

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by IMF Development	)	
for Grace Baptist Church to Site a Church and Accessory	)	ORDER NO. 46-01
Structures on a 8.9 Acre Parcel Zoned Rural Residential	)	
(R-10) at the Intersection of Ross Road and Bachelor	)	FINDINGS AND
Flat Road Inside the Urban Growth Boundary for the	)	CONCLUSIONS
City of St. Helens	)	

WHEREAS, on January 22, 2001, Frank Wood, IMF Development, on behalf of Grace Baptist Church, filed an application for a Conditional Use Permit (CU 01-33), and Site Design Review (DR 01-16)<sup>1</sup> to site a Church and accessory structures on the east side of Ross Road near the intersection of Bachelor Flat Road and Ross Road inside the Urban Growth Boundary of the City of St. Helens, on property zoned as Single Family Residential (R-10), and having tax account number 4107-013-00103; and

WHEREAS, on January 31, 2001, said Applications were deemed complete; and

WHEREAS, on March 5, 2001, the Columbia County Planning Commission held a hearing on the applications; and

WHEREAS, after hearing evidence and deliberating, the Columbia County Planning Commission tentatively approved the application for a Conditional Use Permit subject to 6 conditions of approval, and the application for Site Design Review subject to 12 conditions of approval; and, on April 2, 2001, Planning Commission Chair, Jeffrey VanNatta, signed Final Orders CU 01-33 and DR 01-16, approving said applications; and

WHEREAS, on April 10, 2001, Bill Amos, on behalf of Grace Baptist Church, appealed the Planning Commission's approval of Conditional Use Permit 01-33 and Site Design Review DR 01-09, to the Columbia County Board of County Commissioners; and

WHEREAS, on May 16, 2001, the Board of County Commissioners held a de novo hearing on the applications; and

WHEREAS, at the hearing, Glen Higgins, Chief Planner of the Land Development Services Department, read the Department staff report into the record which listed the criteria to be considered and contained the Department's proposed findings, conclusions and recommendations; and

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<sup>1</sup>Applicant also applied for a Variance (V 01-03) for a subsurface septic system on the property which was approved by the Columbia County Planning Commission on March 5, 2001, and was not appealed to the Board of Commissioners. See Final Order V 01-03.

WHEREAS, Mark Greenfield, attorney for Grace Baptist Church, Bill Amos and Jack Blair, testified in favor of the applications, and Kathy and Ross Taylor testified in opposition of the applications; and

WHEREAS, the following Exhibits were introduced into the record:

EXHIBIT 1- Legal Counsel's File, including the following:

- 1) Notice of Public Hearing (Publication);
- 2) Notice of Public Hearing (Property Owner Notice);
- 3) Affidavit of Mailing dated April 25, 2001;
- 4) Affidavit of Publication dated April 25, 2001;
- 5) Board Communication from Todd Dugdale Dated May 10, 2001, with the following attachments:
  - A) Appeal by Bill Amos for Grace Baptist Church on CU 01-33 dated April 10, 2001;
  - B) Letter to Glen Higgins from Robert Obermeier dated April 1, 2001;
  - C) Letter to Glen Higgins from Robert Kearsley dated April 1, 2001;
  - D) Letter to Glen Higgins, from Frank Wood, IMF Development, dated April 2, 2001;
  - E) Letter from Donna Riggs, McNulty Water Association;
  - F) Application for a Conditional Use Permit by IMF Development received 1/22/01;
  - G) Application for Site Design Review by IMF Development received 1/22/01.
  - H) Staff Report on CU 01-33, dated May 10, 2001, to Board of County Commissioners;
  - I) Staff Report on DR 01-16, dated May 10, 2001, to Board of County Commissioners;
- 6) Board Communication from Todd Dugdale dated April 13, 2001, with the following attachments:
  - A) List of interested parties to receive notice;
  - B) Planning Commission Amended Staff Report on CU 01-33 dated March 20, 2001;
  - C) Planning Commission Amended Staff Report on DR 01-16 dated March 20, 2001;
- 7) Appeal of DR 01-16 dated April 10, 2001
- 8) Notice to Parties and Adjoining Owners of Planning Commission consideration of ratification;
- 9) Map showing Staff Recommendations for Road improvements to Planning Commission;
- 10) Final Order
- 11) Minutes from Planning Commission hearing dated March 5, 2001, on CU 01-33/DR 01-16 and V 01-03;
- 12) Letter to Glen Higgins from Mark Greenfield, attorney for Grace Baptist Church,

dated April 2, 2001;  
EXHIBIT 2- Map of the subject property submitted by Bill Amos, Grace Baptist Church;  
EXHIBIT 3- Exhibit "D" submitted by Jack Blair;  
EXHIBIT 4- Letter from Ross and Kathy Taylor to Board of Commissioners, dated May 15, 2001;  
EXHIBIT 5- Letter from Ross Taylor to Glen Higgins, dated May 15, 2001;  
EXHIBIT 6- Exhibit "B" survey for Eric Dahlgren submitted by Ross Taylor;  
EXHIBIT 7- Exhibit "A" map by Clifton Jones, submitted by Ross Taylor;  
EXHIBIT 8- Exhibit "C" record of survey property line adjustments submitted by Ross Taylor; and

WHEREAS, having heard testimony and reviewed the evidence presented, the Board of County Commissions closed the public hearing, heard from staff, and continued the matter for deliberations to May 23, 2001, at or after 10:00 a.m.; and

WHEREAS, on May 23, 2001, the Board of County Commissioners reconvened, heard from staff, and after deliberating on the matter, tentatively approved both applications;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts findings number 1 through 19, and 23 through 27 of the Land Development Services Staff Report to the Board of County Commissioners, on CU 01-33, dated May 10, 2001, which is attached hereto as Attachment "A" and is incorporated herein by this reference.<sup>2</sup>
2. The Board of County Commissioners adopts findings numbers 1 through 16 of the Land Development Services Staff Report to the Board of County Commissioners, on DR 01-16, dated May 10, 2001, which is attached hereto as Attachment "B" and is incorporated herein by this reference.
3. The Board of County Commissioners adopts supplemental findings which are attached hereto in Attachment "C" and are incorporated herein by this reference.
4. The application of IMF Development for Grace Baptist Church for a Conditional Use Permit, CU 01-33, is **APPROVED, subject to the following conditions:**

A. Grace Baptist Church shall meet all conditions of approval for Variance V01-03, and Site Design Review, DR 01-16, before a building permit may be issued. All such conditions of approval are adopted by this reference and are conditions of approval of this Conditional Use Permit application.

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<sup>2</sup> The Land Development Services Staff Report to the Board of County Commissioners on CU 01-33, dated May 10, 2001, contains two findings, labeled Finding 25. This Final Order adopts the first such finding, beginning on page 13 of the Staff Report, and does not adopt the second such finding beginning on page 14 of the Staff Report.

B. Grace Baptist Church shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements to Ross Road fronting the subject property, including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and similar improvements at a time when future development warrants such improvements. This Waiver shall run with the land and shall be binding on all successors in interest in the property.

C. Grace Baptist Church shall:

- 1) Dedicate 10' of public right of way on the east side of Ross Road fronting the subject property to the public for road purposes and make improvements to Ross Road according to the City of St. Helens' Road Standards.
- 2) Survey and monument the dedicated 10' road right of way on Ross Road fronting the subject property.
- 3) Dedicate a 25' wide utility easement along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running to the east, and continuing down the east side of the property for its entire length.
- 4) Sign and record an irrevocable consent to dedicate the 25' wide easement along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running to the east, and continuing down the east side of the property for its entire length, for public road purposes when the County or City of St. Helens (if annexed) determines a public road and/or associated improvements are needed. The consent shall run with the land, and shall be binding on successors in interest in the property.

D. Grace Baptist Church shall install a fire hydrant to St. Helens Rural Fire Protection District specifications in consultation with the McNulty Water Association .

