



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 29, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sheridan Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 10, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Jim Jacks, City of Sheridan

<paa> ya/

PROP **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

SEP 22 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Sheridan**

Local file number: **08-05-07**

Date of Adoption: **8/18/2008**

Date Mailed: **9/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/5/2008

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Change the Comprehensive Plan Map from Residential to Commercial, and change the zone from Mixed Residential (R-3) to Commercial (C) for 0.29 acres (12,790 square feet).

Does the Adoption differ from proposal? No, no explanation is necessary

Yes, originally requested 0.54 acres to be rezoned

Plan Map Changed from: **Residential**

to: **Commercial**

Zone Map Changed from: **Mixed Residential (R-3)**

to: **Commercial (C).**

Location: **1360 West Main Street**

Acres Involved: **0**

Specify Density: Previous: **Up to 20 units/ac.**

New: **Some mixed use.**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 001-08 (16939)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT.

Local Contact: **Jim Jacks**

Phone: (503) 843-6108 Extension:

Address: 120 SW Mill Street

Fax Number: 503-843-3661

City: **Sheridan, OR**

Zip: 97378-

E-mail Address: jjacks@mwvcog.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008-2

AN ORDINANCE AMENDING THE SHERIDAN COMPREHENSIVE PLAN MAP AND THE ZONING MAP, AND DECLARING AN EMERGENCY.

WHEREAS, on July 23, 2008, the Planning Commission conducted a properly noticed public hearing regarding Planning File No. 08-05-07, an application regarding a Comprehensive Plan Map Amendment and a Zone Change, at which time the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on July 23, 2008, the Planning Commission met to consider the proposed action, opened the public hearing, considered the information provided by the applicant, City staff and those who testified, and upon deliberation, voted to recommend to the City Council, approval of the comprehensive plan map request and the zone change request with the condition that the property owner grant to the owner of Tax Lot 1701 an access easement over the eastern 7-foot of the subject property for the benefit of Tax Lot 1701; and,

WHEREAS, on August 18, 2008, the City Council met to consider the proposed action, opened the public hearing, considered the information provided by the applicant, City staff and those who testified including the applicant, and received the recommendation of the Planning Commission, closed the public hearing, deliberated upon the matters and approved the recommendation of the Planning Commission.

NOW, THEREFORE, THE CITY OF SHERIDAN ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Sheridan does hereby amend the Comprehensive Plan Map of the City of Sheridan, Oregon from the Residential Designation to the Commercial Designation on the subject property identified in Exhibit "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Sheridan does hereby change the Zoning Map of the City of Sheridan, Oregon from the Mixed Residential Zone (R-3) to the Commercial Zone (C) on the subject property identified in Exhibit "A" and by this reference made a part hereof, subject to the following condition of approval:

- A. The owner of Tax Lot 1600 shall grant to the owner of Tax Lot 1701 an access easement over the eastern 7-foot of Tax Lot 1600 for the benefit of Tax Lot 1701.

Section 3. The City Council of the City of Sheridan does hereby adopt those certain findings of fact, recommendations, and conclusionary findings and supporting documentation attached hereto as Exhibit "B" and by this reference made a part hereof.

Section 4. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

PASSED by the Council of the City of Sheridan on this 18th day of August 2008 by the following votes:

AYES: Breed, Cooley, Mishler, Quinones, Sample

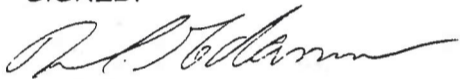
NAYS: 0

ABSENT: Acuff

ABSTAIN: 0

Approved by the Mayor on this 20 day of Aug, 2008.

