



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 02/11/2015
Jurisdiction: City of Sheridan
Local file no.: ANN/ZC/INT 2014-01
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/22/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-14 {22542}

Received: 1/22/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sheridan

Local file no.: **ANN/ZC/INT 2014-01**

Date of adoption: 1/20/15

Date sent: 1/22/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/3/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Jim Jacks, City Planner

Phone: 503 843-2347

E-mail: jjacks@wavecable.com

Street address: 120 SW Mill Street

City: Sheridan, OR

Zip: 97378-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The notification to DLCD is because the R-2 Zone was applied to the annexed property. An abutting property under same ownership that was already in city limits was rezoned from R-1 to R-2. No Comp Plan changes and no changes to the text of the Zone Code..

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from LDR-6750	to R-2	Acres: 2.6
Change from R-1	to R-2	Acres: 0.4
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 5, 6, 26CD 200, 300 for annexed and R-2, 500 for R-1 to R-2.

List affected state or federal agencies, local governments and special districts: None.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE 2015-01

AN ORDINANCE ANNEXING TO THE CITY OF SHERIDAN THE TERRITORY AND PUBLIC RIGHT-OF-WAY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; AMENDING THE SHERIDAN ZONING MAP; INTERPRETING THE R-2 ZONE'S LIST OF PERMITTED USES; AND DECLARING AN EMERGENCY.

WHEREAS, Potter Holdings, LLC, is the sole owner of the tract of land described in Exhibit "A" and has petitioned and desires that said property be annexed to the City of Sheridan, Oregon; and

WHEREAS, the tract of land owned by Potter Holdings, LLC, in Exhibit "A" is about 2.60 acres (113,256 square feet); and

WHEREAS, the NE Center Street public right-of-way in Exhibit "A" is about 0.50 acres (21,750 square feet); and

WHEREAS, on November 17, 2014, the City Council unanimously passed Ordinance 2014-07 fixing a time and place for a public hearing at which time the registered voters and other interested persons were invited to appear and be heard on the question of annexation; and

WHEREAS, the above-described area and property is contiguous to the City of Sheridan, Oregon; and

WHEREAS, the above-described area and property is within the urban growth boundary of the City of Sheridan, Oregon; and

WHEREAS, pursuant to Ordinance 2014-07, the Recorder of the City of Sheridan, Oregon, caused notice of said hearing to be published once each week for two successive weeks prior to the date of said hearing in the McMinnville News-Register, a newspaper of general circulation published in the City of McMinnville, Oregon, and caused notices of said public hearing to be posted in four public and conspicuous places in the City of Sheridan, Oregon, for a period of at least two weeks prior to said public hearing, and caused notices of said public hearing to be mailed to the owners of property within 500 feet of the subject property at least twenty days prior to said public hearing, all of which appears from the certificates of the recorder on file in the recorder's office, and which notice described the territory and area proposed to be annexed to the City of Sheridan, Oregon, and called said meeting to be held in question of the annexation.

WHEREAS, said public hearing was held December 15, 2014 before the City Council of the City of Sheridan, at the Sheridan City Hall at which time the registered voters and other interested citizens were given full opportunity to be present and heard on the question of annexation of said area and property herein above first described; and

WHEREAS, said public hearing was continued to January 20, 2015 at which time the opportunity was given to registered voters and other interested citizens to present additional testimony; and

WHEREAS, the City Council of the City of Sheridan, hereby adopts and makes and enters as its finding of fact those findings set forth in Exhibit "C" which is attached hereto and by this reference made a part hereof; now therefore,

THE CITY OF SHERIDAN DOES ORDAIN AS FOLLOWS:

Section 1. That inasmuch as the owner of the real premises described above has consented in writing to the annexation of said area and property, and such consent is on file in the recorder's office in the City of Sheridan, IT IS HEREBY ORDERED, DECLARED AND PROCLAIMED that the area and property described in Exhibit "A" and shown on the Annexation Map in Exhibit "B" be and the same is hereby annexed to the City of Sheridan, Yamhill County, State of Oregon.

Section 2. The City Council of the City of Sheridan does hereby adopt those certain findings of fact and conclusionary findings attached hereto as EXHIBIT "C" and by this reference made a part hereof.

Section 3. The City Council of the City of Sheridan does hereby amend the Zoning Map of the City of Sheridan, Oregon establishing the Medium Density Residential (R-2) Zone on the subject Potter Holdings, LLC, property described in Exhibit "A" and shown in Exhibit "B" and by this reference made a part hereof.

Section 4. The City Council of the City of Sheridan does hereby amend the Zoning Map of the City of Sheridan, Oregon rezoning from the Low Density Residential Zone (R-1) to the Medium Density Residential Zone (R-2) the subject property identified as Tax Lot 500 on Yamhill County Assessor's Map T5S, R6W, Section 26CD and shown in Exhibit "D" and by this reference made a part hereof.

Section 5. The Recorder of the City of Sheridan, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Department of Revenue of Oregon, the Assessor of Yamhill County, Oregon, and the County Clerk of Yamhill County, Oregon, a certified copy of the following documents:

(a) Copy of this Ordinance.

Section 6. The City Council of the City of Sheridan does hereby interpret the list of permitted uses in the Medium Density Residential Zone (R-2), Section 16.215.020, Sheridan Development Code, to include memory care facility, nursing home, retirement home, and elderly care facility as permitted uses.