E. Grace Baptist Church shall provide documentation from the McNulty Water Association stating that water can be supplied to the subject property and that distribution facilities are adequate for water provision.

F. Grace Baptist Church shall provide documentation from the County Public Works Department and comments from the City Public Works Department stating that the proposed Stormwater Management Plan for the site is adequate and acceptable.

5. The application of IMF Development for Grace Baptist Church for Site Design Review DR 01-16, is **APPROVED, subject to the following conditions:**

- A. Grace Baptist Church shall meet all conditions of approval for Conditional Use Permit CU 01-33 and Variance V 01-33, before a building permit may be issued. All such conditions of approval are adopted by this reference and are conditions of approval of this Site Design Review application.
- B. Grace Baptist Church shall submit a letter from the McNulty Water Association to Land Development Services stating that the fire hydrant has been installed and that fire flow is adequate.
- C. Grace Baptist Church shall shield all outdoor lighting so that such lighting does not shine directly on adjacent properties and roads.
- D. Grace Baptist Church shall provide a vegetative buffer approved by LDS around all parking areas and neighboring properties. This vegetative buffer shall consist of a hedge of evergreen shrubs which will form a four-foot high continuous screen within two years of planting.
- E. Grace Baptist Church shall fence the boundaries of athletic fields and/or playground areas adjacent to existing residential areas. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director.
- F. The Columbia County Planning Director shall give final site plan approval after preliminary site plan approval by the Planning Commission and after conditions of approval have been met. The final approved site plan shall be attached to and become part of the building permit.
- G. Grace Baptist Church shall secure an arborist to save trees if possible and shall replace any trees that are removed with the same species of trees.

DATED this 30<sup>th</sup> day of May, 2001.

Approved as to Form

By: Sarah W. Taylor  
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chair

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

## ATTACHMENT A

Grace Baptist Church

CU 01-33

### COLUMBIA COUNTY BOARD OF COMMISSIONERS STAFF REPORT - R-10 ZONE .05/10/01 "GRACE BAPTIST CHURCH"

**FILE NUMBER:** CU 01-33

**APPLICANT:** IMF Development - Frank Wood  
PO Box 151  
Clackamas, Oregon 97015

**PROPERTY OWNER:** Grace Baptist Church  
PO Box 1121  
St. Helens, Oregon 97051

**PROPERTY LOCATION:** East side of Ross Road near intersection of Bachelor Flat Road and  
Ross Road inside Urban Growth Boundary of City of St. Helens

**REQUEST:** The applicant requests approval of a Conditional Use Permit to  
allow a church in the Single-Family Residential (R-10) Zone.  
(See also V 01-03 & DR 01-16)

**TAX ACCT. NUMBER:** 4107-013-00103

**ZONING:** Single-Family Residential (R-10) inside Urban Growth Boundary

**PLEASE NOTE:** **The following staff report remains the same as the amended Planning  
Commission staff report of 3/20/01 with the exception of On-Appeal  
findings on the appellant's reasons of appeal and the On-Appeal staff  
recommendation.**

#### BACKGROUND:

The applicant requests approval of a Conditional Use Permit for a Church in the Single-Family Residential (R-10) Zone pursuant to Section 705.8 of the Zoning Ordinance. The subject property is located in the Urban Growth Boundary of the City of St. Helens and is within the St. Helens Rural Fire Protection District and McNulty Water service boundaries. The subject property is presently used as a hayfield, has no outstanding features, and has approximately 400 ft. of frontage on Ross County Road. The FEMA Flood Insurance Rate Map (FIRM), Map # 41009C0451 C, Panel, 451, Dated August 16, 1988, lists the subject property as being located inside "Zone X" which is "Areas determined to be outside the 500 year flood plain." The

National Wetlands Inventory Map, "St. Helens" does not indicate the presence of a wetland on the property.

**SOILS:**

The Soil Survey of Columbia County, Oregon lists both soils as Prime Farmland soils and states about both soils underlying the subject property that, "Permeability of the aloha soil is moderately slow. ... If the soil in this unit is used for homesite development, the main limitations are seasonal wetness and moderately slow permeability. Drainage is needed if roads and building foundations are constructed. Wetness can be reduced by installing drain tile around footings."

	<u>Type</u>	<u>% of Parcel</u>	<u>Agric Cap.</u>
1A	Aloha silt loam, 0 to 3 % slopes	66%	IIw
1B	Aloha silt loam, 3 to 8% slopes	33%	IIw

**FINDINGS:**

Following with the Columbia County Zoning Ordinance, Section 700, Single-Family Residential (R-10):

703 Conditional Uses:

- .2 Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance.

**FINDING 1:** Churches are listed as conditional uses in the Single-Family (R-10) Zone. The applicant has also applied for a Site Design Review (See DR 01-16) per section 1550 of the zoning ordinance and will be required to comply with all applicable provisions of the Zoning Ordinance.

Continuing with CCZO, Single-Family Residential:

704 Criteria for Approval of Conditional Uses:

- .1 Signs shall be in accordance with Section 1300.
- .2 Off-street parking shall be in accordance with Section 1400.

**FINDING 2:** Any proposed signs must conform to Section 1300, the County Sign Ordinance. Parking shall conform to Section 1400, the County Off-Street Parking Ordinance. An application was submitted for a Site Design review which will review any proposed signs or off-street parking proposed by the church.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone:

705 Standards:

- .1 Lot or Parcel Sizes:
  - A. The minimum lot or parcel size without public water or public sewer shall be one acre.
  - B. The minimum lot or parcel size with public water and public sewer shall be 10,000 square feet.

**FINDING 3:** The parcel size is 8.90 acres or 387,684 square feet which appears to be an adequate parcel size to accommodate the proposed use.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

- .2 Lot or Parcel Dimensions:
  - A. The minimum average lot or parcel width shall be 70 feet.
  - B. The minimum average lot or parcel depth shall be 100 feet.
  - C. All lots or parcels shall have a minimum of 50 foot of usable frontage on a public right-of-way; except a driveway to a single



parcel to be used for residential purposes may use a non-exclusive easement for access to a public or county road.

**FINDING 4:** The subject property at approximately 400' x 968' exceeds all of the required minimum average width and depth requirements. The property has 400' of frontage on Ross Road.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

.3 **Building Setbacks:**

- A. Front yard setbacks shall have a minimum depth of 25 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side, if both lots or parcels are occupied. If one lot or parcel is occupied and the other is vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 25 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25 feet.
- B. Side yard setbacks shall be a minimum of 10 feet.
- C. Rear yard setbacks shall be a minimum of 20 feet to the main building.
- D. Setbacks for insufficient right-of-way. The minimum front or side yards, or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way width and the additional yard setback requirements in such cases.

**FINDING 5:** The proposed church will meet the required setbacks. Drawings submitted by the applicant indicate setbacks of 50'+ to the north side, 116' on the south side, 60' in the front, and about 400' for the rear setbacks to the main building.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

- .4 Lot or Parcel Coverage: The lot or parcel coverage shall not exceed 30 percent of the total area of the lot or parcel.

**FINDING 6:** The proposed church buildings as indicated on the plans will consist of a 216' wide x 109' long worship center with classrooms and office space totaling 23,544 sq. ft. to be constructed when all permits are approved; and a future 216' wide x 141' long Sanctuary of 30,456 square feet to be constructed at an indeterminate time in the future. The plans also indicate a 40' x 60' covered picnic area of 2,400 square feet; and 25' x 50' Mower and Maintenance Building of 1,250 square feet. All buildings total 57,650 square feet. The 8.90 acre site is 387,684 square feet. The building coverage is approximately 14.9 % of the total site area which is well below the 30% limitation.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

- .5 Height Limitations: The maximum height of a structure shall not exceed 35 feet or 2-1/2 stories, whichever is less.

