004**

Section 40.25.15.1.C. of the Development Code identifies the approval criteria for evaluating and rendering a decision on all Director's Interpretation applications.

The approval criteria are as follows:

- 1. The proposal satisfies the threshold requirements for a Director's Interpretation application.**

The applicant requests that the Director interpret Beaverton Development Code Sections 20.05.20.11.A and Chapter 90 definitions as they relate to the Schiffler Park Dog Run. This request meets Threshold 1 for a Director's Interpretation:

- 1. A request that the Director interpret the Development Code in writing.*

Therefore, the Director finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision-making authority have been submitted.**

The fee for a Director's Interpretation application has been paid.

Therefore, the Director finds that the proposal meets the criterion for approval.

- 3. That the interpretation is consistent with the City's Comprehensive Plan and other provisions within this Code.**

The applicant has requested that the City interpret the Beaverton Development Code (BDC) to address dog parks and dog runs at Schiffler Park, an existing Public Park located in an R7 zoning district.

Relevant Comprehensive Plan Sections

The applicant correctly states that the Beaverton Comprehensive Plan has adopted THPRD's plans as Master Plans by reference in the Public Facilities Plan (PFP) Element (Chapter 5.2). These plans include:

- Tualatin Hills Park and Recreation District Comprehensive Plan (updated 2013)
- Tualatin Hills Park and Recreation District Parks Functional Plan (2019)
- Tualatin Hills Park and Recreation District Trails Master Plan (2016)

THPRD's Parks Functional Plan (adopted April 2019) includes both Dog Parks and Dog

Runs as potential components of their park facilities (see Section 4.1.8 a and b).

Goal 3.8.1 Complete and livable Neighborhoods

g) Ensure integration of parks and schools into neighborhoods in locations where safe, convenient connections from adjacent neighborhoods on foot and by bike are or will be available.

Goal 3.8.2 Low and Standard Density Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions.

The Director concurs with the applicant statement that the proposed interpretation would facilitate THPRD efforts to integrate its park facilities into existing neighborhoods and to provide park related services that the public is interested in receiving, and therefore is consistent with this goal.

5.3.1 Goal: Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future.

b) The City shall work cooperatively with service providers within its Urban Services Area in the development of master plans that are elements of the City's Public Facility Plan, so as to prescribe the most effective and efficient long-term methods of providing each service.

The Director concurs with the applicant statement that THPRD and the City have coordinated the development of the recent District's Parks Functional Plan. Because the City has adopted the THPRD Functional Plan into its Comprehensive Plan by reference the elements of the plan are also adopted by the City, and consistency of this plan is a relevant consideration in this Director's Interpretation.

As the applicant states, the THPRD Functional Plan includes Dog Parks and Dog Runs among the facilities needed to meet the community's needs. Therefore the proposed interpretation is consistent with this goal.

5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

A. The City shall support and encourage THPRD efforts to provide parks and recreation facilities that will accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.

B. The City shall encourage THPRD to provide parks and recreation facilities throughout the City in locations that are easily accessible to those they are intended to serve.

The Director concurs with the applicant that the proposed interpretation will allow THPRD to provide park related facilities at its park facilities into respond to community growth and requests from District residents, and therefore is consistent with this goal.

Relevant Beaverton Development Code Sections:

The sections of the Beaverton Development Code that are relevant to this request are below:

Section 20.05.20.11.A. Land Uses, Recreation, Public Parks, Parkways, Playgrounds, and Related Facilities.

These uses are identified as Conditional Uses in the R7 zoning district.

Chapter 90: Definitions.

Accessory Structure or Use. *A structure or use incidental, appropriate, and subordinate to the main structure or use.*

Animal Care Major. [ORD 4542; June 2010] *Animal uses that provide outdoor facilities. Uses may include kennels, dog parks, animal day care, and other similar uses.*

The Director concurs with the applicant's assertion that a Dog Park or Dog Run meets the BDC definition of Accessory Structure or Use in Schiffler Park because it can be shown to be incidental, appropriate, and subordinate to the primary use. As the applicant states, the use is:

- "Incidental" by virtue of the dog run being one of many recreational activities and facilities within Schiffler Park and not representing a change from the current use of the Park for the exercise of dogs by their owners;
- "Appropriate" by virtue of dog parks being included in the description of facilities appropriate for a Community Park in the adopted THPRD Functional Plan, which was adopted by reference into the City's Comprehensive Plan; and
- "Subordinate to the main use of the site as a public park" by virtue of the relative size of the dog park. The proposed fence would enclose an area of approximately 14,000 SF or 0.03% of the overall area of Schiffler Park.