Section 7. The City Council of the City of Sheridan deems and desires it necessary for the preservation of the health, peace and safety of the City of Sheridan that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the City Council of the City of Sheridan on this 20th day of January, 2015 by the following votes:

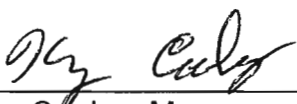
AYES: Cain; Adamson; Ellis; Quinones; McCandless

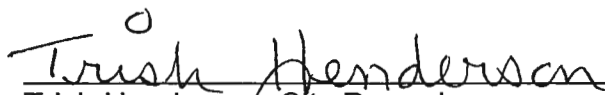
NAYS: None

ABSTAIN: None

ABSENT: Acuff

Approved by the Mayor on this 20th day of January, 2015.

SIGNED:  January 20, 2015
Harry Cooley, Mayor Date

ATTEST:  January 20, 2015
Trish Henderson, City Recorder Date

REPORT TO THE CITY COUNCIL FROM THE CITY MANAGER

January 20, 2015

Subject: Recommendation to Adopt Ordinance 2015-01, An Ordinance Annexing to The City of Sheridan the Territory and Public Right-Of-Way Described in Exhibit "A" Attached Hereto and Made a Part Hereof; Amending the Sheridan Zoning Map; Interpreting the R-2 Zone's List of Permitted Uses; and Declaring an Emergency.

Background. This Ordinance has several actions:

1. An annexation of Tax Lots 5656CD 200 & 300 (about 2.60 acres);
2. Amends the Zone Map to establish the R-2 Zone on the property to be annexed;
3. Amends the Zone Map to rezone from R-1 to R-2 the 0.4 acre Tax Lot 500 that is already in the city limits;
4. Interprets the R-2 Zone list of permitted uses to include nursing home, retirement home, elderly care facility and Alzheimer's facility; and
5. Directs the City Recorder to inform the State and County agencies of the Annexation.

Discussion. The City Council held a public hearing on this proposed annexation on December 15th and continued the hearing until the January 20th meeting to provide more time for citizen input.

The staff findings regarding annexation are:

- A. An annexation application is subject to the provisions of Sheridan Municipal Code, Chapter 1.08. Section 1.08.020, Conditions for Annexation, state that an annexation may be permitted only if:

1. The site abuts the Sheridan City Limits.

FINDINGS: The north, south and west boundaries of the subject property abut the City Limits. Criterion 1 is met.

2. The subject property is in the urban growth boundary (UGB).

FINDINGS: The subject property is in the UGB. Criterion 2 is met.

3. The proposed use of the site complies with the Comprehensive Plan.

FINDINGS: The proposed use is an approximately 100-bed Alzheimer's facility. The Comprehensive Plan Map designates the subject property "Residential." If annexed, the proposed R-2 Zone and the residential uses it allows would be consistent with the "Residential" Comprehensive Plan designation. Criterion 3 is met.

4. Adequate public facility capacity exists to serve the site.

FINDINGS: Based on information provided by the City Engineer, public water and sewer services are in NE Center Street along the frontage of the property and with improvements the site could be served with water and sewer. Such improvements would be required by the Site Design Review Application approval and constructed concurrent with development on the site. The annexation request does not create any system capacity issues because the step of annexing the property does not generate a demand for water and sewer.

Center Street extends north from NE Blair Street to serve the subject property. For the first approximately 180 feet north of NE Blair Street (Bridgeway No. 2 Subdivision) NE Center Street is fully improved with paved travel lanes, gutters, curbs and sidewalks. At the north of the end of the Bridgeway No. 2 Subdivision improvement, NE Center Street is paved for about 380 feet up to the north property line of the duplex at 734/736 NE Center (Tax Lot 400), but it does not have gutters, curbs or sidewalks. North of the north property line of the duplex at 734/736 NE Center the street is a gravel surface with no gutters, curbs or sidewalks. When development is proposed on the subject property through the Site Development Review Application process, it is anticipated street improvements will be required to bring NE Center Street up to standard along frontage of the subject property to ensure the impact created by the development (vehicle and pedestrian trips) can be accommodated by NE Center Street. Criterion 4 is met.

5. The site contains land which is physically suited for urban uses.

FINDINGS: The property slopes gently uphill from south to north. The property is not in the 100-year flood plain. The property is physically suited for urban uses. Criterion 5 is met.

- B. Section 1.08.030 states land separated by a stream may be annexed to the City Limits. Not applicable because there is no stream on the subject property.

- C. Section 1.08.040 requires the Planning Commission to hear testimony and recommend approval or denial to the City Council. It requires the Planning Commission's decision to "...state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan." The elements of the Comprehensive Plan that have been found to be applicable follow.

1. Public facilities: The Plan seeks to ensure that adequate facilities either are available, or can be made available at the time of development.

FINDINGS: Public sewer and water facilities are in NE Center Street which abuts the subject property to the east. The proposed annexation is in conformance with the Comprehensive Plan's provisions for public facilities.

2. Housing: Housing policies encourage adequate choices in housing to meet the needs of the community. Policies encourage densities consistent with the suitability of the land to accommodate the use.

FINDINGS: The property is designated “Residential” on the Comprehensive Plan Map and the proposed zone is Medium Density Residential (R-2) which is consistent with the “Residential” designation. The R-2 Zone allows single family dwellings, multi-family dwellings and other uses such as residential facilities. A concurrent request for an Interpretation asks that the R-2 list of uses be clarified to include nursing home, retirement home, elderly care facility, and Alzheimer facility. The proposed annexation and R-2 Zone are in conformance with the Comprehensive Plan’s provisions for housing.

3. Land Use and Urbanization: The Comprehensive Plan seeks to provide an orderly and efficient transition from rural to urban land uses. Sufficient land should be available for a variety of urban uses. In-fill is encouraged where possible.