SIGNED:



Val Adamson, Mayor

ATTEST:

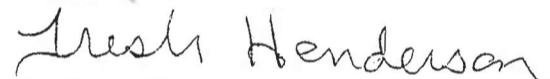

City Recorder

EXHIBIT "A"

Being a tract of land located in the NE $\frac{1}{4}$ of Section 33; Township 5 South; Range 6 West; W.M., Yamhill County, Oregon, described as follows:

Tax Lot 1600, Yamhill County Assessor Map T5S, R6W, Section 33AA, with a north property line of 107.96 feet, an east property line of 123.83 feet, a south property line of 99.21 feet and a west property line of 123.17 feet as shown on Partition Plat 96-41, Volume 4, Page 299.

EXHIBIT "B"

CITY COUNCIL FINDINGS – COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE

**Planning File No. 08-05-07
(Comprehensive Plan Map Amendment/Zone Change)**

I. NATURE OF THE APPLICATION

This matter comes before the Sheridan City Council on the application of the owner, James Claus, to amend the Comprehensive Plan Map from the Residential Designation to the Commercial Designation and change the Zone Map from the Mixed Residential Zone (R-3) to the Commercial Zone (C).

II. GENERAL INFORMATION

A. Location

The property is located on the south side of W. Main Street, at the intersection of W. Main Street and Chip Yard Road. The address is 1360 W. Main Street. The County Assessor Map places the land within Township 5 South; Range 6 West; Section 33AA; Tax Lot 1600.

B. Applicant and Owner

The owner is Claus Transportation Company Inc. (James Claus). The applicant is Coastal Sign Company (Billy Bobb).

C. Existing Development and Zoning

The property is developed with an approximately 8,300 square foot building (50 ft. x 166 ft.) with 10 east-facing overhead roll-up doors for use as a bus barn (based on data in Planning Case 99-11-15 which allowed the bus barn use through the Conditional Use Permit process). City sewer and water are provided to the site and building. The property was used as a bus barn for several years, but for the past several months it has been unused. The subject property is approximately 12,790 square feet or about 0.29 acres. The existing Zone is Mixed Residential (R-3) which allows residential and some commercial uses. The property has not been used as a bus barn for several months.

D. Adjacent Zoning and Land Use

The parcel to the east (Tax Lot 1701) is designated Residential in the Comprehensive Plan and is zoned Mixed Residential, R-3. It is a "flag lot." The portion of the "flag lot" to the east of the subject property is a 20-foot wide strip with frontage on W. Main Street. It is the "flagpole" of the "flag lot" and allows access from W. Main Street southerly to the main portion of the "flag lot." This access is not improved or currently used. The "flag pole" extends to the south and the remainder of the 0.31 acre "flag lot" is farmed.

The parcel to the east of the "flagpole" is designated Residential in the Comprehensive Plan and is zoned Mixed Residential, R-3. It is developed with an assisted living facility (Deer Meadow Assisted Living Community).

The parcel to the west and south (Tax Lot 1700) is designated Residential in the Comprehensive Plan and is zoned Mixed Residential, R-3. It was part of the subject property for the above noted Planning Case 99-11-15 which allowed the bus barn use on both tax lots 1600 and 1700. It is developed with a single family residence with a large detached garage and is used for a transportation company with heavy vehicle components on the property. It is owned by the Claus Transportation Company. The portion of Tax Lot 1700 south of the subject property is about 46-feet north to south and is undeveloped.

The parcel to the north is across W. Main Street and is designated Industrial in the Comprehensive Plan and is zoned Industrial. It is undeveloped, but the properties to the northeast and northwest across W. Main Street are developed with single family residences. The area north of W. Main Street is Sheridan's largest area of industrially designated and zoned land.

E. Background Information

The applicant is requesting the Comprehensive Plan Map be amended from the Residential Designation to the Commercial Designation and the Zone Map be changed from the Mixed Residential Zone (R-3) to the Commercial Zone (C) to allow a sign contractor, Coastal Sign Company, to manufacture and distribute signs at the site. The findings and conclusions contained in this Exhibit address the comprehensive plan map amendment and the zone change.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Sheridan Planning Commission on July 23, 2008. At the hearing, City Planning File No. 08-05-07 was made a part of the record. Notice of the hearing was published and sent to adjacent property owners pursuant to Section 3.202 of the Sheridan Development Code. All Commission members were aware of the property location. No objection was raised to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issues and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment and Zone Change with one condition of approval as follows:

The owner of Tax Lot 1600 shall grant to the owner of Tax Lot 1701 an access easement over the eastern 7-feet of Tax Lot 1600 for the benefit of Tax Lot 1701.

