



**CITY OF ADAIR VILLAGE
JOINT CITY COUNCIL AND
PLANNING COMMISSION AGENDA**

City Hall: 6030 William R. Carr Avenue – Adair Village, Oregon

Tuesday April 20, 2021 – 6:00 PM

1. ROLL CALL and PLEDGE TO THE FLAG:

2. PRIOR MINUTES:

a) July 21, 2020 PC Minutes (Attachment A)

Pat Hare

Action: Approve

3. PUBLIC COMMENT: (Please limit comments to 3 minutes)

4. NEW BUSINESS:

- Joint Public Hearing – **PC21-01** Comprehensive Plan/Map Amendment to Tax Lot 10430D000400. Applicant is the City.

Action: Discussion

5. ADJOURNMENT: Next meeting – City Council, Tuesday May 4, 2021 @ 6:00 PM
Planning Commission May 18, 2021 @ 6:00 PM

PLANNING COMMISSION MINUTES-Draft

6030 NE William R. Carr Avenue

****Tuesday, July 21, 2020 – 6:00 PM****

Agenda Item	Action
<p>1. Roll Call: Members present: Commissioners Longmire, Lower and Vogt were present. City Planner Pat Depa was present. Finance Clerk Karla McGrath was present and recorded the meeting. CA Hare was absent.</p>	<p>The meeting was called to order at 6:00 PM and the flag salute was commenced.</p>
<p>2. Prior Minutes: (Agenda Item 2a). <ul style="list-style-type: none"> • October 15, 2019 PC Minutes. </p>	<p>Commissioner Vogt moved to approve the October 15, 2019 Minutes. Commissioner Lower seconded. Unanimous Approval (3-0).</p>
<p>3. Appointment of Chairman (Agenda Item 5a)</p>	<p>Commissioner Lower moved to appoint Commissioner Vogt as Chairman of the Planning Commission. Commissioner Longmire seconded. Unanimous Approval (3-0).</p>
<p>4. Public Comment: None</p>	
<p>5. Attachments C, C-1-6- Development Code Amendments P20-01 (Agenda Item 5a). City Planner Depa provided a Staff Report.</p> <p>Public Comment/Testimony For/Against/Neutral: None.</p>	<p>Chairman Vogt recessed the Planning Commission meeting and opened the Public Hearing at 6:04 PM.</p> <p>Chairman Vogt closed the Public Hearing at 6:57 PM.</p> <p>Commissioner Lower moved to table consideration of the three items to City Council pending further revisions and information. Commissioner Longmire seconded. Unanimous Agreement (3-0).</p>
<p>6. Attachments D, D-1 – Cherry Drive Vacation P20-02 (Agenda Item 5b). City Planner Depa provided a Staff Report.</p> <p>Public Comment/Testimony For/Against/Neutral: Applicant Thayer explained his reasoning for wanting the vacation.</p>	<p>Commissioner Vogt opened the Public Hearing at 6:58 PM.</p> <p>Chairman Vogt closed the Public Hearing at 7:28 PM and reconvened the Planning Commission meeting.</p> <p>Commissioner Longmire moved to approve the annexation.</p>

	Commissioner Lower seconded. Unanimous Approval (3-0).
8. Commissioner Comments: Chair – None. Commissioner – None. Commissioner – None.	
9. Adjournment: Next meeting- Tuesday, August 18, 2020 at 6:00 PM.	Chairman Vogt adjourned the meeting at 7:53 PM.

Chair's Approval

Date



STAFF REPORT

Date:	April 9, 2021
Applicant:	City of Adair Village
Nature of Application(s):	Comprehensive Plan Map Amendment
Applicable Criteria:	Section 2.700 Amendments Section 3.200 Type of Decision Section 3.510 Quasi-Judicial PH Procedures
Property Location:	Benton Co. Tax Assessor's Map 10-4-30D Lot 400 7115 NE Vandenberg Avenue, Corvallis, OR
Current Comp. Plan Designation:	Commercial – Village Center (C-1)
Proposed Comp. Plan/Zoning:	Public – P
Staff Contact	Patrick Depa, Associate Planner

BACKGROUND

The City will be conducting public hearings to consider an amendment to the existing comprehensive plan map. The subject property is owned by the City of Adair Village and encompasses 5.04 acres (see Exhibit A – Map & Exhibit B – Legal Description). The property is mostly vacant but currently has a single structure located at the south end of the site which is accessed off of NE Vandenberg Avenue.