FINDINGS: The subject property is in the UGB, is surrounded by the city limits, fronts on a public street, Center Street, and public facilities and services are in Center Street. The property may be developed for residential uses, thereby providing additional housing opportunities. The proposed annexation and R-2 Zone are in conformance with the Comprehensive Plan’s provisions for providing an orderly and efficient transition from rural to urban land uses.

- D. Section 1.08.040 requires that for “...annexations the decision shall state how the proposed annexation...” addresses a list of nine factors as follows.

1. “Promote an orderly, timely and economical transition of rural and agricultural lands into urbanizable lands.”

FINDINGS: The purpose of the UGB is to identify land available for eventual urbanization. State Statute defines land outside the UGB as rural and land inside as urbanizable. The property is in the UGB, abuts the City Limits, fronts a public street, Center Street, and necessary services are in Center Street. When the City Council established the UGB, the property was committed to eventual urbanization. The area proposed for annexation is surrounded by the city limits and its annexation will allow an orderly, timely, and economical transition from vacant land to urbanized land. The proposed annexation promotes an orderly, timely and economical transition of rural and agricultural lands into urban lands.

2. “Avoid promoting development in areas of natural hazards.”

FINDINGS: The subject property is in the UGB and, therefore, is urbanizable. It is gently sloping uphill from south to north. The property is not in the 100-year flood

plain. The property is physically suited for urban uses. The proposed annexation and R-2 Zone are consistent with the Comprehensive Plan.

3. "Affect the natural resources of the area, including: air resources, water quality, natural vegetation and fish and wildlife resources."

FINDINGS: The Comprehensive Plan does not identify significant wildlife or natural habitats on the property. Connections to sewer and water are available for residential uses, thereby maintaining water quality. The proposed use of the site would not create a land use that will adversely affect air quality. The proposed annexation will not negatively affect the natural resources of the area.

4. "Effectively utilize energy resources and promote conservation of energy use."

FINDINGS: Future residential development must comply with current building code requirements which require energy efficient design. The proposed annexation will effectively utilize energy resources and promote conservation of energy use.

5. "Provide for recreation and open space opportunities."

FINDINGS: This action does not remove identified recreational lands from development.

6. "Effect and provide for an orderly and efficient arrangement of public facilities and services."

FINDINGS: Sewer, water and streets are abutting. Services such as police, library, schools and fire are provided by the Yamhill County Sheriff's Department, the City, the Sheridan School District, and the Sheridan Fire District, respectively. The service providers have sufficient capacity to serve the subject property. The proposed annexation and R-2 Zone would provide for an orderly and efficient arrangement of public facilities and services.

7. "Improve and enhance the economy of the City."

FINDINGS: There will be a positive effect on the local economy because new construction will provide jobs and there will be an incremental increase in the demand for construction materials and residential furnishings. Once open, the Alzheimer's facility will include permanent employment. The proposed annexation and R-2 Zone will improve and enhance the economy of the City.

8. "Provide the opportunity for a variety of quality, safe housing."

FINDINGS: New residential construction is required to comply with the adopted building codes which are designed to create safe, quality housing. The proposed

annexation will provide the opportunity for any of the housing uses permitted in the R-2 Zone to be constructed thereby providing a variety of quality, safe housing.

9. “Effect and provide for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner.”

FINDINGS: The property fronts on NE Center Street which intersects NE Blair Street, a collector, two blocks south of the subject property. The proposed facility will use NE Center Street for employee, delivery and visitor trips. Although not fully improved, it is anticipated a street improvement will be required as part of a future Site Development Review decision when development is proposed. The proposed annexation provides for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner.

- E. The City Council may elect to hold a public hearing on the annexation or present the request to the voters. In accordance with Oregon Revised Statute 222.120(2), “When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.” Per an Ordinance 2014-07 passed November 17, 2014, the City Council fixed December 15, 2014 as the City Council hearing date. The Sheridan Municipal Code Sections 1.08.050 to 1.08.080 establish the methods and process for the Council to proceed. If approved, the city must submit the necessary reports to affected state and local agencies (Sections 1.08.090 and 1.08.100) and determine the appropriate zone (Section 1.08.110). Findings in support of the requested R-2 Zone are reviewed in Section IV, below.
- F. The subject property is in the urban growth boundary and abuts the City Limits. The property may be served by public facilities and private utilities and fronts on NE Center Street, a public street. The subject property is urbanizable and suitable for annexation to the City Limits.

The staff findings regarding the Zoning District of the annexed land and the Zone Change of land already in the City are:

- A. Municipal Code Section 1.08.110 requires the City to establish the appropriate zone when property is annexed. The applicant requested the Medium Density Residential (R-2) Zone. The decision criteria for a zone change are in the Sheridan Zoning and Development Ordinance, Section 16.582.040. The criteria and findings follow. Additionally, the owner owns Tax Lot 500 which is already in the city limits and is zoned R-1. The applicant requests it be rezoned to R-2.
 1. Section 16.582.040.A. “Approval of the request is consistent with the Comprehensive Plan.”

FINDINGS: Comprehensive Plan policies were previously reviewed under the Annexation findings, above, and are incorporated herein by reference. The findings and conclusions for the Annexation, above, apply to the Zone Change and are incorporated herein by reference. The subject property is designated “Residential” in the Comprehensive Plan Map and the proposed R-2 Zone is consistent with the “Residential” designation.

2. Section 16.582.040, B. The existing public water, sewer, storm drainage and street facilities:

1. Adequately support the existing zoning district and the permitted and conditional uses allowed in the zoning district;

2. Will adequately support the requested zoning district and the permitted and conditional uses allowed in the requested zoning district.