The Director notes that Public Parks are identified as Conditional Uses in R7 districts in the BDC, and as a change to the site plan for the existing park, the proposed Dog Park may be evaluated according to the thresholds for a minor or major modification to a Conditional Use per BDC section 40.15.15, as is proposed in the concurrent CU2019-0009 application.

The Planning Commission has referred a proposed Zoning Text Amendment to Beaverton City Council for consideration as part of the Omnibus TA2019-0003. Among the changes proposed is establishment of a definition of Dog Parks and Dog Runs in BDC Chapter 90, removal of reference to dog parks from the Animal Care Major Definition, and identifying Dog Parks and Dog Runs as Conditional Uses in all Zoning Districts. This proposal is scheduled for consideration by City Council on March 3, 2020. Should City Council approve the Omnibus Text Amendment, it would take effect in April 2020.

The Director concurs with the applicant's conclusions regarding the legislative history of the BDC definition of Animal Care Major. Beaverton staff has also reviewed the record of TA2009-0005 and found no evidence that Public Parks were intended to be regulated through the newly established Animal Care Major and Animal Care Minor regulations, which, as the applicant notes, are identified as Commercial Uses.

Summary

Based on the analysis above and the information submitted by the applicant, the Director concludes that Dog Parks and Dog Runs in Public Parks are consistent with the Beaverton Comprehensive Plan. In addition the Director concludes that Dog Parks and Dog Runs in Public Parks were not intended to be regulated by the BDC as Animal Care Major uses, and

may be considered accessory to Public Parks. The proposal to locate a new Dog Park or Dog Run in Schiffler Park may therefore be considered through the concurrent Modification of a Conditional Use application that accompanies this Director's Interpretation.

Therefore, the Director finds that the proposal meets the criterion for approval.

- 4. When interpreting that a use not identified in the Development Code is a permitted, a conditional, or prohibited use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.**

The applicant has not requested an interpretation of a use not identified in the Development Code, because dog parks are currently identified in the code in the Animal Care Major definition in Chapter 90.

Therefore, the Director finds that the approval criterion is not applicable.

- 5. The proposal contains all applicable submittal requirements as specified in Section 50.25.1 of the Development Code.**

All applicable submittal requirements for the Director's Interpretation application have been submitted. The application was deemed complete by the city on December 24, 2019.

Therefore, the Director finds that the proposal meets the criterion for approval.

- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

The necessary documents related to the Director's Interpretation have been submitted.

Therefore, the Director finds that the proposal meets the criterion for approval.

CONCLUSION

Based on the facts and findings stated herein, the Community Development Director hereby makes this interpretation identifying Dog Park and Dog Runs as accessory uses within a Public Park in a Residential Zoning District.

**ANALYSIS AND FINDINGS FOR
DESIGN REVIEW COMPLIANCE LETTER
Schiffler Park Dog Run
DR2019-0189**

Section 40.20.15.1.C. Approval Criteria:

In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Design Review Compliance Letter.*

Development Code, Section 40.20.15.1.C, Threshold No.1 states:

Minor design changes to existing building or site...

The applicant proposes to fence in an existing open field area to serve as a dog run. No changes to existing buildings or structures are proposed, only the minor site change of installing fencing, meeting threshold 1 for a Design Review Compliance Letter.

Therefore, staff finds that the proposal meets the approval criterion.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The Design Review Compliance Letter (DRCL) application fee has been paid.

Therefore, staff finds that the proposal meets the approval criterion.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Staff has reviewed the DRCL application and has found all applicable submittal requirement have been provided by the applicant.

Therefore, staff finds that the proposal meets the approval criterion.

4. ***The proposal meets all applicable Site Development Requirements of Sections 20.05.15., 20.10.15., 20.15.15., and 20.20.15. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.***

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report which evaluates the project as it relates to the applicable Code requirements of Chapter 20. The applicant and staff have reviewed the proposal and find it consistent with all applicable provisions of Chapter 20.

Therefore, staff finds that the proposal meets the approval criterion.

5. ***The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).***

The proposal is not an addition to the existing building.

Therefore, staff finds that the criterion is not applicable.

6. ***If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).***

The proposal is not an addition to the existing building.

Therefore, staff finds that the criterion is not applicable.