**FINDING 7:** The applicant has submitted elevations that do not have an accurate scale or dimensions however the applicant states in the narrative that the building will be 35' in height. This permit will not be valid unless the height limitation is followed.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

- .6 Off-Street Parking: Two off-street parking spaces shall be provided as required in Section 1400.

**FINDING 8:** The applicant states that, "Section 1416.2 calls for one parking space for every 80 square feet of sanctuary space with unfixed seating. The proposed plan calls for a sanctuary space of 4,389 square feet, which would require 55 parking spaces. The site plan has 171 parking spaces." The indicated 171 parking spaces are more than adequate for this facility.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

- .7 Accessory Buildings: Accessory buildings may be allowed if they fulfill

the following requirements:

- A. If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
- B. If detached and located behind the rear-most line of the main building, or a minimum of 55 feet from the front lot or parcel line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot or parcel line not fronting on a street, when in compliance with the Building Code.
- C. All other detached accessory buildings shall have a minimum setback of 5 feet from the rear or side lot or parcel lines.

**FINDING 9:** The church plan indicates a covered picnic area and a mower and maintenance building which are considered accessory buildings. These buildings are setback adequately and easily meet the setback requirements.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705:

.8 Churches shall meet the following requirements:

- A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;

**FINDING 10:** The church property at 8.90 acres and 387,684 square feet easily meets the 20,000 square feet minimum lot area criteria.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

- B. Minimum Public Street Frontage: 100 feet;

**FINDING 11:** The subject property has 400' of frontage on Ross County Road.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

- C. Shall be located within 1000 ft. of a collector or arterial road;

**FINDING 12:** Ross Road which fronts the subject property for 400' is considered a minor arterial by the County.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

D. Shall be capable of providing adequate fire flow;

**FINDING 13:** The applicant states in the written narrative that, "The Fire Marshall has indicated that there will be adequate access to and fire flow for the site. There is a 6-inch water line in Ross Road. A fire Hydrant will be added on the site. .."

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

E. Shall be connected to sewer;

**FINDING 13:** The applicant has applied for a Variance (See V 01-03) to the sewer connection requirement.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

F. Maximum coverage of the parcel shall not exceed 50% of land area;

**FINDING 14:** The buildings on the site will occupy no more than 15% of the parcel as calculated by staff. This is well below the 50% standard above.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

G. Shall meet the setback standards for residential structures;

**FINDING 15:** The church will meet setback standards for churches in the R-10 zone since it is not a residential structure.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;

**FINDING 16:** The conceptual site plan demonstrating compliance with the standards was submitted.

Following with The Zoning Ordinance, Single-Family Residential (R-10) Zone, Section 705.8:

- I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:
  - a. The addition of usable building area on the site;
  - b. The addition of site area;
  - c. The establishment of additional uses such as full-time day schools or full-time day care centers.

**FINDING 17:** If this Conditional Use Permit (CUP) is approved then any modification including the addition of usable building area on the site; the addition of site area; and the establishment of additional uses such as full-time day schools or full-time day care centers will require a new CUP application and approval.

Section 1503 of the Zoning Ordinance requires the following:

1503 Conditional Uses:

- .5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:
  - A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

**FINDING 18:** The R-10 zone, Section 703.2 lists “Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance” as a conditional use.

Continuing with Zoning Ordinance section 1503.5:

- B. The use meets the specific criteria established in the underlying zone:

**FINDING 19:** The criteria of the R-10 zone have been shown to be met in findings 1 through 18 of this staff report.

Continuing with Zoning Ordinance section 1503.5:

- C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

**FINDING 20:** The 8.90 acre size and the 400' x 900' rectangular shape of the property is more than adequate for the proposed church. The location of the property appears to be a good location for a church considering the existence of the transportation system, community water, power, and telephone. There are undeveloped properties on the north and south sides of the subject property. If allowance is made for future roadways on the church property then the site will be suitable for the area and its proximity to these undeveloped properties. The applicant has applied for a variance (See V 01-03) to sewer connection to allow a DEQ approved sanitation system since City sewer does not reach the property. The property is underlain by two soil types, 1A and 1B Aloha silt loam, and slopes off gently with a slope of less than 8% towards the southeast. Contours on the property show an elevation difference of 30' between the upper corner of the property near Bachelor Flat Road diagonally to the other corner of the property approximately 1000' away. These characteristics appear to make the site suitable for the proposed church if a variance to City sewer connection is approved and if a sewage disposal system can be approved by DEQ, and area is reserved for future roadways to connect undeveloped surrounding properties.

Continuing with Zoning Ordinance section 1503.5:

- D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

**FINDING 21:** The property has public facilities available that include power, telephone, and transportation access via Ross Road. Ross Road is a 40' wide paved County Road having a substandard right-of-way width. The applicant states as well as indicates on the plan that a 10' wide road right-of-way will be dedicated along that portion of the property fronting on Ross Road. The City comments that "Improvements to Ross Road should meet City Standards." The

church will be required to:

1) Dedicate 10' additional right-of-way width to the east side of Ross Road fronting the subject property for future road widening purposes; with improvements to City Standards and tied to the improvement at the intersection of Ross Road and Bachelor Flat Road..

2) Dedicate a 25' wide right-of-way width along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running east; and a 25' wide right-of-way dedication down the east side of the property for its entire length. These ½ right-of-way width dedications will provide right-of-way for future road purposes.

Continuing with Zoning Ordinance section 1503.5:

- E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

**FINDING 22:** Primary uses listed in the underlying Single-Family Residential (R-10) zoning district include single family detached dwellings. Properties surrounding the subject parcel are all zoned R-10, Single-Family Residential and are comprised of 7.71 and 3.72 undeveloped acres to the north; 9.50 undeveloped acres to the south; 2.0 and 3.0 acres with houses accessed from Childs Road to the east; and .91 and 1.05 acre parcels with houses to the west; all zoned R-10. The proposed church facility as indicated on the site plan does not provide for access or connectivity to surrounding properties that are zoned primarily for residential use. In light of access management to future undeveloped surrounding parcels, the church shall dedicate a 25' wide right-of-way strip down the north side of the property from 50' west of the intersection of tax lots 3800 and 800; and a 25' wide right-of-way dedication along the entire east side of the property for its entire length, so as to not substantially limit, impair, or preclude the use of surrounding properties from the primary uses listed in the underlying district.

Following with Goals and Policies of the Comprehensive Plan which apply to the proposed use:

URBANIZATION

GOAL:

To create and maintain the urban growth boundaries based upon the consideration of the following factors:

2. Need for housing, employment opportunities, and livability.
3. Orderly and economic provision for public facilities and services.
4. Maximum efficiency of land uses within and on the fringe of the existing urban area.
5. Environmental, energy, economic, and social consequences.

**POLICIES:** It shall be a policy of the County to:

1. Provide an orderly and efficient transition from rural to urban land use.
2. Utilize the area in the urban growth boundaries with the most efficient manner of service expansion.
5. Minimize the conflicts between urban and rural land uses.
6. Control development within the limitation of the public's ability to provide services.
8. Locate major public and private developments where they will not encourage residential growth outside the designated boundary.
9. Provide direction for developers to utilize land within the boundary in the most efficient manner.

**FINDING 23:** The above stated "Urbanization" goal and policies of the Comprehensive Plan can be met by the church if consideration for; livability, orderly and efficient transition from rural to urban uses, reduction of potential conflicts, and direction for development; can be addressed in the most efficient manner. The church can meet this goal and the above policies by dedication of ½ right-of-ways for access to surrounding undeveloped properties to insure that when developed the pattern on the land surrounding the church will also promote livability, by agreeing to provide necessary infrastructure to accommodate the development until such time as the property is annexed or sewer becomes available, and through the provision of screening from parking areas and the proposed athletic fields through the use of vegetative buffers and fencing.