The Federal Government, through the Department of Interior, conveyed the property to Benton County via Quitclaim Deed on July 9, 1973. A correction deed was filed as No. M-43218 that the property be conveyed as part of the federal surplus property with the covenant that it is to be used for park and recreational purposes. The county maintained ownership of the property until 2018 without putting any considerable investment into it. The City obtained ownership of the property via Quitclaim Deed on May 18, 2018 from Benton County.

The City changed the comprehensive plan and map designation to "Village Commercial" from "Public Use" on November 5, 2019 when the City annexed the property into the city. The vision of bringing the property in as commercial zoning was founded through many studies, discussions and various citizen involvement events the City performed over the years. At the time of annexation the City's plans for the property was to develop it as mixed-use for the purpose of the City's downtown.

However, the hopes of effectively removing the Parks and Recreation covenant from the subject property through the Federal Land Exchange Program and its requirements has been insurmountable. The City has put forth a considerable amount of time, money, and effort into meeting the criteria the Department of Interior has established and has been unsuccessful in all attempts. The re-classifying of the property's zoning back to P-Public Use is a direct effect of the covenant placed on the property when it was conveyed to the County back in 1973.

The map change will need to be incorporated into the Comprehensive Plan/Zoning Map by an amending ordinance. There are no changes required to be made to the development code for this amendment.

FINDINGS OF FACT

1. The 5.04 acre parcel was donated to Benton County in 1973 by the Federal Government for the purposes of recreation and has a parks and perpetuity rider on the deed.
2. The property has never been developed by the County or officially put into operation for the use as a park or any other significant purpose.
3. The 5.04 acres is mostly undeveloped land maintained by the city.
4. The City of Adair Village purchased the 5.04 acre parcel from Benton County in May of 2018.
5. The property was annexed into the city in November of 2019 as "Village Commercial".
6. The City uploaded the Comprehensive Plan/Map Amendment to the Department of Land Conservation and Development (DLCD) for the required 35 day review.

COMMENTS RECEIVED

Comments from the City Engineer/Public Works Concerning City Public Facilities:

Water

The City has made recent improvements to the production and storage capacity of the potable water system. As a result, there is sufficient capacity for anticipated public use development of the proposed properties.

Wastewater

The City is currently completing a Wastewater Facilities Plan, which makes recommendations to address capacity deficiencies in the wastewater collection and treatment systems. Proposed phase 1 improvements to the treatment plant will increase capacity to treat municipal wastewater sufficient to serve the proposed properties. Phase 1 projects are anticipated to be constructed in 2020.

Stormwater

The City's stormwater development code currently requires any proposed development to include stormwater facilities to facilitate a net zero impact to stormwater flows and quality. As such, the City will be required, upon development of the proposed property, to design and install such facilities. The downstream facilities owned by the City are sufficient to allow the development of the proposed properties.

Transportation

The proposed property is bounded by three public streets. These include William R Carr Ave., Arnold Ave., Vandenberg Ave., and 2nd Street. It is anticipated that the development

of the proposed properties will be primarily served from William R Carr Ave. The current Right-of-way for William R Carr Ave. is 60' wide. In order to develop a "Commercial Roadway" as shown in the City's standard detail T-051 (Typical Roadway Layouts), an additional 28' of right-of-way will be required.

Comments from the Public Safety/Fire Department:

1. The Hydrants distributed along William. R. Carr will provide adequate water availability to the property.

Public Comments:

No comments have been received from the public prior to the release of this staff report.

