

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 763

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF THE ARCHDIOCESE OF PORTLAND IN OREGON FOR ST. FRANCIS CATHOLIC CHURCH, SHERWOOD (CU81-03) FOR A CONDITIONAL USE PERMIT APPROVING THE CONSTRUCTION OF A CHURCH ON A PORTION OF TAX LOT 700 WASHINGTON COUNTY ASSESSOR'S MAP 2S1 29C, GRANTING APPROVAL OF SAID APPLICATION WITH CONDITIONS, AND FIXING AN EFFECTIVE DATE

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THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council adopts as its findings of fact the findings set forth in the City Staff Report dated October 26, 1981 and addendum thereto dated December 17, 1981, copies of which are attached hereto marked Exhibit A and Exhibit B respectively, under headings "Basic Facts" and "Findings". The Council further finds the relevant criteria to be those specified in the Staff Report.

Section 2: The Council further finds that pursuant to the prescribed procedures, the application for a conditional use permit was the subject of a review and public hearing by the Planning Commission on November 3, 1981. Subsequent to that hearing the Planning Commission voted to recommend approval of the application, a copy of the Planning Commission's recommendation being attached hereto marked Exhibit C.

Section 3: The Council further finds that after due and legal notice a public hearing was held on November 18, 1981, which hearing was continued to January 13, 1982, before an impartial council, and at said hearing all parties interested were afforded an opportunity to be heard and to present and rebut evidence. At said hearing the Council received in evidence, among other documents, the Planning Commission's decision, Exhibit C, the addendum thereto dated December 17, 1981, and a letter from the church's architect dated December 3, 1981, marked Exhibit D and attached hereto.

Section 4: After due consideration of the application as revised with respect to relocation of the structure to the western portion of the site, the recommendations of the Planning Commission, the Staff Report, and evidence adduced, the Council adopts the recommendations set forth in the Staff Report, Exhibit A, with the exception that proposed finding #3 of the October 26, 1981 report should not be made a condition to approval of the application.

Section 5: The application is approved to permit the use of the west 1/2 of Tax Lot 700, Washington County Assessor's Map 2S1 29C, more particularly described on Exhibit E attached, for construction of a church, subject to the following conditions:

ORDINANCE NO. 763

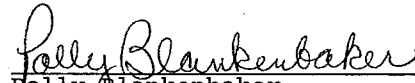
- (a) A non-remonstrance agreement for local sanitary sewer and storm sewer improvements be executed and recorded in the county real property records.
- (b) A non-remonstrance agreement for street improvements locally benefitting the property be executed and recorded in the county real property records.
- (c) A public easement for placement and maintenance of an 8" water line be granted to the city from North-east Oregon Street to the site of the proposed church construction.
- (d) A four foot wide strip for a footpath be dedicated on and along the south boundary of the site on which the church is to be constructed.

Section 6: In addition to the foregoing conditions to approval, and prior to any further action by the city, the applicant shall file with the City Recorder a signed, written statement that applicant accepts, approves and agrees to be bound by the foregoing conditions of this approval.

Section 7: This ordinance shall become effective on the 31st day after its enactment by the City Council.


PASSED:

By the Council by unanimous vote of all members present, after being read by caption three times, this 24 day of February, 1982.

  
\_\_\_\_\_  
Polly Blankenbaker  
City Recorder

APPROVED:

By the Mayor, this 24<sup>th</sup> day of February, 1982.

  
\_\_\_\_\_  
Clyde List  
Mayor

STAFF REPORT

OCTOBER 26, 1981

CASE NO: CU-81-<sup>03</sup>~~02~~  
SUBJECT: Conditional Use Permit Request for a Church on  
a 5.3 Acre Portion of Tax Lot 2S1 29C : 700.  
LOCATION: North of Oregon Street  
APPLICANT: Van Lom/Kraxberger Architects  
OWNER: Archdiocese of Portland - St. Francis Catholic Church

DESCRIPTION OF PROPOSED ACTION

The applicant is seeking approval for use of the subject property to construct a new church.