Continuing with Goals and Policies of the Comprehensive Plan which apply to the proposed use:

**PUBLIC FACILITIES AND SERVICES**

**GOAL:**

To plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development.

**POLICIES:** It shall be County policy to:

1. Require that adequate types and levels of public facilities and services be provided in advance of or concurrent with development.
4. Encourage new development on lands within urban growth boundaries or built and committed exception areas.
5. Coordinate public facilities and services planning with affected service districts and/or agencies.
9. Direct new development into areas where services exist or are proposed within a reasonable time frame.
11. Review facility plans for urbanizable areas to assure proper coordination of facilities consistent with the long-range plans and procedures established within the urban growth management agreements.
13. Support a level of fire safety and service in all areas of the County sufficient to minimize the risk of fire damage to life and property.

**FINDING 24:** The Public Facilities and Service Goal is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. The church has been willing to cooperate fully to meet this goal and will provide adequate types and levels of public facilities and services to include: water, to be provided by McNulty Water Association; sewer/sanitation, to be approved by Oregon Department of Environmental Quality (DEQ) if V 01-03 is approved allowing temporary use of on-site system rather than requiring public sewer connection until such time as public sewer connection is available; storm water management; and transportation, to include dedication of adequate facilities. The St. Helens Fire

District and Columbia County Sheriff's Office will provide emergency service to the church.

Following with Goals and Policies of the Comprehensive Plan which apply to the proposed use:

**TRANSPORTATION**

**GOAL:**

The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.

**OBJECTIVES:**

1. To utilize the various modes of transportation that are available in the County to provide services for the residents.
2. To encourage and promote an efficient and economical transportation system to serve the commercial and industrial establishments of the County.
3. To improve the existing transportation system.

**POLICIES:**

2. The dedication of adequate rights-of-way to meet the standards set in the Transportation Plan shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition. The developer of a subdivision in an urban growth area will be required to make the appropriate improvements to any related street to meet the standards set in a Transportation Plan.
3. Appropriate off-site improvements to county roads shall be required whenever a development results in a major increase in traffic on an existing county road.

**FINDING 25:** The church is willing to meet the provisions of the Transportation Goal in the Comprehensive Plan which is to create a efficient, safe, and diverse transportation system to serve the needs of Columbia County residents. This would include all residents in the vicinity and surrounding the subject property of the church. One object of the transportation goal is to improve the existing transportation system. A policy meeting the above objective is the dedication of adequate rights-of-way to meet the standards set in the Transportation Plan which shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or

Partition. The applicant has applied for a conditional use permit and stated that they will dedicate an additional 10' of right-of-way along that portion of Ross Road fronting the subject property. To prevent future discontinuance of a roadway system between properties to the north and east of the church property the church shall dedicate a 25' wide right-of-way strip down the north side of the property from 50' west of the intersection of tax lots 3800 and 800 extending eastward; and then 25' along the entire length of the eastern property line. The application will then satisfy the transportation goal of the comprehensive plan.

Continuing with Zoning Ordinance section 1503.5:

- F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

**FINDING 26:** The Grace Baptist Church facility in this neighborhood can satisfy the goals and policies of the Comprehensive Plan if provisions meeting the Goals of Urbanization, Public Facilities and Services, and Transportation can be met per findings 23, 24, and 25 above.

Continuing with Zoning Ordinance section 1503.5:

- G. The proposal will not create any hazardous conditions.

**FINDING 27:** The proposed church will not create any hazardous conditions. Proper signage will be required for traffic circulation in the church parking lot with stop signs visible before entering a public thoroughfare. The County Road Department checks and approves line of sight conditions before issuing a County Road Access Permit which the church must have for access/ egress from driveways. All Americans With Disabilities provisions as well as fire code must be met before final approval/occupancy of the church building is given by the County Building Department.

Continuing with Zoning Ordinance section 1503:

- .6 Design Review: The Commission may require the Conditional Use be subject to a site design review by the Planning Commission.

**FINDING 25:** A Site Design Review, DR 01-16, is presently scheduled to go before the

Planning Commission concurrently with this application.

**COMMENTS:**

1. The County Sanitarian has reviewed the application and has no objection to its approval as submitted.
2. The County Building Official has reviewed the application and has no objection to this approval as submitted but comments that, "Building needs to be sprinkled and meet ADA requirements.
3. The City of St. Helens states that, "The City cannot annex this property into the City until it is contiguous." A letter was sent on February 15, 2001 stating, "The St. Helens Planning Commission met at their regularly scheduled meeting on February 13, 2001 and generally agreed to recommend the following:
  1. No objections to the Variance request.
  - B) Handicap requirements be complied with prior to final occupation.
  - C) The applicant should make sure that area lights do not significantly impact neighbors.
  - D) Drainage plans should be coordinated with the St. Helens City Engineer.
  - E) An easement across the north and east portions of the property for possible future road(s) to connect to Maple Road or other roads from the north or east. This easement should allow neighbors the right to install public roads to include accesses to this site. Easement could be to the County or City to control accesses without official improvements.
  - F) Improvements to Ross Road should meet City Standards.
  - G) The Ross and Bachelor Flat Roads intersection should be reviewed for safety issues and considerations should be given to making improvements an/or adding traffic control devices in response to any factual safety issues.
  - H) There are several trees on the site and they should be given careful consideration to save them where reasonable.

4. Kristine Lambert of the St. Helens CPAC comments that, "The neighbors surrounding future church have 3 basic concerns. (1) No removal of large tree's on church property (2) neighbors would like to see existing trees on (North line) remain as a buffer zone & potential further designated access easement to the approximate 14 acres of undeveloped property. (Concerns over land lock potential) (3) upgrade of Ross Road ½ street improvement (20 ft. pavement 6 ft. sidewalk) \* city street standards for minor arterial."
5. The County Roadmaster commented that, "Need access permit which will require paving of approach. Need to dedicate 10' of ROW along Ross Rd. for future arterial. Need to dedicate 50' of ROW along north boundary tapering to 25' for future development and 25 feet along east boundary unless alternative design are approved for traffic circulation."
6. The St. Helens Fire commented that, "Applicant must provide fire access and water as required by current Fire Code."
7. The St. Helens/Columbia City CPAC is in general, in favor of this application, with the following concerns:

"Lacking any guidance from the City of St. Helens (in the form of a master plan map and overlay) for the proposed location of future roads and services in the UGA, the CPAC is concerned about adequate and sensible right of ways for the inevitable development of surrounding properties. We recommend as a condition of approval that a 25 feet dedication for a future road be required on both the north and south boundaries of the subject property; with the understanding that at such time as a connecting road is actually constructed, that any remaining dedication unused would be vacated and returned to the church."

No other comments have been received from notified nearby property owners or affected government agencies as of the date of this staff report (February 21, 2001).

#### CONCLUSION AND RECOMMENDATION:

Based on the above findings, staff recommends approval of this Conditional Use Permit request for the Grace Baptist Church to locate on the subject property in the single-family (R-10) zone, as a conditional use upon meeting the following conditions:

1. The church shall have Variance, V01-03; and Site Design Review, DR 01-16, approved and all conditions of approval met before a building permit can be issued. All conditions of approval for these other land use applications are hereby adopted by reference and shall become conditions of approval for this application.
2. The owner of the property shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and like type improvements at a time when future development warrants. This waiver shall run with the land and shall be binding on all successors in interest to the property.
3. The church shall dedicate right of way as follows:
  - A) Dedicate 10' additional right-of-way width to the east side of Ross Road fronting the subject property for future road widening purposes; with improvements to City Standards and tied to the improvement at the intersection of Ross Road and Bachelor Flat Road..
  - B) Dedicate a 25' wide right-of-way width along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running east; and a 25' wide right-of-way dedication down the east side of the property for its entire length. These ½ right-of-way width dedications will provide right-of-way for future road purposes.
  - C) The Church shall have the dedicated road right-of-ways surveyed and monumented with the survey being recorded with the County Surveyor
4. The owner of the property shall install a fire hydrant to St. Helens Rural Fire Protection District specifications in consultation with the McNulty Water Association.
5. The applicant shall provide documentation from the McNulty Water Association stating that water can be supplied to the subject property and that distribution facilities are adequate for water provision.
6. The applicant shall provide documentation from the County Public Works Department and comments from the City Public Works Department stating that the proposed Stormwater Management Plan for the site is adequate and acceptable.