The Planning Commission found the proposal complied with the applicable criteria. The Commission directed staff to prepare an Order of Recommendation.

B. City Council Action

A City Council public hearing was duly held on this application before the Sheridan City Council on August 18, 2008. At the hearing, City Planning File 08-05-07 was made a part of the record. Notice of the hearing was published and sent to adjacent property owners pursuant to Section 3.202 of the Sheridan Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and accepted the Planning Commission's recommendation, finding the proposal to be consistent with the Sheridan Municipal Code as set forth in the findings contained in this document. The Council adopted one Ordinance for the Comprehensive Plan Map Amendment and the Zone Change. Findings contained in this document address the proposed Comprehensive Plan Map Amendment and the Zone Change.

IV. FINDINGS OF FACT-GENERAL

The Sheridan City Council, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is Coastal Sign Company (Billy Bobb). The property owner is Claus Transportation Company (James Claus). The applicant requests the Comprehensive Plan Map be amended from the Residential Designation to the Commercial Designation and the Zone Map be changed from the Mixed Residential Zone (R-3) to the Commercial Zone (C).
- B. The property is located on the south side of W. Main Street, at the intersection of W. Main Street and Chip Yard Road. The address is 1360 W. Main Street, and the County Assessor Map places the land within Township 5 South; Range 6 West; Section 33AA; Tax Lot 1600.
- C. The subject property has frontage along W. Main Street. City sewer and water facilities are in the W. Main Street right-of-way which served the existing approximately 8,300 square foot building when it was used as a bus barn.
- D. The parcel contains approximately 12,790 square feet (0.29 acres).
- E. The 20-foot wide property abutting to the east (a "flag lot") and the property to the east of the "flag lot" are designated Residential on the Comprehensive Plan Map and are zoned Mixed-Use Residential (R-3). The "flag pole" of the "flag lot" is undeveloped and the property to the east of the "flag lot" is the location of an assisted living facility.
- F. The property to the west and south is one parcel and is designated Residential on the Comprehensive Plan Map and is zoned Mixed-Use Residential (R-3). The portion of

the property to the west is used as a residence with a large accessory garage that is used for heavy truck operations.

G. The properties to the north are across W. Main Street, are designated Industrial, are zoned Industrial, and are vacant (directly across W. Main Street) with single family dwellings to the northeast and northwest. The single family dwellings are nonconforming as to use and are grandfathered-in.

H. Approval or denial of this request will be based on compliance with the decision criteria in the Sheridan Zoning and Development Ordinance Section 3.110 for the Comprehensive Plan Amendment and 3.102 for the Zone Change.

I. The use of the property as a bus barn is not listed as a permitted use in the R-3 Zone, but it is allowed as a conditional use. The bus barn use was approved as a conditional use. In the R-3 zone "government or public facility structures" are allowed as a conditional use. The existing building was constructed for use as a bus barn supporting the school district. The bus barn was considered a public facility structure because the public school district's contractor used it as a bus barn. In January 2000 the Planning Commission approved Planning Case 99-11-15 which was a conditional use permit for the public use and a Site Development Review for the construction of the 8,300 square foot building. The school district has moved its buses to a different location leaving the site unused and the building empty. Due to the conditional use permit the building can be used for "government or public facility structures" or a permitted use in the R-3 Zone which includes residential and some commercial uses. A residential use is unlikely due to appearance issues and the differing Building Code requirements for a residential structure versus a bus barn. The building is a pole building with metal siding. The application, if approved, would allow the existing building to be used for a use similar to the uses permitted in the Commercial Zone.