APPLICABLE STANDARDS FOR REVIEW

Chapter 2 Section 6.00 of the Community Development Code; in particular Required Findings for the granting of a Conditional Use Permit (see attached)

BASIC FACTS

Growth Management

Metro Urban (within the UGB)

Washington County Urban

City of Sherwood Urban (annexed on 6-18-81)

Land Use

Plan Designation: Urban; LDR (Low Density Residential)

Acreage: 2S1 29C: 700 5.3 ac

Buildable 5.3 ac

Existing Structures/Uses: VACANT

Environmental Resources

Topography (See Figure 1)

Fiat to gently sloping (0-3%)

Soils

Type: Quatama Loam

Characteristics: Moderately well drained; slow percolation.

Agricultural Capability Class: II

Recreation Resources

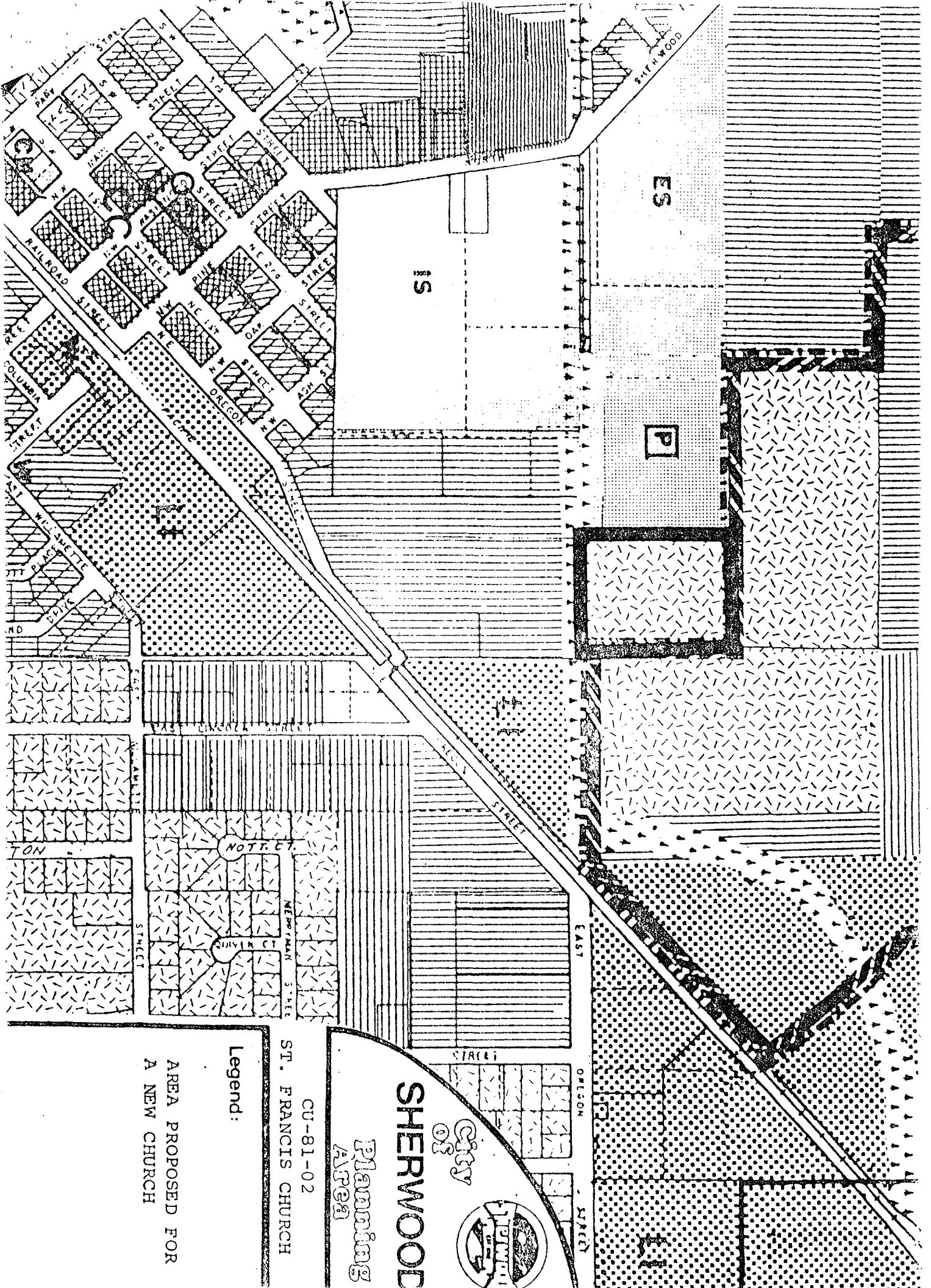
The westerly 4 acres of Tax Lot 700 is designated as a potential neighborhood park site on the plan map. The recreation master plan shows a narrow greenway/trail corridor along the southern boundary of the site connecting the Rock Creek and Cedar Creek greenway areas.