**ON-APPEAL FINDINGS:**

**Condition # 2 States:**

“The owner of the property shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and like type improvements at a time when future development warrants. This waiver shall run with the land and shall be binding on all successors in interest to the property.”

**Grace Baptist’s Reason for Appeal of Condition 2:** Grace Baptist Church agrees with this condition as it relates to Ross Road improvements and utility improvements that will benefit the church.

Grace Baptist Church is appealing the condition as it may relate to future development of the easements/ right of ways on the North and East sides of the property, as these improvements are exclusively for the benefit of others, and not the church. We see this as illegal takings without just compensation under the 5<sup>th</sup> Amendment to the U.S. Constitution.

**ON-APPEAL FINDING 1:** Staff agrees with the churches position regarding the takings issue and the churches willingness to sign a Waiver of Remonstrance regarding the formation of an LID applicable for Ross Road only.

**Following with Condition #3B which states:**

“Dedicate a 25' wide right-of-way width along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running east; and a 25' wide right-of-way dedication down the east side of the property for its entire length. These ½ right-of-way width dedications will provide right-of-way for future road purposes.”

**Grace Baptist’s Reason for Appeal of Condition 3B:** Grace Baptist Church is appealing the requirement to immediately dedicate this land as a Public Right of Way at this time. We are willing to give the City of St. Helens and Columbia County an easement meeting the same description for any and all utilities, and will further irrevocably consent to their dedication as a Right of Way at such time as the roadway and it’s associated improvements are placed and paid by others. Out [sic] testimony referred to these parcels as easements. We see this future liability as an illegal taking without just compensation under the 5<sup>th</sup> Amendment to the U.S. Constitution.

If a right of way is needed at this time, the Church must be compensated for their property, as there is no common need at this time.

**ON-APPEAL FINDING 2:** Staff agrees with the churches position regarding the takings issue and feels that easements will accomplish the reservation of right of way for future roadway purposes when development warrants.

Following with Condition #3C which states:

“ The Church shall have the dedicated road right-of-ways surveyed and monumented with the survey being recorded with the County Surveyor.”

**Grace Baptist's Reason for Appeal of Condition 3B:** An easement can be described and recorded without monumenting. This further burden upon the Church is a taking, and the cost should be born by those benefitting.

**ON-APPEAL FINDING 3:** Staff agrees that recorded easements will accomplish reservation of right of way for future roadway use and that surveying and monumenting is unnecessary.

#### **STAFF RECOMMENDATION:**

Staff agrees with the appellant's contention as stated in the above reasons of appeal and recommend that Final Order CU 01-33 Conditions of Approval 2, 3B, and 3C be modified as follows (Added language in **BOLD**; deleted language in ~~strikeout~~):

2. The owner of the property shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements to **Ross Road fronting the subject property** including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and like type improvements at a time when future development warrants. This waiver shall run with the land and shall be binding on all successors in interest to the property.
- 3.B **Record** ~~Dedicate a 25' wide right-of-way width easement for any and all utilities with the churches irrevocable consent to dedicate easements as a right of way at such time as the roadway and it's associated improvements are needed to be developed~~ along the north side of the property from 50' west of the intersection of tax lots 3800 and



800 with the subject property running east; and a 25' wide right-of-way easement dedication down the east side of the property for its entire length. ~~These 1/2 right-of-way width dedications will provide right-of-way for future road purposes.~~"

- 3.C **The Church shall have a legal description of the easements recorded on the deed to the church property.** ~~the dedicated road right-of-ways surveyed and monumented with the survey being recorded with the County Surveyor.~~

## ATTACHMENT B

Grace Baptist Church

### COLUMBIA COUNTY BOARD OF COMMISSIONERS STAFF REPORT - R-10 ZONE 05/10/01 "GRACE BAPTIST CHURCH"

FILE NUMBER: DR 01-16

APPLICANT: IMF Development - Frank Wood  
PO Box 151  
Clackamas, Oregon 97015

PROPERTY OWNER: Grace Baptist Church  
PO Box 1121  
St. Helens, Oregon 97051

PROPERTY LOCATION: East side of Ross Road near intersection of Bachelor Flat Road and  
Ross Road inside Urban Growth Boundary of City of St. Helens

REQUEST: The applicant requests approval of a Site Design Review  
Conditional Use Permit to allow a church in the Single-Family  
Residential (R-10) Zone.  
(See also V 01-03 & CU 01-33)

TAX ACCT. NUMBER: 4107-013-00103

ZONING: Single-Family Residential (R-10) inside Urban Growth Boundary

**PLEASE NOTE:** The following staff report remains the same as the amended Planning  
Commission staff report of 3/20/01 with the exception of the On-  
Appeal staff recommendation at the end of this report. (Please also  
see BOC On-Appeal staff report dated 5/10/01 for CU 01-33)

#### **BACKGROUND:**

The applicant requests approval of a Site Design Review Permit for a Church in the Single-Family Residential (R-10) Zone pursuant to Section 705.8 of the Zoning Ordinance (See also CU 01-33 and V 01-03). The subject property is located in the Urban Growth Boundary of the City of St. Helens and is within the St. Helens Rural Fire Protection District and McNulty Water service boundaries. The subject property is presently used as a hayfield, has no outstanding

features, and has approximately 400 ft. of frontage on Ross County Road. The FEMA Flood Insurance Rate Map (FIRM), Map # 41009C0451 C, Panel, 451, Dated August 16, 1988, lists the subject property as being located inside "Zone X" which is "Areas determined to be outside the 500 year flood plain." The National Wetlands Inventory Map, "St. Helens" does not indicate the presence of a wetland on the property.

**SOILS:**

The Soil Survey of Columbia County, Oregon lists both soils as Prime Farmland soils and states about both soils underlying the subject property that, "Permeability of the aloha soil is moderately slow. ... If the soil in this unit is used for homesite development, the main limitations are seasonal wetness and moderately slow permeability. Drainage is needed if roads and building foundations are constructed. Wetness can be reduced by installing drain tile around footings."

	<u>Type</u>	<u>% of Parcel</u>	<u>Agric Cap.</u>
1A	Aloha silt loam, 0 to 3 % slopes	66%	IIw
1B	Aloha silt loam, 3 to 8% slopes	33%	IIw

**FINDINGS:**

Following with the Columbia County Zoning Ordinance, Section 1550, Site Design Review criteria and standards:

**Section 1550 SITE DESIGN REVIEW**

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

.1 Types of Site Design Review:

Type 1: Projects, developments and building expansions which meet any of the following criteria:

1. are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
2. Increase the number of dwelling units in a multi-family project.
3. Increase the height of an existing building.

Type 2: Projects, developments and building expansions which meet any of the following criteria:

1. have an area of 5,000 sq. ft. or more, or are 10% or more of the square footage of an existing structure.
2. Change the category of use (e.g., commercial to industrial, etc.).
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

- .2 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

**FINDING 1:** The church facility will consist of sanctuary, classrooms, and maintenance/storage building. The sanctuary and classrooms will total approximately 23, 844 sq. ft. according to the applicant while the maintenance/storage building will be approximately 1,250 sq. ft. This application is therefore considered a Type 2 design review and will be processed and heard by the Planning Commission as such.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

- .3 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.

.4 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.