FINDINGS: Previous findings in Section III, above, indicate necessary services are in NE Center Street, or can be improved, to serve residential development of the property, including a 100-bed Alzheimer’s facility. These include sewer, water, storm drain and transportation facilities. The zone change will not negatively affect the city’s ability to provide necessary services.

3. Section 16.582.040, C. Demonstrate the proposed use can comply with the applicable requirements of the requested zoning district.

FINDINGS: The possible proposed Alzheimer facility will be able to meet the setbacks, building height, parking and landscaping requirements of the R-2 Zone. Such demonstration will be provided in the future at the time a Site Development Review Application is submitted when the actual development is known and construction is planned.

- B. The proposed Medium Density Residential (R-2) Zone is consistent with the existing “Residential” Comprehensive Plan Map designation because the R-2 Zone is a residential zone. The proposed R-2 Zone for the subject property is consistent with the zone on property abutting to the west because that zoning is also R-2. The land abutting to the west is currently in the City Limits.

The staff finds of the interpretation of permitted uses in the R-2 Zone are:

FINDINGS: The R-2 Zone’s list of permitted uses includes the term “Residential care facility” (16.215.020, F), but it does not list nursing home, retirement home, elderly care facility or Alzheimer facility. An interpretation of Section 16.215.020, F, is included in the application for annexation and zone change to clarify that an Alzheimer facility and similar uses, including but not limited to, nursing home, retirement home, and elderly care facility are also permitted outright.

The R-2 Zone allows as permitted outright uses “multi-family dwelling, including apartments, townhouses and condominiums” (16.215.020, D). The density of the multi-family uses can be up

to about 20 dwelling units per acre which would generate about 8 trips per dwelling unit per day (160 trips). The 100-bed Alzheimer facility would be a density of about 33 dwelling units (beds) per acre and would generate only about 3 trips per unit per day (99 trips) for employees, deliveries and visitors. The number of units (beds) per acre for an Alzheimer's facility is larger than for an apartment development on the same acreage because less land is used for parking, but the impact in terms of traffic generated would be significantly less. There would be no children with their need for outdoor play equipment at an Alzheimer's facility, thus the general level of activity at the Alzheimer's facility would be significantly less than for an apartment project.

Because an Alzheimer's facility is similar to an apartment facility because it would include several dwelling units (beds) in a structure and would generate fewer trips and have a lower level of activity on the site, it is the interpretation of the City of Sheridan that an Alzheimer's facility and other similar uses, including but not limited to, assisted living facility, retirement home, and nursing home, are a permitted use in the R-2 Zone.

Conclusion. The Annexation, Zone Change and Interpretation applications comply with the applicable decision criteria for approval.

Recommendation. Based upon the above, recommend that the City Council adopt Ordinance 2014-10, An Ordinance Annexing to The City of Sheridan the Territory and Public Right-Of-Way Described in Exhibit "A" Attached Hereto and Made a Part Hereof; Amending The Sheridan Zoning Map; Interpreting the R-2 Zone's List Of Permitted Uses; And Declaring An Emergency with three readings by title only.

Francis D. Sheridan

Francis D. Sheridan
City Manager

Attachment: Ordinance 2015-01, An Ordinance Annexing to The City of Sheridan the Territory and Public Right-Of-Way Described in Exhibit "A" Attached Hereto and Made a Part Hereof; Amending The Sheridan Zoning Map; Interpreting the R-2 Zone's List Of Permitted Uses; And Declaring An Emergency (16 pages).

EXHIBIT "A"

MAGNESS LAND SURVEYING

PO BOX 1239
WILLAMINA, OREGON, 97396
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 6 November 2014

POTTER HOLDINGS, LLC. – Legal description of the property to be annexed into the City of Sheridan. (Tax Lot 5626CD-200 & 300)

A tract of land in Section 26, Township 5 South, Range 6 West, Willamette Meridian, and being all of that tract of land described by bargain & sale deed to POTTER HOLDINGS, LLC and recorded in Instrument No. 2012-07529, Yamhill County Deed Records, and portions of Center Street, said lands being a portion of Block 3 of HILLCREST ADDITION Subdivision and being more particularly described as follows:

COMMENCING at the Initial Point of the C.T. MYERS SUBDIVISION, said point marked with a 1.5 inch iron pipe with copper wire which bears North 18°03'21" East 3426.38 feet from a brass cap marking Yamhill County GPS Point No. 43; thence North 63°35'17" West 16.97 feet along the south line of said C.T. MYERS SUBDIVISION to a point of intersection with the East Right-of-way line of Center Street (25 feet from centerline)(Basis of Bearings per Yamhill County Partition Plat 2004-38) and the POINT OF BEGINNING; thence South 30°50'55" West 370.42 feet along said East Right-of-Way line of Center Street; thence South 6°24'05" East 64.58 feet along said East Right-of-Way line of Center Street to a point of intersection with the easterly extension of the south line of that tract of land described by deed to KENNETH A. LUCE and recorded in Instrument No. 2004-04878; thence North 89°54'05" West 50.32 feet to the Southeast corner of said LUCE tract, said point being on the West Right-of-Way line of Center Street; thence North 6°24'05" West 55.32 feet along said West Right-of-Way line of Center Street to the Northeast corner of said LUCE tract; thence, leaving said right-of-way line, North 78°59'05" West 104.02 feet to the Northwest corner of said LUCE tract; thence South 9°29'55" West 75.68 feet to the Southwest corner of said LUCE tract; thence North 89°54'05" West 222.68 feet, more or less, to the Southwest corner of said POTTER HOLDINGS, LLC tract; thence North 7°48'35" East 420.62 feet to the Northwest corner of said POTTER HOLDINGS, LLC tract, said point also being the Southwest corner of

Parcel 3 of Partition Plat No. 2004-38; thence South 63°35'17" East 415.17 feet to the Southeast corner of Parcel 3 of Partition Plat No. 2004-38, said point being on the West Right-of-Way line of Center Street; thence North 30°50'55" East 200.09 feet along said West Right-of-Way line and Northerly extension thereof, to a point on the South line of said C.T. MYERS SUBDIVISION; thence South 63°35'17" East 50.15 feet to the POINT OF BEGINNING.