Community Facilities and Services

Water: No existing urban service. A 12" main is located approximately 800 feet west of the site on No. Sherwood Blvd; a 10" main 1400 ft. southwest of the site at Oregon St. and Ash Street.

Sewer: No existing urban service. Gravity flow service to the nearest existing lines in No. Sherwood Blvd. (8") and Ash St. (8") is not possible.

EXHIBIT A



City of  
**SHERWOOD**  
 Planning  
 Area

CU-81-02

ST. FRANCIS CHURCH

Legend:

AREA PROPOSED FOR  
 A NEW CHURCH

ATTACHMENT C  
REQUIRED FINDINGS

CONDITIONAL USE

No conditional use request shall be granted unless each of the following is found.

- A. That all public facilities and services to the proposed development, including but not limited to sanitary sewers, water, transportation access, storm drains, electrical distribution, park and open space and public safety are adequate or that the construction of any required improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the developer and the City.
- B. Approval is in conformity with applicable planning designation area standards.
- C. There is a demonstrable public need for the use of the type and kind in question.
- D. That the public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property.
- E. That surrounding property will not be adversely affected by approval of the request, or that the adverse effects of the use on the surrounding uses, the neighborhood or the City as a whole, are sufficiently ameliorated by the conditions imposed. Air, land or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare must meet the environmental performance standards contained in Section 4.02. of this Chapter.

Drainage: No existing developed facilities.

Public Safety: Sherwood Police Department

Transportation

Vehicle Access: The site currently does not have developed access to a public street. Contiguous incorporated parcels owned by the applicant to the south of the site however, have frontage on Oregon St.

Bike and Pedestrian Access: No existing facilities.

Transit: A bus stop is located 800 feet west of the site on No. Sherwood Blvd.

FINDINGS

Required findings for granting a conditional use permit.

1. "Adequacy of Services."

WATER Off site extension of the 10" main at Oregon St. and Ash St. would be required in conjunction with development to fulfill Water Service Plan requirements. Extension of the proposed main along the proposed site's boundary will be required to facilitate future service extensions. Oversizing costs may be reimbursable from future developments benefitting from the line.

SEWER No urban sewer is immediately available to the site. The applicant is proposing interim service via a force main to the Cedar Creek Trunk system or use of an approved septic system. Future service would be provided westerly to the Rock Creek Trunk (under construction) via an 8" lateral (2800 ft.). Assurances of proportionate participation in the future provision of urban service to the site is required in cases where the City approves development without construction of improvements shown in the Sewer Service Plan. The City Council has given tentative approval to the use of an interim septic or force main system if such assurances are given.

DRAINAGE No existing drainage facilities are available to the site. Eventual downstream facilities would be provided to Rock Creek via a planned 27-36" lateral to Rock Creek. Interim onsite retention and assurances of full participation in future construction of the lateral would be required to comply with the code.

PUBLIC SAFETY Sherwood Police and TRFPD Service is available. Planned driveway improvements would permit access by fire fighting equipment.

PRIVATE UTILITIES Including gas, power and telephone are available.

### RECREATION RESOURCES

**Existing System:** The proposed use will not generate additional demand on the existing park system.

**System Development:** A portion of the remaining 4-5 acres of tax lot 700 have been designated as a future neighborhood park site in the Recreation Master Plan. A pedestrian path is designated along the sites southerly boundary linking the Rock Creek and Cedar Creek Greenways. activity centers and parks. The establishment of this system would be required of the Church now or the eventual developer of the Church property to the south.