Coastal Sign Company is a sign contractor that provides the services of making and erecting signs for business clients. The use "sign contractor" is not specifically listed as a permitted use in the Commercial Zone. The Commercial Zone allows a range of commercial uses as listed in Section 2.105.02, A-E. Per Section 2.105.02, C, it allows as a permitted use "Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services." The proposed sign contractor use would involve rendering services to other businesses regarding signage. Per Section 2.105.02, F, the Commercial Zone also allows as permitted uses "limited manufacturing, including the following: 1. Bakeries. 2. Beverage bottling plants. 3. Machine shops. 4. Handicraft manufacturing." The use "Machine Shop" involves lathe work, welding, grinding, drilling and other manufacturing activities using metal. The proposed sign contractor use will involve manufacturing signs and such manufacturing will involve welding, grinding and drilling. The proposed use is similar to the permitted uses listed in the Commercial Zone and, therefore, is permitted in the Commercial Zone.

V. APPLICATION SUMMARY

- A. The subject property is in the Residential Comprehensive Plan Map Designation and the Mixed-Use Residential (R-3) Zone. The applicant wishes to amend the Comprehensive Plan Map Designation to Commercial and change the Zone to Commercial to allow a sign contractor use on the property.
- B. No comments were received from the City Engineer or Public Works Director. No other contacted agency responded.
- C. Comprehensive Plan Map Amendments and Zone changes are Type III applications (Zoning and Development Code, 3.101.03) and require hearings before the Planning Commission and City Council. The Commission reviews the application and provides a recommendation to the City Council. The final decision to approve or deny the application rests with the Council. Findings and conclusions contained in this Exhibit address the Comprehensive Plan Map Amendment and the Zone Map change.

VI. CRITERIA AND FINDINGS – COMPREHENSIVE PLAN MAP AMENDMENT

The decision criteria for amendments to the Comprehensive Plan Map are in Section 3.110.03, Sheridan Development Code. The specific criteria, and staff's response, follows:

- A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation.

FINDINGS: The State of Oregon has adopted statewide land use goals which comprehensive plan amendment decisions must adhere to. To approve a comprehensive plan map amendment it must comply with the applicable statewide planning goals. The applicant submitted information describing how the application complies with the applicable goals. To approve the request the City Council must find the information the applicant provided shows compliance with the applicable statewide goals. Part of this decision is determining which statewide goals are applicable. At a minimum statewide Goal 9 dealing with the economy of the state and Goal 10 dealing with housing are applicable.

The applicant addressed Goal 9, Economy, stating: "Our business does not depend on local economy to thrive with regional accounts and service areas from Astoria to Florence and East from Eugene to Portland we can only spur on local economy and provide jobs to qualified people in the community and we also patronize local merchants." The applicant's response to Goal 9 is brief and does not quantify the acres of land that will be removed from the Residential Designation or that will be added to the Commercial designation, the number of jobs that will locate to the subject property or the amount of economic activity that will occur on the subject property. The subject property is 0.29 acres which would be removed from the

Residential Designation and added to the Commercial Designation. The application shows Coastal Sign Company serves a large area. At the Planning Commission hearing the Coastal Sign Company personnel indicated less than 10 employees would work on the site.

The applicant addressed Goal 10, Housing, stating: "Property in question is developed as commercial property and no further development is needed." The applicant's response to Goal 10 is brief and does not quantify the acres of land that will be removed from the City's inventory of buildable residential land or the number of dwelling units that will not be built. The subject property is 0.29 acres which would be removed from the Residential Designation and added to the Commercial Designation. The application indicates the subject property is developed with a 50 foot by 166 foot building that is not likely to be used for residential uses and that Coastal Sign Company could put the building and site to use.