- a) The County Planning Director.
- b) The County Director of Public Works.
- c) The Fire Marshal of the appropriate Rural Fire District.
- d) The County Building Official.
- e) The County Sanitarian.
- f) A city representative, for projects inside Urban Growth Boundaries.
- g) Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

.5 Submittal documents: The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre-application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.

- A. History.
- B. Project narrative.
- C. Existing site plan.
- D. Proposed site plan.
- E. Grading plan.
- F. Drainage plan.
- G. Wetland mitigation plan.
- H. Landscaping plan.
- I. Architectural plans.
- J. Sign drawings.
- K. Access, parking and circulation plan.
- L. Impact assessment.
- M. Site Design Review Submittal Checklist.

.6 Site Plan Submittal and Analysis: The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled

for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.

- .7 Planning Director Review: All Type 1 design review applications will be processed by the Planning Director or designate according to Sections 1601, 1602 and 1609 of this ordinance. If the Director determines that the proposed development meets the provisions of this ordinance, the director may approve the project and may attach any reasonable conditions.
- .8 Planning Commission Review: The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.
- .9 Compliance: Conditions placed upon the development of a site are also placed upon any building permits issued for the same site. These conditions shall be met by the developer prior to an occupancy permit being issued by the Building Official, or as an alternative, a bond shall be posted equal to 125% of the estimated cost of the unfinished work, to ensure completion within 1 year of occupancy. If all improvements are not completed within the 1-year bond period, the County may use the bond to complete the work.

**FINDING 2:** The applicant attended several pre-application conferences between December and January 4<sup>th</sup> to discuss application submittal requirements. The application was then subsequently submitted, accepted as complete and scheduled for a Planning Commission hearing on March 5, 2001. The applicant submitted sufficient documents applicable to this proposal and for review of this application

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

- .10 Existing Site Plan: The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.
- B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:
  1. Contour lines at the following minimum intervals:
    - a. 2 foot intervals for slopes 0-20%;
    - b. 5 or 10 foot intervals for slopes exceeding 20%;
    - c. Identification of areas exceeding 35% slope.
  2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
  3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
  4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
  5. Streams and stream corridors.
  6. Location, species and size of existing trees proposed to be removed.
  7. Significant noise sources.
  8. Existing structures, improvements, utilities, easements and other development.
  9. Adjacent property structures and/or uses.

**FINDING 3:** A vicinity map is included in the file. The applicant submitted an "Existing

Conditions" map at 1" = 40' with contour lines at 2 foot intervals. Slopes are less than 20%. A slope analysis is not required on the subject property since slopes a very gentle and low angle. The subject property has no flood or other potential natural hazards. There are no wetlands identified on the subject property although the ground appears to be quite wet in winter. There are no streams crossing the property. The applicant did not include the location, species and size of existing trees proposed to be removed. Several concerned neighbors have expressed concern about the removal of trees from the property. There do not appear to be any existing or proposed noise sources related to the church development other than noise from machinery or construction of the buildings themselves. There are no existing structures, improvements, utilities, easements and other development on the property. The applicant did not identify adjacent property structures and/or uses.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

- .11 Proposed Site Plan: A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:
  - A. Site Plan: The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
    1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
    2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
    3. Identification information, including names and addresses of project designers.
    4. Natural features which will be utilized in the site plan.
    5. Location, dimensions and names of all existing or platted roads or



other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.

6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
7. Historic structures, as designated in the Comprehensive Plan.
8. Approximate location and size of storm water retention or detention facilities and storm drains.
9. Location and exterior dimensions of all proposed structures and impervious surfaces.
10. Location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
11. Orientation of structures, showing entrances and exits.
12. All exterior lighting, showing type, height, wattage, and hours of use.
13. Drainage, including possible adverse effects on adjacent lands.
14. Service areas for waste disposal and recycling.
15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
16. A landscaping plan which includes, if applicable:
  - a. Location and height of fences, buffers, and screening;
  - b. Location of terraces, decks, shelters, play areas, and common open spaces;
  - c. Location, type, size, and species of existing and proposed shrubs and trees; and

- d. A narrative which addresses soil conditions and erosion control measures.

**FINDING 4:** The proposed site plan for the church shows the entire subject property but does not show the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments. The site plan shows boundary lines and dimensions of the property. There are no proposed property lines. The site plan indicates the proposed church buildings to be constructed when permitting is completed with a future sanctuary building indicated. Identification information, including names and addresses of project designers is included in the written information submitted with the site plan as well as being listed on the drawings for the site plan. There are no natural features that will be utilized in the site plan other than the gently sloping site itself. The site plan shows Ross Road but does not indicate other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments. There are no existing structures or improvements therefore none were shown. There are no historic structures on the subject property as designated in the comprehensive plan. The applicant has shown stormwater facilities that include collection points such as catch basins, storm drainage lines and a detention pond area on the lowest southeast corner of the property. The applicant states that water will be pumped up to Ross Road. The site plan details the proposed impervious surfaces on the property which include the roofs of all buildings as well as paved parking areas. Location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. The 171 individual parking spaces plus loading spaces are shown on the site plan. The orientation of structures, showing entrances and exits are shown on the site plan and building elevations submitted with the application. The site plan includes a lighting plan showing all exterior lighting that includes parking lot lights and light bollards. The type, height, wattage, and hours of use of the lighting is not on the site plan. The drainage plan indicates a storm drainage detention and water quality basin designed for a 25 year storm with a drain to public storm drain at a rate of pre-development 10 year storm. Service areas for waste disposal and recycling are shown as "Refuse Storage within a 5' Sight Obscuring Fence". The applicant lists possible noise sources, with estimated hours of operation but does not include decibel levels at the property boundaries. The site plan includes a landscaping plan which includes the location of shelters, play areas, and common open spaces; the location, type, size, and species of proposed shrubs and trees; and a description of the soil conditions as determined in the Soil Survey of Columbia County and the County Sanitarian's report on previous lot evaluations.

Continuing with the Zoning Ordinance, Section 1550.11, Site Design Review:

- B. Grading Plans: A preliminary grading plan indicating where and to what

extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.

**FINDING 5:** The applicant submitted a "Grading and Drainage Plan". Contours are indicated at 1'-0" intervals, however the applicant does not include a discussion on to what extent grading will take place.

Continuing with the Zoning Ordinance, Section 1550.11, Site Design Review:

C. Architectural Drawings:

1. Building elevations and sections;
2. Building materials (color and type);
3. Floor plan.

**FINDING 6:** The building elevations and floor plan were submitted with this application. The applicant does state that, "All buildings constructed on site will be wood frame buildings, occupancy A2.1, Type V, one-hour fire rated."

Continuing with the Zoning Ordinance, Section 1550.11, Site Design Review:

D. Signs: (see also Zoning Ordinance Section 1300)

1. Freestanding sign:
  - a. Location of sign on site plan;
  - b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means of illumination).
2. On-Building Sign:

- a. Building elevation with location of sign (indicate size, color, materials and means of illumination);
- b. Plot plan showing location of signs on building in relation to adjoining property.

**FINDING 7:** The application does not indicate a sign. The church will be required to submit an application for design review of any proposed signs in the future.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

.12 Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

B. Buffering Requirements:

1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.
3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking

areas shall be allowed in a buffer area.

4. The minimum improvements within a buffer area shall include:
  - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
  - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
  - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

1. Where screening is required, the following standards shall apply in addition to those required for buffering:
  - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,
  - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
  - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a

continuous evergreen hedge.

2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.
3. If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.
4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.