### ENVIRONMENTAL RESOURCES

#### Existing Vegetation

The applicant proposes to retain major vegetation to the maximum feasible extent and has indicated the general location of larger growth trees. A vegetation retention plan will be reviewed by the Design Review Board.

#### Suitability of Natural Features

The site is suitable for the proposed use with a basement. There are no significant soil related building restrictions.

### TRANSPORTATION

**Vehicle Access** to the site is proposed via a 24' gravel driveway from Oregon St. Eventual permanent public access to City standards would be provided upon development of the southerly portion of the Church property. The Transportation Plan requires that an alignment for a north south collector-arterial route be determined along or through the Church property. The most appropriate alignment for the future facility would be along the easterly boundary of the Church property from Oregon Street to the northeasterly corner of the proposed Church site. Appropriate right of ways should be reserved and adequate building setback distances should be retained to provide for these improvements. Actual improvement of the planned roadways would be required upon development of the southerly Church property. Assurances of Church participation in eventual road improvements is required. Traffic to be generated would be distributed onto Oregon St. (1100 ADT; 1979). The addition of an estimated 250 trips per peak day would be realized on days of peak activity only (i.e. Friday, Sunday). These volumes would not be appreciably more than existing volumes at the present Church site and would fluctuate depending on Church growth.

The site can accommodate required parking.

Pedestrian Access is not shown:

Future access along a planned pathway system from No. Sherwood Blvd. to the Rock Creek Greenway and sidewalks along developed streets are needed to meet this need.

Transit is available on No. Sherwood Blvd. (800 ft.). No pedestrian facility is available, however, to link this service with Church activities. A 15'+ easement could accommodate the future pedestrian facility linking the Church with transit on No. Sherwood Blvd.

2. "Conformity With Planning Designation Standards"

The proposed Church use may be permitted as a conditional use in the LDR designation area. Design standards would be applicable during a required design review.

3. "Public Need"

The applicant states that the public interest is served by

- providing additional developable multi-family land where the old Church is now located.
- the present church facilities are inadequate.
- other sites have been found to be inadequate for the needs of the parish.

4. "Timing"

Although full urban service provision to the site cannot be achieved in conjunction with development, the proposed action would make developable land on Oregon St. available for development, thus contributing to the provision of urban services to the area.

5. "Effects on Surrounding Property."

The site is located in a currently undeveloped area. The applicant cites the need to move the existing Church to avoid adverse noise and visual effects of adjoining industrial and fire station uses. The proposed use can be sited in such a way as to be compatible with planned uses in the area. Site development and screening requirements will be met in the design review process.



STAFF RECOMMENDATION

Based on the above findings, the staff recommends approval of the request with the following conditions.

1. That the applicant dedicate 27' of right of way along the easterly Church property line from Oregon Street to the south-easterly corner of Tax Lot 2S1 29C : 700 and 35' of right of way along the easterly boundary of Tax Lot 700 to accommodate future road improvements consistent with the Transportation Plan.
2. That the applicant dedicate a 16.5' strip connecting the site with No. Sherwood Blvd. to provide for future development of a planned pedestrian access and greenway linkage.
3. That the applicant record an LID nonremonstrance agreement for future street and utility improvements locally benefitting the site.

STAFF REPORT

ADDENDUM TO STAFF REPORT  
DATED OCTOBER 26, 1981

December 17, 1981

CASE NO: CU-81-<sup>03</sup>~~02~~  
SUBJECT: Conditional Use Permit for a Church on a 4.7  
acre portion of tax lot 2S1 29C : 700  
LOCATION: North of Oregon Street  
APPLICANT: VanLom/Kraxberger Architects  
OWNER: Archdiocese of Portland - St. Francis Catholis Church

On November 18, 1981 the City Council postponed action on this matter until the staff could propose language to assure the guaranteed participation of the applicant or his assigns in the installation of required off site improvements consistent with the Sherwood Comprehensive Plan. On December 2, 1981 the applicant submitted to the staff the attached addendum to the Conditional Use Request (CU-81-02) currently before the Council. It is the addendum request and the question of improvements guarantees which is the subject of this staff report.

