

## STAFF REPORT

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<b>Date:</b>	<b>April 21, 2023</b>
<b>Nature of Applicant:</b>	<b>Annexation of approximately 55 acres</b>
<b>Applicant / Owner:</b>	<b>City of Adair Village</b>
<b>Property Location:</b>	<b>Benton County Tax Assessor's Map:</b> <ul style="list-style-type: none"><li>• 10-4-29 Lot 0900</li><li>• 10-4-31 Lot 3400</li><li>• 0.12 Acres of 10-4-30 Lot 1400</li></ul>
<b>Applicable Criteria:</b>	<b>Sections 2.700, 2.800, 3.510, 3.520 of the Adair Municipal Code</b>
<b>Comp. Plan Designation:</b>	<b>Residential</b>
<b>County Zoning:</b>	<b>Urban Residential: UR-50</b>
<b>Proposed Zoning:</b>	<b>Map 10-4-29 Lot 0900 – R-2 (Medium Density Residential)</b> <b>Map 10-4-31 Lot 3400 – R-3 (High Density Residential)</b> <b>Map 10-4-30 Lot 1400 – (Partial 0.12 Acres)</b>
<b>Staff Contact:</b>	<b>Patrick Depa, Associate Planner</b>
<b>File #:</b>	<b>PC23-03</b>

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### BACKGROUND

The City of Adair Village is initiating the annexation of three properties described above and shown on the included map. The annexations are a direct result of the recent Urban Growth Boundary (UGB) expansion approved by the City and Benton County on December 6, 2022. The subject properties are owned by two separate property owners and encompasses 55 acres (see attached Exhibit A - Map and Exhibit B - Legal Description). All properties are vacant but have some environmental and natural feature constraints.

The City's Comprehensive Plan identifies the subject property for development as residential; if annexation is approved, the City is proposing the northern property be zoned Medium Density Residential (R-2) and the southern properties to be zoned High Density Residential (R-3). The City anticipates for future development of these sites by the owner/developers by connecting to the existing street patterns already established and stubbed to these parcels.

The City has worked with the two developers in the past and have full confidence of their commitment to create well designed neighborhoods with the utmost care of the environment. Their intent is to use the planned development approach allowed by the

City's development code to maximize building sites while conserving the sensitive lands surrounding their properties. The overall development intent and conceptual land use plans support the residential land use policy and planning goals in the City's comprehensive plan.

The City has developed facility master plans for water, sewer and storm that identify future needed infrastructure improvements required by future development and population growth. Most of these improvements are currently in place to support the proposed annexation and can adequately serve any potential development in the areas proposed for annexation. In 2009 the City adopted a public infrastructure design standards manual that all roads will be constructed to accommodate all elevated volumes of commercial traffic and deliveries. Furthermore, to finance further improvements the City established system development fees to offset the expense of the needed capacity improvements that will accommodate this growth.

### **COMMENTS RECEIVED**

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

Existing infrastructure has been designed to stubbed up to the current City boundaries and designed and sized to continue the development patterns.

#### 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 development of the proposed properties.

#### Wastewater

The City is currently completing improvements to the Wastewater Treatment Plant, which will increase capacity to treat municipal wastewater sufficient to serve the proposed properties. Phase 1 construction is anticipated to be completed in November 2023.

#### 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 proposed property will be required, upon development, 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 properties are accessed by existing public streets. New development will be required to install and dedicate streets in a manner meeting City Development Code and the City's Transportation System Plan.

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. Hydrant distribution for both proposed parcels being annexed will have adequate water availability and will be placed according to the states fire code and the City's Public Works Design Standards.
2. Building height is currently limited to 35 ft. If any future building height is allowed to exceed 35 ft. it could limit our ability to provide protection. These items could be addressed with other fire suppression tools like sprinklers even though they may not exceed the square footage requirement. These types of things can be talked about in a plan review.

**Public Comments:**

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

**FINDINGS OF FACT**

1. In late 2021, Portland State University posted its population projections for all cities in Oregon, and it revealed that the City of Adair Village's population grew significantly in the past 3 years due to continued residential development.
2. The residential development removed previously vacant residential land from the City's required 20-year supply of buildable residential land which triggered the UGB expansion.
3. Because of the deficit of residential land to meet the housing supply for the next 20-years, the City must either expand its urban growth boundary (UGB), increase the amount of allowed housing development on lands already within the UGB, or combine these two alternatives.
4. In 2022, the City approached Benton County to process a UGB expansion as a joint legislative application for the two properties listed above.
5. On December 6, 2022, the City of Adair Village and Benton County both approved the 55-acre UGB expansion. On March 14, 2023, the official appeal period ended clearing the way for the property owners to pursue annexation.