7. ***The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).***

The application is for fencing an existing open area to allow for a Dog Run. Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to the applicable Code requirements of Chapter 60 and well as the Design Standards Conformance Analysis which is at the end of this section. Staff incorporates those tables and findings as applicable to this criterion.

Therefore, staff finds that the proposal meets the approval criterion.

8. ***Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.***

Staff has reviewed the previous Conditional Use approval for Schiffler Park (CU77-13) and determined that the proposal does not modify any conditions of approval of the previous approval.

Therefore, staff finds that the proposal meets the approval criterion.

9. ***Proposals for Community Gardens comply with Section 60.05.25.14 of Chapter 60. Community Gardens are exempt from Criteria 4, 5, 6, 7, and 8 above.***

This approval criteria is not applicable; no changes to the existing community garden is proposed.

Therefore, staff finds that the criterion is not applicable.

10. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted all documents related to this request for a Design Review Compliance Letter (DR2019-0189) approval. The applicant has also submitted a Minor Modification of a Conditional Use (CU2019-0009) application and a Director's Interpretation (DI2019-0004) application. No additional application or documents are needed at this time.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the approval criterion.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **DR2019-0189 Schiffler Park Dog Run**, subject to the applicable conditions identified in Attachment E.

Design Review Standards Analysis

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.15 - Building Articulation and Variety		
No modifications to existing buildings or new buildings are proposed. This section is not applicable.		
60.05.20 – Circulation and Parking Design		
No modifications to circulation and parking areas are proposed. This section is not applicable.		
60.05.25 – Landscape, Open Space, and Natural Areas		
60.05.25.9.A Fence & Wall materials	The applicant proposes a chain link fence to enclose the proposed dog run.	Yes
60.05.25.9.B Chain Link	The applicant proposes a chain link fence to enclose the proposed dog run. Visibility is necessary to allow views into and out of the dog run area for safety, therefore no slats are proposed.	Yes
60.05.25.9.C Masonry Walls	No masonry walls are proposed.	N/A
60.05.25.9.D Industrial Zones	The subject site is not within an Industrial District.	N/A
60.05.25.9.D Fence & Wall Heights	The proposed fence will be four (4) feet in height and will not be located within a required front yard setback.	Yes
60.05.30 – Lighting Design Standards		
No modifications to existing lighting or new lighting are proposed. This section is not applicable.		

**CONDITIONS OF APPROVAL
Schiffler Park Dog Run
CU2019-0009 / DI2019-0004 / DR2019-0189**

CU2019-0009

1. Ensure that the Director's Interpretation (DI2019-0004) and Design Review Compliance Letter (DR2019-0189) have been approved and that the submitted plans are consistent with them. (Planning/JF)

DI2019-0004

No Conditions

DR2019-0189

1. Provide a plan showing an additional trash can at the entrance to the dog run area. (Planning/JF)

Jana Fox

From: Bert Goo <oldblue450@gmail.com>
Sent: Friday, January 10, 2020 12:41 PM
To: Jana Fox
Cc: Kwatson@thprd.org
Subject: Schiffler Park Dog Run - Case File No. CU2019-0009 / DR2019-0189 / D12019-0004

Jana,

I wanted to express my support for the dog run at Schiffler Park. As it stands now that area is only being utilized by the skate park which has proven to attract the wrong crowds and takes a lot of policing to keep the area safe. Making the area multi-use with the dog run would bring more people to the area and eyeballs to that corner of Schiffler Park.

I look forward to it going in.

Bert Goo
503-869-3013

Jana Fox

From: Deborah Brown <deborahkbrown.22@gmail.com>
Sent: Tuesday, January 21, 2020 5:45 PM
To: Jana Fox
Subject: Schiffler Park dog park

Hi Jana,

I'm writing in support of a dog park at Schiffler Park. I live in the neighborhood (141st and Lisa Lane) and currently we walk our dog to the park nearly everyday, as weather allows. We love the park and feel so fortunate to have such a lovely park so close to our home. To have a dog park would be icing on the cake.

As I'm sure you know, dogs that are exercised and socialized are just better dogs. Having a place where dogs and people can all socialize makes for a stronger community.

My one "ask" is for a section for shy or small dogs. My dog is small and also shy; she simply doesn't like big, crazy dogs, especially large puppies. A place where she could socialize with other dogs her size would be very welcome.

Thank you so much! I look forward to seeing you at the dog park.

Sincerely,

Deborah Brown
5770 SW 141st Ave.
Beaverton OR 97005
415-592-4013