DECISION CRITERIA

Decision Criteria. All requests for an amendment to the text or to the Zoning/Comprehensive Plan Map of this Code may be permitted upon authorization by the City Council in accordance with the following findings:

- (a) **The proposed amendment is consistent with the intent of the Comprehensive Plan.**

The map amendment is appropriate to various sections of the comprehensive plan's goals and objectives (see below).

SECTION 9.190 PLANNING GOALS & POLICIES

GOALS AND OBJECTIVES

- Goal 5. To broaden opportunities for services to meet community needs. The property will be developed in a manner that the current zoning doesn't allow.
- Goal 8. To satisfy the recreational needs of the citizens of the state and visitors. As Adair Village grows, the need for improved neighborhood connectivity, including bicycle and pedestrian connections and access to recreation, becomes increasingly important.

Specific goals and objectives related to the primary planning elements are:

- Goal 2. To provide a land use policy plan that sets forth the suitable kinds, amounts and intensities of use to which land in various parts of the City should be put.

- (b) **There is a need for the proposed amendment to comply with changing conditions or new laws.**

The proposed amendment is directly related to the failed attempts to remove the parks and recreation in perpetuity clause from the 1973 deed condition of land transfer.

(c) The amendment will not have an undue adverse impact on adjacent areas or the land use plan of the City.

The map amendment if changed back to public will have a positive impact on this area by bringing the possibility of development where currently the city cannot develop under the current zoning. The zone change will lift the restrictions of the city applying for future recreation grants or applying Park SDC fees for park related development.

Benton County, the State of Oregon and the Federal Government all have large recreational areas adjacent or within two miles of Adair Village. The City is currently engaged in a multi jurisdiction trails study and master plan to establish some connectivity between them all as well as keeping bike and pedestrian traffic away from Hwy 99W.

(d) The amendment will not have an undue adverse environmental impact.

The proposed amendment and future uses will adhere to all environmental policies or goals and development will be done in a matter to assure no adverse impacts will be occur.

(e) The amendment will not have an undue adverse impact on public facilities.

The proposed amendment will have no undue adverse impact on public facilities. City facilities (streets, sewer, and water) are sufficient to meet the needs of this property and further engineering will be addressed at the time of development. See comments above from the city's consultant engineer.

(f) The amendment will not have an undue adverse impact on transportation.

The permitted and conditional uses allowed in the proposed zone will not have an undue adverse impact on transportation in the City if all future development follows the recommendations of the City's design standards and adopted Transportation Systems Plan (TSP). The property is adjacent to three main collector streets in the city, William R. Carr, Arnold and Vandenberg Avenues. William R. Carr is the City's main collector abutting the subject parcel and with the other two major collectors intersects and disperses traffic into the city. William R. Carr is currently under-utilized for its current design but will require an additional 28' of right-of-way to accommodate any future development on the annexed property.

(g) The amendment will not have an undue adverse impact on the economy of the area.

The proposed amendment will not have an undue adverse effect on the property as it will return it to recreational use to which it was originally and legally intended for. The Comprehensive Plan's overall goal for the City is to encourage economic development for Adair Village that is compatible with maintaining the area's livability. A well designed park will bring people from inside and outside the City to play and hopefully support the local commercial district at the corner of William R. Carr & Vandenberg Avenue.

(h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.

Bringing this property back to a public use supports **Goal 8 – Recreation**. This property is located in the center of town and will act as a destination place for recreation and future city events.

The preliminary population projection from Portland State University, the state's official population researchers, reports that Adair Village's population will double in the next 20 years. The population projection conveys that with the new growth the City will need an increasingly amount of park and recreational land for its residents.

CONCLUSION

The findings presented in the decision criteria support the amendment to the Comprehensive Plan Map to change the zoning classification from "Commercial" to "Public". The amendment will have no adverse impact to the City and is in concert with the goals and policies needed to anticipate growth in a proactive fashion.