The site is in the R-3 Zone which allows a maximum density of 20 dwelling units per acre and the 0.29 acre site could provide 5.8 dwelling units. The Flood Insurance Rate Map, Panel 1 of 2 for Sheridan, Oregon, shows the property is in the 100-year flood plain. It is not known if the property was counted in the City's inventory of buildable residential land. The assumption for these Findings is that it was not counted as buildable. The City will not lose 0.29 acres from the residential buildable land inventory and will not lose 5.8 dwelling units. The 0.29 acres and 5.8 dwellings can be considered when the City does an overall review of its comprehensive plan and zoning regulations regarding housing.

Criterion 3.110.03, A, is met.

B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: The City has adopted a comprehensive plan which guides the City's decisions for land use in the City. To amend a designation on the comprehensive plan map it must be found that the change is consistent with the applicable goals and policies in the plan. The applicant did not submit information describing how the application complies with the applicable goals of the plan. To approve the request the City Council must find that the information shows compliance with the applicable comprehensive plan goals and policies. Part of this decision is determining which goals and policies are applicable in this case. At a minimum the goals and policies dealing with the economy of the City, housing needs, and land use and urbanization are applicable to this approval. Given the subject property's small size (0.29 acres), the lack of information related to the City's goals and policies does not substantially affect the applicant's request.

Criterion 3.110.03, B, is met.

C.FINDINGS: Uses allowed in the proposed designation will not significantly affect existing or planned uses on adjacent lands nor destabilize the land use pattern in the vicinity.

The current R-3 Zone, Mixed Residential, allows a range of residential and commercial uses, including offices, grocery stores, hardware stores, department stores, restaurants, motels and banks. Existing and planned uses on properties adjacent to the subject property are currently subject to some commercial uses locating near or next to them. The Comprehensive Plan Map's Commercial Designation is implemented by the Commercial Zone. The uses allowed in the proposed Commercial Designation include the uses allowed in the Commercial Zone. The uses allowed in the Commercial Zone that are not allowed in the R-3 Zone include, but are not limited to warehousing and storage accessory to a permitted use, bakeries, beverage bottling plants, machine shop and handicraft manufacturing. The Commercial Zone uses will not significantly affect the 20-foot wide "flagpole" property abutting to the east because it is too narrow to be developed, unless it is a driveway. The Commercial Zone uses will not significantly affect the property abutting to the west because it is used for heavy vehicles, and there is Industrial zoning across W. Main Street which allows uses that can affect it more than the commercial uses in the Commercial Zone. The Commercial Zone uses will not significantly affect the property abutting to the south because it is the same parcel as the parcel abutting to the west. The Commercial Zone uses will not significantly affect the properties to the north because they are across W. Main Street and are zoned Industrial.

The area along W. Main Street within a few hundred feet of the subject property is a mix of residential, commercial and industrial uses. To the east of the assisted living facility on the south side of W. Main Street is the Sheridan Country Inn which provides lodging at 1330 W. Main Street. Farther east at 1210 W. Main Street is the Industrial Manufacturing Company in the Industrial Zone. On the north side of W. Main Street in the Industrial Zone easterly of the subject property are Jon's Complete Automotive, Car Quest Auto Parts and Kennor Storage. On the north side of W. Main Street in the Industrial Zone and to the west are two buildings that have been used by Sheridan Feed and Various Works. On the south side of W. Main Street and to the west is a Yamhill County Head Start facility in the R-3 Zone. The uses along W. Main Street in the area of the subject property exhibit a range of residential, commercial and industrial uses.

The subject building and site will not return to a residential use due to the approval granted by the City to allow the existing bus barn. The requested Plan amendment and zone change will assign the Commercial Plan designation and the Commercial Zone to the subject property which is one lot. In this area of the City with its mix of uses, combined with the prior land use approval for the site, the requested Map Amendment and Zone Change will not significantly affect existing or planned uses on adjacent lands nor destabilize the land use pattern in the vicinity.

Criterion 3.110.03, C, is met.