EXHIBIT ⁹⁹ B ⁹⁹

Annexation Map

For: City of Sheridan Potter Holdings, LLC

Location: THE SOUTH 1/2 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, PART OF BLOCK 3 OF "HILLCREST ADDITION" SUBDIVISION, CITY OF SHERIDAN, YAMHILL COUNTY, OREGON.

Tax Lot: 5626CD-200 & 300

Scale: 1"=100'

Date: 6 NOVEMBER 2014

By : MAGNESS LAND SURVEYING

PO BOX 1239

WILLAMINA, OREGON, 97396

Cell : 971-237-3413

E-Mail : MAGNESS@WBCABLE.NET

POINT OF COMMENCEMENT.

INITIAL POINT OF THE "C.T. MYERS SUBDIVISION", SAID POINT MARKED WITH A 1.5" IRON PIPE WITH COPPER WIRE IN CONCRETE. THIS POINT BEARS N18°03'21"E 3426.38' FROM YAMHILL COUNTY GPS POINT NO. 43, BEING A BRASS DISK IN A MONUMENT CASE.

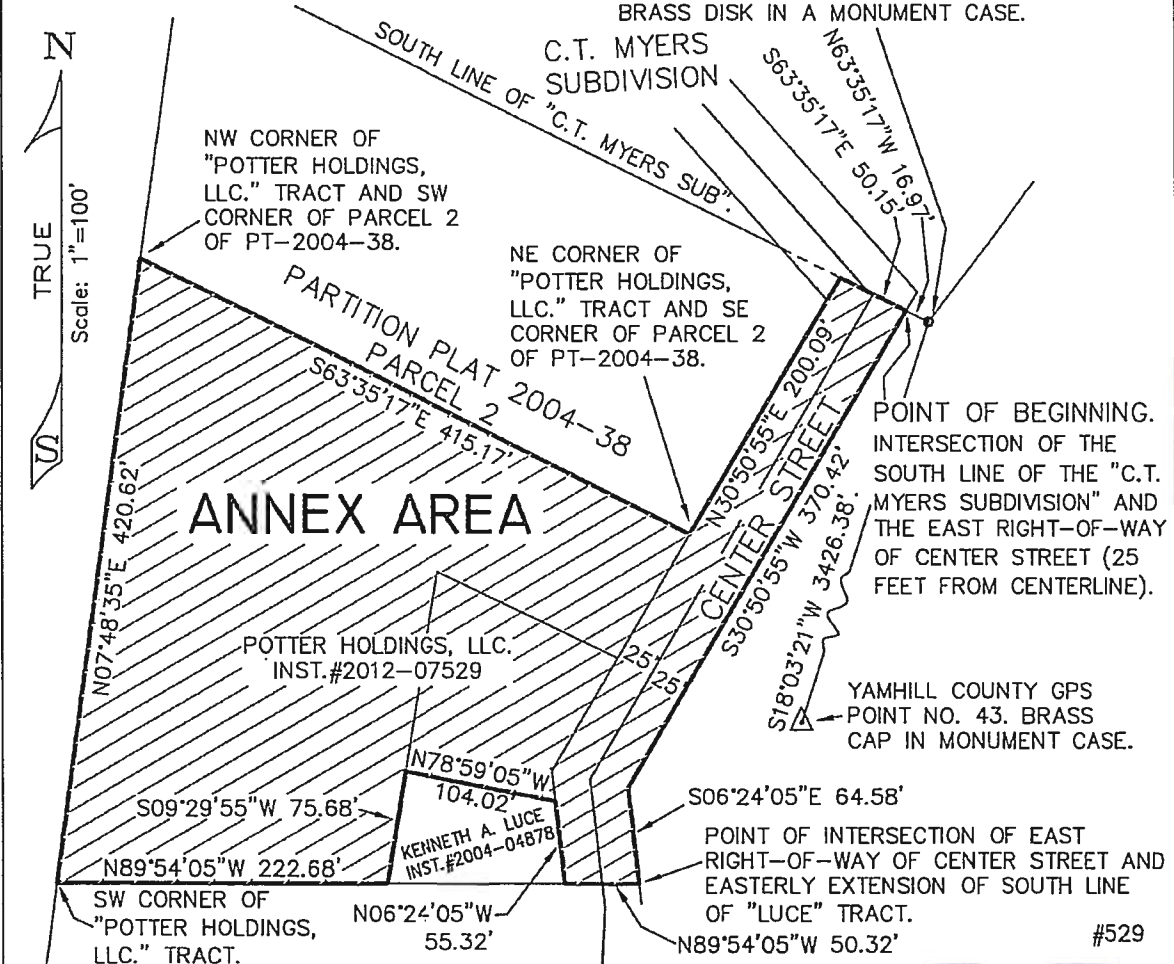


EXHIBIT "C"

CITY COUNCIL FINDINGS – ANNEXATION, ZONE CHANGES, INTERPRETATION Planning File No. ANN/ZC/INT 2014-01

This matter comes before the Sheridan City Council on the application of Potter Holdings, LLC (Terry Potter) to annex about 3.10 acres of land into the City of Sheridan, establish the Medium Density Residential (R-2) Zone on the newly annexed property, rezone the 0.4 acre Tax Lot 500 (Map 5, 6, 26CD) abutting the annexed property to the south from the Low Density Residential Zone (R-1) to the Medium Density Residential Zone (R-2), and interpret the R-2 Zone's list of permitted uses to include memory care facility, nursing home, retirement home, and elderly care facility.