The proposed Comprehensive Map change will assist the City of Adair Village to meet its goal of creating a vibrant City center and accommodating the future needs of its residents.

RECOMMENDED MOTION

"I move to adopt the findings outlined in the "Decision Criteria" as presented in the staff report (or modified by the City Council) and direct staff to prepare an amending ordinance changing the Comprehensive Plan Map from "Commercial" to "Public" as described in Exhibit A – Map & Exhibit B – Legal Description."

EXHIBIT A

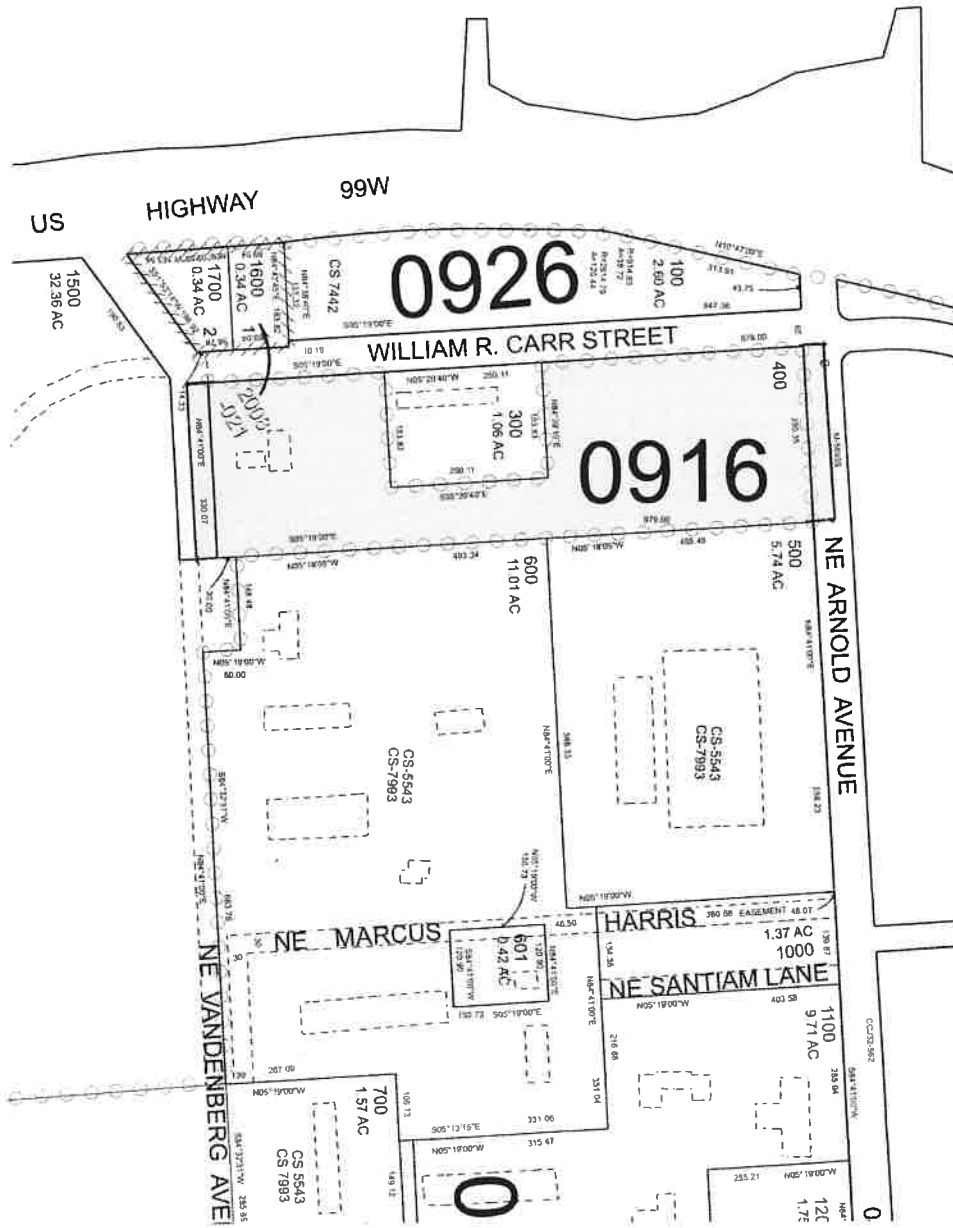


EXHIBIT B

Parcel 5, Camp Adair – Park
(Approximately 6.1 acres)