- E. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

**FINDING 8:** The landscape plan submitted with this application indicates 14 ash trees no less than 10' minimum height extending ½ distance along the northern boundary line from Bachelor Flat Road; 13 Japonicum trees no less than 10' in height extending along the entire front property line 30' on center; 14 ash trees no less than 10' in height ½ way along the southern property line from Ross Road; and about 35 Norway maples no less than 10' in height and 30' on center scattered around the buildings and parking areas. In total the Landscape Plan indicates 95 trees no less than 10' in height planted on the subject property. There are also numerous azaleas and other types of shrubs planted in planters around the parking areas and proposed church grounds. These plantings appear to be sufficient to replace any trees or vegetation that will need to be removed for the churches development of this property. A condition of approval shall be that the church shall fence the boundaries of athletic fields and/or playground areas adjacent to existing residential areas. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Another condition of approval shall be that the church shall provide a vegetative buffer approved by the director between all parking areas and residential areas. This vegetative buffer shall consist of a hedge of evergreen shrubs which will form a four-foot high continuous screen within two years of planting. The applicant shall replant with perennial grass seed all areas of the ground cover disturbed by the development of this property.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

.13 Standards for Approval:

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

- A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.

**FINDING 9:** The subject property is within the FEMA, Flood Insurance Rate Map (FIRM), Map Number 41009C0451 C boundary. The property is located in Zone "X" which described as "Areas determined to be outside the 500 year flood plain." There are no flood hazards on the

Grace Baptist Church

subject property.

Continuing with the Zoning Ordinance, Section 1550.13, Standards of Approval:

- B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.

**FINDING 10:** The National Wetlands Inventory Map, "St. Helens" was checked and did not indicate the presence of a wetland on the property. There are no wetlands identified on the "St. Helens Local Wetland Inventory Map" for the City of St. Helens. Underlying soils are not hydric soils which may indicate the presence of a wetland, however they are listed as having a hydric component. There are no riparian areas on the subject property.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

- C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.

**FINDING 11:** The site does not have any outstanding natural areas and features. There is one large tree that appears to be located in the area of the property where the sanctuary, classrooms and offices are proposed to be located. Neighboring property owners have requested that all trees on the property including those on the northern boundary of the property be preserved in their natural state.

Continuing with the Zoning Ordinance, Section 1550.13, Standards of Approval:

- D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.

**FINDING 12:** The site does not contain any known historic or cultural sites. There is a pioneer grave and marker over near the intersection of Childs Road and Bachelor Flat, however this is 1/4 mile or more from the subject property.



Continuing with the Zoning Ordinance, Section 1550.13, Standards of Approval:

- E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.

**FINDING 13:** The applicant has submitted a "Lighting Plan" which is a site plan indicating the location of lighting. The legend indicates parking lot lights and light bollards. The Soccer and baseball fields if lit shall have shielding so as to not shine directly on neighboring properties, dwellings, or roadways. A condition of approval shall be that all outdoor lighting shall be shielded so as to not shine directly on adjacent properties and roads.

Continuing with the Zoning Ordinance, Section 1550.13, Standards of Approval:

- F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.

**FINDING 14:** It appears that buildings in this facility will be oriented to take the best advantage of the sun's energy considering the site and structures for energy conservation purposes.

Continuing with the Zoning Ordinance, Section 1550.13, Standards of Approval:

- G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

**FINDING 15:** The applicant states as well as indicates on the plan that a 10' wide road right-of-way will be dedicated along that portion of the property fronting on Ross Road. The City comments that "Improvements to Ross Road should meet City Standards." The church will be required to dedicate a 25' wide right-of-way strip down the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running east; and a 25' wide right-of-way dedication down the east side of the property for its entire length. These ½

right-of-way width dedications will provide right-of-way for future road purposes.

Continuing with the Zoning Ordinance, Section 1550, Site Design Review:

- .14 **Final Site Plan Approval:** If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.

**FINDING 16:** The Planning Director shall give final site plan approval after preliminary site plan approval by the Planning Commission and after conditions of approval have been met. The final approved site plan shall be attached to and become part of the building permit.

**COMMENTS:**

1. The County Sanitarian has reviewed the application and has no objection to its approval as submitted.
2. The County Building Official has reviewed the application and has no objection to this approval as submitted but comments that, "Building needs to be sprinkled and meet ADA requirements.
3. The City of St. Helens states that, "The City cannot annex this property into the City until it is contiguous." A letter was sent on February 15, 2001 stating, "The St. Helens Planning Commission met at their regularly scheduled meeting on February 13, 2001 and generally agreed to recommend the following:
  1. No objections to the Variance request.
  2. Handicap requirements be complied with prior to final occupation.
  3. The applicant should make sure that area lights do not significantly impact neighbors.

4. Drainage plans should be coordinated with the St. Helens City Engineer.
  5. An easement across the north and east portions of the property for possible future road(s) to connect to Maple Road or other roads from the north or east. This easement should allow neighbors the right to install public roads to include accesses to this site. Easement could be to the County or City to control accesses without official improvements.
  6. Improvements to Ross Road should meet City Standards.
  7. The Ross and Bachelor Flat Roads intersection should be reviewed for safety issues and considerations should be given to making improvements an/or adding traffic control devices in response to any factual safety issues.
  8. There are several trees on the site and they should be given careful consideration to save them where reasonable.
4. Kristine Lambert of the St. Helens CPAC comments that, "The neighbors surrounding future church have 3 basic concerns. (1) No removal of large tree's on church property (2) neighbors would like to see existing trees on (North line) remain as a buffer zone & potential further designated access easement to the approximate 14 acres of undeveloped property. (Concerns over land lock potential) (3) upgrade of Ross Road ½ street improvement (20 ft. pavement 6 ft. sidewalk) \* city street standards for minor arterial."
  5. The County Roadmaster commented that, "Need access permit which will require paving of approach. Need to dedicate 10' of ROW along Ross Rd. for future arterial. Need to dedicate 50' of ROW along north boundary tapering to 25' for future development and 25 feet along east boundary unless alternative design are approved for traffic circulation."
  6. The St. Helens Fire commented that, "Applicant must provide fire access and water as required by current Fire Code."
  7. The St. Helens/Columbia City CPAC commented that, "The CPAC is in general, in favor of this application, with the following concerns:

"DR 01-16:

- A) Set-back consistent with 25 foot dedications on the north and south

boundaries (CU 01-33 CPAC comment states - We recommend as a condition of approval that a 25 foot dedication for a future road be required on both the north and south boundaries of the subject property; with the understanding that at such time as a connecting road is actually constructed, that any remaining dedication unused would be vacated and returned to the church.) of the subject property.

- B) We recommend minimal or no destruction/disturbance of existing trees on the property during construction.
- C) We recommend fencing the boundaries of athletic fields and/or playground areas adjacent to existing residential areas, and providing natural buffers (i.e. Canadian Hemlock hedge) around parking areas.”

No other comments have been received from notified nearby property owners or affected government agencies as of the date of this staff report (February 21, 2001).

#### CONCLUSION AND RECOMMENDATION:

Based on the above findings, staff recommends **approval** of this Site Design Review Permit request for the Grace Baptist Church to locate on the subject property in the single-family (R-10) zone, upon meeting the following conditions:

1. The church shall have Variance, V01-03; and Conditional Use permit CU 01-33, approved and all conditions of approval met before a building permit can be issued.
2. The owner of the property shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and like type improvements at a time when future development warrants. This waiver shall run with the land and shall be binding on all successors in interest to the property.
3. The church shall dedicate 10 ft. of right-of-way width to the east side of Ross Road fronting along the entire length of the subject property; and a 25' wide right-of-way width down the north side of the property from 50' west of the intersection of tax lots 3800 and 800 and the subject property running east along the northern property line; and a 25' wide right-of-way dedication down the east side of the property running north south for its entire length. These ½ right-of-way width dedications will reserve right-of-way for future road purposes. Road

improvements to Ross Road shall be made to City Standards.

4. The owner of the property shall install a fire hydrant to St. Helens Rural Fire Protection District specifications in consultation with the McNulty Water Association. A letter from the St. Helens Fire District stating that the hydrant has been installed and that fire flow is adequate shall be submitted for this file.