I. FINDINGS -- BACKGROUND

- A. APPLICANT: Potter Holdings, LLC (Mr. Terry Potter).
- B. PROPERTY LOCATION: 740 and 760 NE Center Street on the west side of the street about 600 feet north of NE Blair Street. See enclosed vicinity map and site map.
- C. TAX MAP NO.: T5S, R6W, Section 26CD, Tax Lots 200 and 300 for the annexation and zone change from Yamhill County LDR-6750 to City R-2, and Tax Lot 500 for the zone change from the city's R-1 to R-2 Zone.
- D. REQUEST: To annex territory (Tax Lots 200, 300); a zone change from the Yamhill County LDR-6750 Zone to the city's Medium Density (R-2) Zone (Tax Lots 200, 300); a zone change from R-1 to R-2 (Tax Lot 500 – already in the city limits); and an interpretation of the Sheridan Development Code, Section 16.215.020, R-2 Permitted Uses, as allowing memory care facility, nursing home, retirement home, and elderly care facility. The Sheridan Comprehensive Plan Map has one residential designation, therefore, no comprehensive plan map amendment is needed for the R-1 to R-2 rezoning.
- E. EXISTING DEVELOPMENT: The subject property is vacant. Sewer and water are in NE Center Street which abuts the subject property.
- F. PARCEL SIZE: The area to be annexed and to be rezoned from LDR-6750 to R-2 is about 2.60 acres (113,256 sq. ft.)(Tax Lots 200, 300). The area already in the city limits to be rezoned from R-1 to R-2 (Tax Lot 500) is 0.4 acres (17,424 sq. ft.). The area of the NE Center Street right-of-way to be annexed is 0.50 acres (21,750 sq. ft.). The total area to be annexed is 3.10 acres (135,036 sq. ft.) (Tax Lots 200,

300 & Center St.).

- G. EXISTING ZONING: The privately owned subject property to be annexed (Tax Lots 200, 300) is in Yamhill County with a "LDR-6750" Zone (low density residential). The property already in the city limits (Tax Lot 500) that is proposed to be rezoned to R-2 is currently in the R-1 Zone.
- H. SURROUNDING ZONING AND DEVELOPMENT: The subject property for the annexation and rezoning is surrounded by the current city limits, except for a property at the SE corner (Tax Lot 400) which is outside the city limits and has a duplex that is connected to city sewer and water.

The three properties to the north of the subject property are zoned R-1 and are 1.26 acres (Tax Lot 102), 0.41 acres (Tax Lot 101) and 0.40 acres (Tax Lot 100). Each of the three properties has a single family dwelling.

The property across NE Center Street to the east is 2.0 acres and is in the R-1 Zone. It has a single family dwelling.

One of the two properties abutting to the south is 734/736 NE Center Street (Tax Lot 400) which is outside the city limits and it has a duplex that is connected to city sewer and water.

The second property abutting to the south is Tax Lot 500 which is in the city limits, is owned by the applicant and is vacant. It is proposed to be rezoned from R-1 to R-2 as part of this process.

The property abutting to the west is in the city limits, is 7.5 acres, is in the R-2 Zone and is vacant.

- I. DECISION CRITERIA: Sheridan Municipal Code Chapter 1.08 (Annexation); Sheridan Development Code (SDC) Section 16.582 (Zone Change); and SDC, Section 16.554, Interpretation.

II. APPLICATION SUMMARY

- A. The subject property is located in the urban growth boundary (UGB) and it abuts the existing city limits. Upon annexation and application of the R-2 Zone, the possible proposed use is an approximately 100-bed Alzheimer's facility.
- B. City sewer and water are available in NE Center Street. Center Street is not built to full public street standards, but it is anticipated a street improvement will be required as part of a future Site Development Review decision when development is proposed.

- C. Annexations and Zone changes are Type III applications (Development Ordinance Section 16.501.040). An interpretation of the uses allowed in the R-2 Zone can be decided concurrently with the annexation and zone change decisions per Section 16.501.040, B, 5. Type III applications require hearings before the Planning Commission and City Council. The Planning Commission reviewed the application and provided a recommendation to the City Council to approve the requested annexation, establishment of the R-2 Zone on the annexed properties, rezone the southern property (Tax Lot 500) from R-1 to R-2 and interpret the R-2 Zone list of permitted uses to include nursing homes, retirement home, elderly care facility and Alzheimer facilities. The final decision to approve or deny the applications rests with the Council.

III. CRITERIA AND FINDINGS - ANNEXATION

- A. An annexation application is subject to the provisions of Sheridan Municipal Code, Chapter 1.08. Section 1.08.020, Conditions For Annexation, state that an annexation may be permitted only if:

1. The site abuts the Sheridan City Limits.

FINDINGS: The north, south and west boundaries of the subject property abut the City Limits. Criterion 1 is met.

2. The subject property is in the urban growth boundary (UGB).

FINDINGS: The subject property is in the UGB. Criterion 2 is met.

3. The proposed use of the site complies with the Comprehensive Plan.

FINDINGS: The proposed use is an approximately 100-bed memory care facility. The Comprehensive Plan Map designates the subject property "Residential." If annexed, the proposed R-2 Zone and the residential uses it allows would be consistent with the "Residential" Comprehensive Plan designation. Criterion 3 is met.