SUPPLEMENTAL FINDINGS

1. The applicant seeks to modify his original request by shifting the proposed church site to the westerly 4.7 acres of tax lot 700 from the previously proposed easterly 5.3 acre portion of tax lot 700.
2. The revised request does not substantially vary critical service needs addressed in the October 26, 1981 staff report. Specifically, the following actions are necessary to address existing and future service requirements if the conditional use permit is approved.

WATER:

Following consultation with the City Engineer, the staff agreed to recommend that the 12" water line at Ash St. and Oregon St. be extended along Oregon St. to the proposed private access road and that an appropriately sized service line be extended northerly in a public easement to the proposed site. It is recommended that the planned 12" main be extended to the northerly boundary of the remainder of the Church property not be located in the private road but be installed in the right of way of the proposed major streets on the easterly property line when the remainder of the Church property is developed.

2. SEWER:

The applicant agrees to record our standard nonremonstrance agreement for a future sewer LID benefitting the Church site.

DRAINAGE

The applicant agreed to record our standard nonremonstrance agreement for a future storm drainage LID benefitting the Church site.

STREET ACCESS:

The applicant agrees to dedicate right of way for the planned major streets along the Church's easterly property line. Interim public street access via the private road to Oregon St. is proposed. Future public street access would be provided in the development of the remainder of the Church property. Assurances of the future installation of public streets consistent with the Comprehensive Plan should be provided in the form of our standard nonremonstrance agreement.

3. The revised request would shift the Church onto the proposed site of a neighborhood park site and thereby create a conflict with the Comprehensive Plan Map. On June 10, 1981, upon recommendation of the Planning Commission, the City Council agreed to reconsider the acquisition or reservation of the proposed park site at the time a development proposal for the area was submitted for approval. (see attached).

REVISED STAFF RECOMMENDATION

Based on the above findings and findings contained in the October 26, 1981 staff report, the staff recommends denial of the request. The primary basis for the recommendation for denial is that the proposal conflicts with the Comprehensive Recreation Master Plan which identifies the site as a neighborhood park. Should the request be approved, the staff recommends the imposition of the conditions recommended in the October 26, 1981 staff report.



P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

TAX LOT: 2S1 29C:700  
CASE NO: CU-81-023  
DATE: 11-12-81

NOTICE OF DECISION

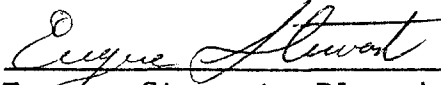
To: City Council Rick Fowler St. Francis Church  
Van Lom Kraxberger c/o Don Hite  
4455 SW Scholls Ferry Rd. 995 So. Sherwood Blvd.  
Portland, Ore. 97225 Sherwood, Ore. 97140

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a Conditional Use for a new Church on Tuesday, November 3, 1981

The decision was based on the following major findings:  
Findings contained in the attached staff report.

The following conditions were placed on approval of the application:

1. That the applicant dedicate 27 feet of right-of-way along the easterly Church property line from Oregon Street to the southeasterly corner of Tax Lot 2S1 29C : 700. That the applicant, City staff, and City Engineer get together and decide whether to propose 1) 35 feet of right-of-way along the easterly boundary of Tax Lot 700 to accommodate future road improvements consistent with the Transportation Plan, or 2) a westerly access requiring 70 feet of right-of-way from Oregon Street to the northern boundary.
2. That the applicant, City staff, and City Engineer determine if a 16.5 foot strip connecting the site with No. Sherwood Blvd. to provide for future development of a planned pedestrian access and greenway linkage is needed. That a collector street would require 20 feet of dedication of right-of-way to the southern boundaries of the proposed site.
3. That the applicant record a LID nonremonstrance agreement for future street and utility improvements locally benefitting the site.