5. The applicant shall provide documentation from the McNulty Water Association stating that water can be supplied to the subject property and that distribution facilities are adequate for water provision.

6. The applicant shall provide documentation from the County Public Works Department with comments from the City Public Works Department stating that the proposed Stormwater Management Plan for the site is adequate and acceptable.

7. All outdoor lighting shall be shielded so as to not shine directly on adjacent properties and roads.

8. All conditions of approval for V 01-03 and CU 01-33 are incorporated by reference into the conditions of approval for this site design review.

9. The church shall fence the boundaries of athletic fields and/or playground areas adjacent to existing residential areas. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director.

10. The church shall provide a vegetative buffer approved by LDS around all parking areas and neighboring properties. This vegetative buffer shall consist of a hedge of evergreen shrubs which will form a four-foot high continuous screen within two years of planting.

11. The Planning Director shall give final site plan approval after preliminary site plan approval by the Planning Commission and after conditions of approval have been met. The final approved site plan shall be attached to and become part of the building permit.

12. The Church shall secure an arborist to save trees if possible and replace with same species.

## ON-APPEAL RECOMMENDATION:

There are several conditions of approval of this Site Design Review which should reflect the CU 01-33 On-Appeal amended conditions of approval. Staff recommends changes to DR 01-16 conditions of approval are as follows (Added language in **BOLD**; deleted language in ~~strikeout~~):

1. The church shall have Variance, V01-03; and Conditional Use permit CU 01-33 as **amended by the Board of County Commissioners during their hearing on May 16, 2001**, approved and all **amended** conditions of approval met before a building permit can be issued.
2. The owner of the property shall sign a Waiver of Remonstrance regarding the formation of a future Local Improvement District (LID) that will provide improvements to **Ross Road fronting the subject property** including street improvements, curbs, gutters, sidewalks, storm drainage facilities, street lighting and like type improvements at a time when future development warrants. This waiver shall run with the land and shall be binding on all successors in interest to the property.
3. The church shall ~~record~~ **Dedicate** a 25' wide ~~right-of-way width~~ **easement for any and all utilities, with the churches irrevocable consent to dedicate easements as a right of way at such time as the roadway and it's associated improvements are needed to be developed**, along the north side of the property from 50' west of the intersection of tax lots 3800 and 800 with the subject property running east; and a 25' wide right-of-way ~~easement dedication~~ down the east side of the property for its entire length. ~~These 1/2 right-of-way width dedications will provide right-of-way for future road purposes.~~ Road improvements to Ross Road shall be made to City Standards.
8. All conditions of approval for V 01-03 and **conditions amended by the Board of County Commissioners during their on-appeal hearing on May 16, 2001 regarding CU 01-33** are incorporated by reference into the conditions of approval for this site design review.
11. The Planning Director shall give final site plan approval after preliminary site plan approval by the Planning Commission and after conditions of approval **as well as amended conditions of approval** have been met. The final approved site plan shall be attached to and become part of the building permit.

## ATTACHMENT C

### GRACE BAPTIST CHURCH CU 01-33/ DR 01-16 SUPPLEMENTAL FINDINGS

1. The Board of County Commissioners finds that there is substantial evidence that the characteristics of the 8.90 acre site are suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features, in accordance with CCZO § 1503.5(C). The 8.9 acre lot is in a 400' x 900' rectangular shape. This size and shape is more than adequate for the proposed church, as drawn in the site map, and other evidence presented depicting the church, accessory structures and recreation areas. The location on Ross Road at the intersection of Bachelor Flat Road is good, considering that community water, electricity and telephone services are available. Although sewer service is not currently available to the site, the Applicant has been granted a variance (V 01-03) to install a subsurface septic system at the site which will meet the needs of the church. The subsurface septic system must be approved by the Department of Environmental Quality. It is anticipated that this site will be annexed into the City of St. Helens at some time in the near future, and the Applicant will then hook up to the City's sewer system. The property is underlain by two soil types, 1A and 1B Aloha silt loam, and slopes off gently with a slope of less than 8% towards the southeast. Contours of the property show an elevation difference of 30' between the upper corner of the property near Bachelor Flat Road diagonally to the other corner of the property approximately 1000' away. These topographical features make the property suitable for a church site and associated uses.
2. The Board of County Commissioners finds that there is substantial evidence showing that the site and proposed development, with conditions of approval, is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use, in accordance with CCZO § 1503.5(D). The property has public services available to it, including power, telephone, water, and eventually, city sewer. The church will not require any services that cannot currently or in the near future, be available at the site. As a condition of approval, the applicant must dedicate a 25' easement for utility purposes which will add to the timeliness of the proposed development by making public service hook-up easier. In addition, the conditions of approval requiring the dedication of the 10' strip of property adjacent to Ross Road will help delay traffic congestion and safety problems that are expected to arise as a result of the large gatherings on the site. And the irrevocable consent to dedicate the 25' utility easement for public road purposes, as well, will help divert the problematic additional traffic to other roads in the future when deemed necessary. With these dedications, the traffic generating facility will be even more timely. (See finding 4, below).
3. The Board of County Commissioners finds that substantial evidence has been presented that the proposed use of the property will not alter the character of the surrounding area in a manner which substantially limit, impair, or preclude the use of surrounding properties for the primary uses listed in the single-family residential (R-10) district. Property surrounding

the subject parcel zoned R-10, with 7.71 and 3.72 acre undeveloped parcels to the north; a 9.50 acre undeveloped parcel to the south; 2.0 and 3.0 acre developed parcels to the east and .91 and 1.05 acre developed parcels to the west. The primary use listed in R-10 district is as single family detached dwellings and their accessory structures. The proposed Church and accessory structures and ball fields will not alter the character of the residential neighborhood. The Church, though not residential, is largely complimentary to the residential neighborhood, providing a meeting place, and many activities for the neighborhood residents. The only negative impact on the rural residential character of the surrounding property, will be increased traffic on Ross and Bachelor Flat Roads leading to the residential areas. The right of way dedication and irrevocable consent will help to mitigate the negative traffic and safety impacts caused by the Church at this site. (See finding 4, below).

4. The Board of County Commissioners finds that substantial evidence has been presented that the requirement that the Applicant dedicate 10' of public right of way adjacent to Ross Road, and sign an irrevocable consent to dedicate 25' of public right of way for road purposes when and if it is deemed necessary, is roughly proportional to the impact of the proposed development. The roads leading to the church site are inadequate for increased traffic, that the new church will cause. The applicant must dedicate and improve 10' of public right of way in order to make Ross Road safer. Substantial evidence has been submitted showing that the intersection at Ross Road and Bachelor Flat road is inadequate and unsafe. The Church proposes to use the site for church activities including worship services, bible studies, youth meetings, music rehearsals, church leadership meetings, community group meetings and concerts. The sanctuary will seat 500 people, and the parking lot will have 171 parking spaces, which, presumably, the Church anticipates to fill on Sundays, and otherwise occupy during weekday activities. The Applicant's proposal is to be open for large meetings, and worship services, etc. five days of the week. The increased traffic to the area from the church on a daily basis will have a negative impact on the roads and the traffic flow in the area.

The required dedication and improvements to Ross Road will help ease the traffic problems on that small portion of Ross Road that will be improved. However, it will not ease the overall congestion or safety concerns at the intersection that the increased traffic will cause. Evidence has been presented showing that eventually, a new public road will have to be built to divert some of the traffic from the intersection of Ross Road and Bachelor Flat Road to a different location on Bachelor Flat Road or to a different arterial altogether. In addition, because there will be ball fields on the back side of the property, a road may eventually be necessary for emergency service access to the ball fields. To do its part in the development of this eventual public road, the Applicant must sign an irrevocable consent to dedicate 25' of public right of way for road purposes when it is determined that such a road is necessary. Other property owners will need to dedicate additional right of way proportionally to the development on their property as well.