4. Adequate public facility capacity exists to serve the site.

FINDINGS: Based on information provided by the City Engineer, public water and sewer services are in NE Center Street along the frontage of the property and with improvements the site could be served with water and sewer. Such improvements would be required by the Site Design Review Application approval and constructed concurrent with development on the site. The annexation request does not create any system capacity issues

because the step of annexing the property does not generate a demand for water and sewer.

Center Street extends north from NE Blair Street to serve the subject property. For the first approximately 180 feet north of NE Blair Street (Bridgeway No. 2 Subdivision) NE Center Street is fully improved with paved travel lanes, gutters, curbs and sidewalks. At the north of the end of the Bridgeway No. 2 Subdivision improvement, NE Center Street is paved for about 380 feet up to the north property line of the duplex at 734/736 NE Center (Tax Lot 400), but it does not have gutters, curbs or sidewalks. North of the north property line of the duplex at 734/736 NE Center the street is a gravel surface with no gutters, curbs or sidewalks. When development is proposed on the subject property through the Site Development Review Application process, it is anticipated street improvements will be required to bring NE Center Street up to standard along frontage of the subject property to ensure the impact created by the development (vehicle and pedestrian trips) can be accommodated by NE Center Street. Criterion 4 is met.

5. The site contains land which is physically suited for urban uses.

FINDINGS: The property slopes gently uphill from south to north. The property is not in the 100-year flood plain. The property is physically suited for urban uses. Criterion 5 is met.

- B. Section 1.08.030 states land separated by a stream may be annexed to the City Limits. Not applicable because there is no stream on the subject property.
- C. Section 1.08.040 requires the Planning Commission to hear testimony and recommend approval or denial to the City Council. It requires the Planning Commission's decision to "...state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan." The elements of the Comprehensive Plan that have been found to be applicable follow.

1. Public facilities: The Plan seeks to ensure that adequate facilities either are available, or can be made available at the time of development.

FINDINGS: Public sewer and water facilities are in NE Center Street which abuts the subject property to the east. The proposed annexation is in conformance with the Comprehensive Plan's provisions for public facilities.

2. Housing: Housing policies encourage adequate choices in housing to meet the needs of the community. Policies encourage densities consistent with the suitability of the land to accommodate the use.

FINDINGS: The property is designated "Residential" on the Comprehensive Plan Map and the proposed zone is Medium Density Residential (R-2) which is consistent with the "Residential" designation. The R-2 Zone allows single family dwellings, multi-family dwellings and other uses such as residential facilities. A concurrent request for an Interpretation asks that the R-2 list of uses be clarified to include memory care facility, nursing home, retirement home, and elderly care facility. The proposed annexation and R-2 Zone are in conformance with the Comprehensive Plan's provisions for housing.

3. Land Use and Urbanization: The Comprehensive Plan seeks to provide an orderly and efficient transition from rural to urban land uses. Sufficient land should be available for a variety of urban uses. In-fill is encouraged where possible.

FINDINGS: The subject property is in the UGB, is surrounded by the city limits, fronts on a public street, Center Street, and public facilities and services are in Center Street. The property may be developed for residential uses, thereby providing additional housing opportunities. The proposed annexation and R-2 Zone are in conformance with the Comprehensive Plan's provisions for providing an orderly and efficient transition from rural to urban land uses.

- D. Section 1.08.040 requires that for "...annexations the decision shall state how the proposed annexation..." addresses a list of nine factors as follows.

1. "Promote an orderly, timely and economical transition of rural and agricultural lands into urbanizable lands."

FINDINGS: The purpose of the UGB is to identify land available for eventual urbanization. State Statute defines land outside the UGB as rural and land inside as urbanizable. The property is in the UGB, abuts the City Limits, fronts a public street, Center Street, and necessary services are in Center Street. When the City Council established the UGB, the property was committed to eventual urbanization. The area proposed for annexation is surrounded by the city limits and its annexation will allow an orderly, timely, and economical transition from vacant land to urbanized land. The proposed annexation promotes an orderly, timely and economical transition of rural and agricultural lands into urban lands.

2. "Avoid promoting development in areas of natural hazards."

FINDINGS: The subject property is in the UGB and, therefore, is urbanizable. It is gently sloping uphill from south to north. The property is

not in the 100-year flood plain. The property is physically suited for urban uses. The proposed annexation and R-2 Zone are consistent with the Comprehensive Plan.

3. "Affect the natural resources of the area, including: air resources, water quality, natural vegetation and fish and wildlife resources."

FINDINGS: The Comprehensive Plan does not identify significant wildlife or natural habitats on the property. Connections to sewer and water are available for residential uses, thereby maintaining water quality. The proposed use of the site would not create a land use that will adversely affect air quality. The proposed annexation will not negatively affect the natural resources of the area.

4. "Effectively utilize energy resources and promote conservation of energy use."

FINDINGS: Future residential development must comply with current building code requirements which require energy efficient design. The proposed annexation will effectively utilize energy resources and promote conservation of energy use.

5. "Provide for recreation and open space opportunities."

FINDINGS: This action does not remove identified recreational lands from development.

6. "Effect and provide for an orderly and efficient arrangement of public facilities and services."

FINDINGS: Sewer, water and streets are abutting. Services such as police, library, schools and fire are provided by the Yamhill County Sheriff's Department, the City, the Sheridan School District, and the Sheridan Fire District, respectively. The service providers have sufficient capacity to serve the subject property. The proposed annexation and R-2 Zone would provide for an orderly and efficient arrangement of public facilities and services.

7. "Improve and enhance the economy of the City."