D.FINDINGS: Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

Sewer, water, storm drainage and transportation facilities are available to, or can be made available to, the subject property. The site is served by W. Main Street. A fire hydrant is across W. Main Street at the intersection of W. Main Street and Chip Yard Road. Public facilities are available and have served the subject property for several years when it was used as a bus barn.

Criterion 3.110.03, D, is met.

VII. CRITERIA AND FINDINGS - ZONE CHANGE

The decision criteria for a zone change are in Section 3.102.03, Sheridan Development Code. The specific criteria, and staff's response, follows:

1. 3.102.03.A. - Approval of the request is consistent with the Comprehensive Plan.

FINDINGS: The requested Commercial Zone will be consistent with the Comprehensive Plan once the Comprehensive Plan designation is changed from Residential to Commercial. Criterion 3.102.03, A, will be met once the designation is changed.

2. 3.102.03.B. - The property and affected area are presently provided with adequate public facilities, services and transportation to support uses allowed within the requested zone, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

FINDINGS: The application states: "The property in question 1360 W Main St. Sheridan has already been developed and has adequate sewer, water, electrical, and transportation service set up." The driveway has ingress and egress onto an Oregon Department of Transportation (ODOT) facility (W. Main Street). The applicant has not indicated if ODOT has been contacted to determine the process to obtain legal access onto W. Main Street for the proposed sign contracting business. Obtaining access onto W. Main Street is feasible because the prior use generated many bus and worker vehicle trips entering and exiting the site and obtained an access permit. ODOT may require improvements as a condition of allowing access to W. Main Street. At the Planning Commission hearing Coastal Sign Company personnel indicated there would be fewer trips generated by the sign use than by the bus barn use.

Sewer, water, storm drainage and transportation facilities are available or can be made available to the subject property. Public facilities are available and serve the subject property. Sewer and water exist on the site connected to lines in W. Main Street. A fire hydrant is across W. Main Street at the southwest corner of W. Main

Street and Chip Yard Road. The storm drainage from the 8,300 square foot building and paved parking lot has been accommodated by the property's existing storm drainage system.

W. Main Street provides public road access to the subject property. Two letters dated July 14, 2008 and December 6, 1999 were received by the City on July 16, 2008 and were included in the record of the Planning Commission and City Council public hearings. They are from the property owner of Tax Lot 1701 (Joni Huntley and John Rueter) indicating the Oregon Department of Transportation wants limited access points on W. Main Street and they are discussing an easement with the owner of the subject property. The concern is for their "future single residence" that would be on the south portion of their "flag lot." They also indicate there is a storm drain ditch in the current 20-foot wide "flag pole" of their lot. No timeframe was mentioned in the letter for the construction of a dwelling and driveway. A cyclone fence is on the approximately east property line of the subject property. It is not clear how the parties will resolve the issue of the future location of the fence, the driveway surface and the drainage ditch in the 27-foot wide easement. The letter states, "We have a verbal agreement at this time and paperwork is in progress to finalize a legal easement." At the Planning Commission hearing this issue was discussed and the Commission indicated the easement should be finalized by the current property owner before the applications are approved. The applicant indicated they would expedite the current owner's completion of the easement and its recording at the Yamhill County Courthouse to ensure it is recorded before the applications are approved by the City Council. Recording the easement is a condition of the Planning Commission's motion recommending the City Council approve the applications.

The property and affected area are presently provided with adequate public facilities, services and transportation to support uses allowed within the requested zone, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. Criterion 3.102.03, B, is met.

VIII. CONCLUSION

Based on the above findings, the City Council concludes the proposed Comprehensive Plan Map Amendment and Zone Change application complies with the decision criteria contained in the Sheridan Zoning and Development Ordinance with the condition for the Zone Change that the owner of Tax Lot 1600 shall grant to the owner of Tax Lot 1701 an access easement over the eastern 7-feet of Tax Lot 1600 for the benefit of Tax Lot 1701.



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