  
Eugene Stewart, Planning Director

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council Meeting Nov. 18, 1981

\_\_\_\_\_ Design Review Board \_\_\_\_\_

EXHIBIT C

DEC 4 1981



Raleigh Hills Professional Bldg.  
4455 S.W. Scholls Ferry Road  
Portland, Oregon 97225  
(503) 292-8895

December 3, 1981

Mr. Todd Dugdale  
City of Sherwood  
P.O. Box 167  
Sherwood, Oregon 97140

RE: St. Francis Church

Dear Mr. Dugdale:

Pursuant to our meeting of December 2, I am submitting the following information as an addendum to the Conditional Use Application for St. Francis Church. If you have any questions, or if clarifications are required, please contact me. I will present this "revised application" to the City Council at their December 9 meeting.

The enclosed revised site plan shows the church development on the western one-half of Tax Lot 700, as opposed to the eastern half as previously submitted. This location not only works better for the church, but also satisfies the intent of Sherwood's System Development Goals and Policies. I request your favorable recommendation and Council approval based on the following.

1. St. Francis Church is willing to dedicate half rights-of-way along the eastern boundary of its property for future streets. Included is a twenty seven foot wide right-of-way from Oregon Street north approximately 545 feet to tax lot 700 and a thirty five foot wide right of way on the eastern property line of tax lot 700 of approximately 515 feet in length.
2. Access to the church site is proposed from Oregon Street via a private road on the western property line of tax lot 300. No access to the future north-south collector street on the east is proposed. For these reasons, St. Francis Church is of the opinion that it should not be a participant in a future L.I.D. for street improvements. When the balance of the property is sold and developed, street improvements will be the responsibility of the developer. St. Francis Church has shown its willingness to participate by offering to dedicate the aforementioned rights-of-way.

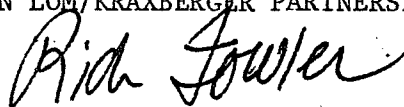
EXHIBIT D

Mr. Todd Dugdale  
December 3, 1981  
Page 2

3. St. Francis Church proposes to extend water service to the eastern property line of the new site. Further extensions of the line will rightly be the responsibility of the developers of the surrounding properties.
4. Sanitary sewer service for the church will be accommodated by a septic/drainfield system as an interim solution. St. Francis Church is willing to sign an agreement to participate in the cost of constructing a sewer lateral when it is extended from the Rock Creek trunk to serve intervening properties. The cost of installing a lateral at this time is too great of a cost burden for the church.
5. Site drainage will be handled by dry wells and natural ground percolation as an interim solution. As with the sanitary sewer, St. Francis Church is willing to sign an agreement to participate in the cost of constructing a storm drainage system for the intervening properties.
6. As stated in the initial application and testimony, St. Francis Church is opposed to a public pedestrian path or "greenway" on its property. The church is concerned about security and potential vandalism. The path would encourage access to the site by people who do not belong there.
7. By locating the church on the western portion of tax lot 700, the configuration of the remaining church property, approximately 14.3 acres, should be much easier to develop, and, thus, more attractive to a developer. This benefits both the church and the City.

Yours very truly,

THE VAN LOM/KRAXBERGER PARTNERSHIP, A.I.A.



Richard J. Fowler, A.I.A.  
Architect

RJF:bd  
enclosure  
cc: Don Hite

LEGAL DESCRIPTION  
PROPOSED CHURCH SITE

Approximately one-half (western) of Tax Lot 700, Map 2S1 29C.

That portion of the southwest quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, described as follows:

Beginning at a point on the north and south center line of said Section 29, 16.5 feet north of the quarter corner on the south line of said section, thence North 499 feet to a point, thence West parallel parallel to the South line of said Section, 910 feet more or less to the Northeast corner of tract conveyed to School District No. 88 JT, Washington County, Oregon, by deed recorded in Book 109 at Page 372, Washington County Records, thence South along the East line of said tract so conveyed, 499 feet to a point 16-1/2 feet North of the South line of the said Southwest quarter of Section 29, thence East parallel to and 16-1/2 feet north of the said South line of said Southwest quarter of Section 29, 910 feet more or less to the point of beginning.