

## Burden of proof misplaced

## City eyes ordinance change

The Sandy City Council okayed a conditional use request for six duplexes in the Aldergate subdivision, took a step toward gathering \$14,000 into the city coffers and began a process which could bring about a change in the city's ordinance concerning mobile homes.

The duplexes will be built in the Weaver Court Cul-de-sac, north of Gary Street. The lots were previously approved for single-family homes.

The Comprehensive Plan designation for the area is High Density Residential. Construction of the six duplexes by the applicants, Les and Pat Brown, would increase the overall density of the subdivision, but the city staff saw no problem with that because that type of residential development has already been deemed compatible with the plan.

The sewer pump station in Meinig Park which will serve

the area will be very near maximum design capacity in serving the dwellings which are already built, under construction or approved for the area. Completion of the subdivision is expected to take two years and the staff saw no problems with the system.

However, the proposal was approved by the Sandy Planning Commission with the condition that it does not guarantee sewer hookups being available.

In electing to receive state revenue sharing funds, the city council added \$14,000 to the city's coffers. Coupled with \$10,500 held over from this fiscal year, the city will have \$24,500 at its disposal for fiscal 1979-80.

The holdover occurred when the city did not make anticipated improvements on South Bluff Road, according to City Manager Roger Jordan.

Members of the council took exception with an ordinance that requires 75 percent of the property owners within a 100 foot radius to give their written approval before a mobile home may be moved into an area as a temporary residence.

Jerry Lawson of Sandy appeared before the council representing his family. He said they wish to move their mother into a mobile home behind his sister's home on Scenic Street. He has had trouble, he said, in gaining consent from the necessary number of property owners.

However, he said, the problem was not that they had raised objections, but that they had simply not signed the agreement. By their silence they are vetoing his request, he contended.

Councilman Vern Richards said, "Any law that allows veto by silence, I don't think is any kind of ordinance." He said this "negative style ordinance" places the burden on the person seeking approval, rather than on those opposed, as in most ordinances.

Councilman Don Blair suggested that the city adopt an amendment requiring those opposed to any permit like Lawson's to appear before the council or, in failing to do so, give their consent.

That amendment will have to go before two public hearings, according to City Attorney Jack Hammond.

The council heard a request by Jay Cox, a Zig Zag auctioneer, to modify the city's ordinance requiring licensed auctioneers to purchase a separate city license each time he con-

ducts an auction.

Cox called the ordinance prohibitive to his business and asked that an annual rate be established like business licenses required by the city.

In other action, the city council:

—Heard a report from the city building inspector stating that revenue for the month of April was \$22,505.03. That money was gathered through building permits, system development charges and other permits necessary for the seven dwellings, one bank and one temporary building that had applied for permits during the month.

—Formally adopted the findings by the city council denying the "October Hills" zone change request. The applicants had requested a zone change from R-1 to R-1-PD on a 14.87 acre tract located south of Sandy Heights near the intersection of South Bluff Road.

The request was denied because the submitted plan did not include an adequate amount of open space for the recreation and leisure use of the residents of the proposed development.

It was stated in a letter to the developers that the plan attempts to "thwart the intent of the planned unit development designation in that it segregates land uses by location, function and access and is not an integrated total development."

—Resolved to allow certain city officials to sign for surplus property from the state. Jordan pointed out that the program might not be renewed, but the council was prepared to be ready if it is reinstated.



ST. MICHAEL'S Catholic Church will move to a new home soon. The congregation will move from its Strauss Street location to a new church on Langensand Road, if the City Council approves.

## Church construction gets nod

St. Michael's Catholic Church and St. Jude's Collegiate Church Mission (Episcopal) received the go-ahead from the Sandy Planning Commission to move into new homes at its meeting last Wednesday.

For St. Michael's, that means construction of a new facility at 18150 Langensand Road. The St. Jude's congregation will occupy the former Lutheran church building on Pioneer Boulevard.

The site for the new two-story church, donated by the late Jess Hite, is on the east side of the Aldergate 2 subdivision. Plans include a parking lot for 150 vehicles and areas for future expansion of classrooms and a rectory.

At the meeting, the commissioners made some recommendations in addition to the proposal presented by

the church. They recommended that the new facility be equipped with a sprinkler system.

Sandy Fire Chief Bob Rathke testified that a fire in the proposed structure would require 2,500 gallons of water per minute to be extinguished. He said the best he could guarantee would be 900 gallons after the Aldergate subdivision is completed.

The commissioners also called for a 30-foot dedication of a right of way on the south border of the church property to align with existing housing. There would also be a 20-foot driveway with a sub-base to provide access.

Present zoning for the site is single-family residential, and the property is designated medium-density residential in the city's comprehensive plan. The

zoning ordinance provides that "a church or other place of worship" may be permitted a conditional use permit in a R-1 district.

The St. Jude's congregation will lease the church it will occupy from three Portland businessmen.

The building was constructed in 1902 by the Evangelical Lutheran Mission. A parochial school was opened in the church in 1904 and continued until a new school was completed in 1912.

The Episcopal Society of St. Paul purchased the church in 1958 and sold it when it moved into St. Jude's Chapel on Scenic Drive in 1964.

The commissioners granted the conditional use permit because area businessmen gave permission for the congregation to use their parking lots

during non-business hours. The permit was conditioned against double use of the parking spaces.

City ordinance permits off-street parking for this type of facility to be located within 200 feet of the building they are required to serve. The "borrowed" parking spaces meet ordinance requirements.

The city recommended that the permit be reviewed if future church services and activities require use of the borrowed parking spaces during weekday business hours.

The church is located in a general commercial zone. The conditional use permit will be reviewed in two years to determine if the agreements for the parking are satisfactory.

The commission's recommendations will go to the Sandy City Council for final action.

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## Extension bearing scheduled

The Clackamas County hearings officer will consider an extension request from developers who plan to open a pizza parlor in the Wemme area.

At the hearing, scheduled for May 17 at 7 p.m. in the County Courthouse, E. Bowman and W.E. Sherfy will propose a two year time extension of the planned commercial development approved by the county on May 12, 1975 for phase 1 of the development. The developers were granted an initial two year extension on April 11, 1977.

The site is located on the south side of Highway 26, approximately 500 feet east of its intersection with Welches Road.

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