FINDINGS: There will be a positive effect on the local economy because new construction will provide jobs and there will be an incremental increase in the demand for construction materials and residential furnishings. Once open, the memory care facility will include permanent employment. The proposed annexation and R-2 Zone will improve and enhance the economy

of the City.

8. "Provide the opportunity for a variety of quality, safe housing."

FINDINGS: New residential construction is required to comply with the adopted building codes which are designed to create safe, quality housing. The proposed annexation will provide the opportunity for any of the housing uses permitted in the R-2 Zone to be constructed thereby providing a variety of quality, safe housing.

9. "Effect and provide for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner."

FINDINGS: The property fronts on NE Center Street which intersects NE Blair Street, a collector, two blocks south of the subject property. The proposed facility will use NE Center Street for employee, delivery and visitor trips. Although not fully improved, it is anticipated a street improvement will be required as part of a future Site Development Review decision when development is proposed. The proposed annexation provides for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner.

- E. The City Council may elect to hold a public hearing on the annexation or present the request to the voters. In accordance with Oregon Revised Statute 222.120(2), "When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation." Per an Ordinance 2014-07 passed November 17, 2014, the City Council fixed December 15, 2014 as the City Council hearing date. The Sheridan Municipal Code Sections 1.08.050 to 1.08.080 establish the methods and process for the Council to proceed. If approved, the city must submit the necessary reports to affected state and local agencies (Sections 1.08.090 and 1.08.100) and determine the appropriate zone (Section 1.08.110). Findings in support of the requested R-2 Zone are reviewed in Section IV, below.
- F. The subject property is in the urban growth boundary and abuts the City Limits. The property may be served by public facilities and private utilities and fronts on NE Center Street, a public street. The subject property is urbanizable and suitable for annexation to the City Limits.

IV. CRITERIA AND FINDINGS - ZONE CHANGE

- A. Municipal Code Section 1.08.110 requires the City to establish the appropriate

zone when property is annexed. The applicant requested the Medium Density Residential (R-2) Zone. The decision criteria for a zone change are in the Sheridan Zoning and Development Ordinance, Section 16.582.040. The criteria and findings follow. Additionally, the owner owns Tax Lot 500 which is already in the city limits and is zoned R-1. The applicant requests it be rezoned to R-2.

1. Section 16.582.040, A. "Approval of the request is consistent with the Comprehensive Plan."

FINDINGS: Comprehensive Plan policies were previously reviewed under the Annexation findings, above, and are incorporated herein by reference. The findings and conclusions for the Annexation, above, apply to the Zone Change and are incorporated herein by reference. The subject property is designated "Residential" in the Comprehensive Plan Map and the proposed R-2 Zone is consistent with the "Residential" designation.

2. Section 16.582.040, B. The existing public water, sewer, storm drainage and street facilities:

1. Adequately support the existing zoning district and the permitted and conditional uses allowed in the zoning district;

2. Will adequately support the requested zoning district and the permitted and conditional uses allowed in the requested zoning district.

FINDINGS: Previous findings in Section III, above, indicate necessary services are in NE Center Street, or can be improved, to serve residential development of the property, including an approximately 100-bed memory care facility. These include sewer, water, storm drain and transportation facilities. The zone change will not negatively affect the city's ability to provide necessary services.

3. Section 16.582.040, C. Demonstrate the proposed use can comply with the applicable requirements of the requested zoning district.

FINDINGS: The possible proposed memory care facility will be able to meet the setbacks, building height, parking and landscaping requirements of the R-2 Zone. Such demonstration will be provided in the future at the time a Site Development Review Application is submitted when the actual development is known and construction is planned.

- B. The proposed Medium Density Residential (R-2) Zone is consistent with the existing "Residential" Comprehensive Plan Map designation because the R-2 Zone is a residential zone. The proposed R-2 Zone for the subject property is consistent with the zone on property abutting to the west because that zoning is

also R-2. The land abutting to the west is currently in the City Limits.

V. CRITERIA AND FINDINGS - INTERPRETATION

FINDINGS: The R-2 Zone's list of permitted uses includes the term "Residential care facility" (16.215.020, F), but it does not list memory care facility, nursing home, retirement home, or elderly care facility. An interpretation of Section 16.215.020, F, is included in the application for annexation and zone change to clarify that memory care facility, nursing home, retirement home, and elderly care facility are also permitted outright.

The R-2 Zone allows as permitted outright uses "multi-family dwelling, including apartments, townhouses and condominiums" (16.215.020, D). The density of the multi-family uses can be up to about 20 dwelling units per acre which would generate about 8 trips per dwelling unit per day (160 trips). An approximately 100-bed memory care facility would be a density of about 33 dwelling units (beds) per acre and would generate only about 3 trips per unit per day (99 trips) for employees, deliveries and visitors. The number of units (beds) per acre for a memory care facility is higher than for an apartment development on the same acreage because less land is used for parking, but the impact in terms of traffic generated would be significantly less. There would be no children with their need for outdoor play equipment at a memory care facility, thus the general level of activity at the memory care facility would be significantly less than for an apartment project.

A memory care facility is similar to an apartment facility because it would include several dwelling units (beds) in a structure, but it would generate fewer trips and have a lower level of activity on the site, therefore, it is the interpretation of the City of Sheridan that a memory care facility, nursing home, retirement home, and elderly care facility are a permitted use in the R-2 Zone.

VI. CONCLUSIONARY FINDING

It is concluded the Annexation, Zone Change and Interpretation applications comply with the decision criteria in the Sheridan Municipal Code and the Sheridan Zoning and Development Ordinance.

EXHIBIT "D"