Beginning at a point 192.15 feet South and 434.90 feet N. $84^{\circ}41'E.$ of the Southeast corner of the George Roberts D.L.C. No. 59, in Township 10 S., Range 4 W., of the Willamette Meridian, Benton County, Oregon, which point lies on the centerline of Florence Nightingale Avenue; thence N. $84^{\circ}41'E.$, along the centerline of Florence Nightingale Avenue 340.35 feet; thence S. $5^{\circ}19' E.$ 979.00 feet to a point which lies on the centerline of Vandenburg Avenue; thence S. $84^{\circ}41' W.$ along the centerline of Vandenburg Avenue and its prolongation 330.07 feet to a point on the east line of the tract described as Parcel 1 in Deed Book 178, Page 67, of Benton County Deed Records; thence N. $5^{\circ}21' W.$ along a line common with the boundary of said Parcel 1 recorded in Deed Book 178, page 67, Benton County Records 131.65 feet to the Northeast corner of said Parcel 1; thence S. $84^{\circ}38'40'' W.$ along the north line of said Parcel 1 a distance of 10.19 feet; thence N. $5^{\circ}19' W.$ 847.36 feet to the centerline of Florence Nightingale Avenue and the point of beginning.

A portion of the above tract is designated as a County Road and is described as follows: Beginning at the Northwest corner of the above described tract -thence S. $5^{\circ}19' E.$ 847.36 feet; thence N. $84^{\circ}38'40'' E.$ 10.19 feet; thence S. $5^{\circ}21' E.$ 131.65 feet; thence N. $84^{\circ}41' E.$ 49.73 feet; thence N. $5^{\circ}19' W.$ 979.00 feet to a point on the north line of the above described tract, which point also lies on the centerline of Florence Nightingale Avenue; thence S. $84^{\circ}41' W.$ along the centerline of Florence Nightingale Avenue 60.00 feet to the point of beginning. Excepting therefrom that tract of land described as Parcel 2 in Deed Book 178, page 67, of Benton County Deed Records.

EXCEPTING THEREFROM a tract of land describe as Parcel 2 in Deed Book 178, Page 67, of Benton County Deed Records.

TOGETHER WITH improvements located thereon (Except the electrical distribution system, water system, and sanitary sewer system) and utility lead in service and lateral serving each building.

TOGETHER WITH joint use with others to discharge storm drain water over the existing storm drain system and outfall.

RESERVING TO:

The United States of America and its assigns a perpetual easement for the electrical distribution system in, on, over, under, and across the above described property, said easement being a strip of land twenty (20) feet in width, then (10) feet on each side of the centerline of the existing electrical distribution system for the purpose of construction, operation, maintenance, repair or removal of said electrical distribution system and together with access thereto.

The United States of America and its assigns a perpetual easement for road purposes over the northerly thirty (30) feet and the southerly thirty (30) feet of the above described property.

SUBJECT TO:

A perpetual easement to the City of Albany, Linn County, Oregon, by Quitclaim Deed dated May 5, 1972, and Amended Quitclaim Deed No. 2 dated January 4, 1973, said easements being strips of land twenty (20) feet in width, ten (10) feet on each side of the centerline of the existing water and sanitary sewer lines for the purpose of construction, operation, maintenance, repair or removal of said utility mains and for access thereto.

Joint use by other to discharge storm drain water over that portion of the existing storm drain system located within the above described property.

Existing easements for public roads and highways, public utilities, railroads and pipelines and to other easements of record.