**ANNEXATION DECISION CRITERIA**

All requests for annexation to the City may be permitted upon authorization by the City Council in accordance with following findings:

- (a) The annexation will not have an undue adverse environmental impact.

***Goal 5 - Natural Resources, Scenic & Historic Areas, Open Spaces.*** Goal 5 requires local governments to inventory and protect natural resources.

The Cornelius or northern property does not contain any FEMA-mapped floodplain or identified historic or scenic resources. The 13-acre parcel has a 7.85-acre conservation easement filed with the Legacy Land Conservancy and will not be developed. That portion of the property and its associated natural resources will be preserved through the conservation easement and will not be impacted by future development on the annexed portion (See Exhibit C).

The remaining 5.15 acres has been mapped for wetland delineation. The owner of the Cornelius property had a certified wetland biologist evaluate the wetlands on the site per the criteria of OAR 141-086-0350 and determined it may have 2.5 acres of potentially jurisdictional wetlands classified as palustrine emergent wetlands (See attached Wetland Exhibit Map). If it is determined that future site development will conflict with any wetlands, the project applicant will be required to apply for the necessary state and federal permits and mitigate any wetland impacts.

The Weigel or southern 42-acre property has two local creeks flowing through it. The lower Calloway Creek does contain FEMA-mapped floodplain areas. In 2022, FEMA hired a local consultant firm to map the creek. The mapping should be completed in 2023 and establish clear flood plain elevations that will define the boundaries of all future development that occurs adjacent to the creek.

Preliminary development plans call for development up to but to the north of the FEMA-mapped floodplain area. If it is determined that future site development will encroach on FEMA-mapped floodplain, the applicant will be required to apply for the necessary permits and mitigate any impacts that could create a net rise in the 100-year base flood elevation (See Exhibit D).

The small 0.12-acre piece adjacent to the Weigel property is owned by Oregon Fish and Wildlife and is the result of when Ryal Road was installed, and this property was separated from the parent parcel. The property was always cleared and farmed since its creation and no determination of sensitive lands, or a wetland were ever present. The developer hired a certified wetland specialist to perform a delineation on the southern 42 plus acre property and found only two small areas of wetlands exist (See Exhibit D). The study also delineated a 75' riparian buffer to all future development.

***Findings:*** The advance studies and wetland delineations on all three properties show that future development will not have a deleterious

effect on the natural environment or sensitive areas inside these parcels. No significant wetlands are known to exist on the property but, those that do exist will be handled through the proper mitigation process designed by the Department of State Lands (DSL).

- (b) The annexation will not have an undue adverse impact on public facilities.

*The annexation 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.*

**Findings:**

*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 development of the proposed properties.*

**Wastewater**

*The City is currently completing improvements to the Wastewater Treatment Plant, which will increase capacity to treat municipal wastewater sufficient to serve the proposed properties. Phase 1 construction is anticipated to be completed in November 2023.*

**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 proposed property will be required, upon development, to design and install such facilities. The downstream facilities owned by the City are sufficient to allow the development of the proposed properties.*

- (c) The annexation will not have an undue adverse impact on transportation.

**Goal 12 - Transportation.** *The city seeks to preserve, protect, and promote the city's livability, sustainability, and vitality by:*

- *Providing choices of alternative travel modes,*
- *Maximizing the efficiency of existing facilities,*
- *Intertwining quality of life, land use, and transportation decision-making, and*
- *Providing equitably funded, safe, efficient, cost-effective mobility and accessibility to all county residents, businesses, and emergency services within and across county boundaries.*

***An expansion of the City's current boundary is not anticipated to create impacts to the mobility and accessibility of residents within the community. The City adopted their updated Transportation System Plan (TSP) in 2019 that anticipated growth in these areas. The City did an extensive site selection process during the UGB expansion process to identify these properties as the best positioned, functional, and ready for new development.***

***Oregon Department of Transportation (ODOT) Region 2 Traffic Engineering, Roadway Engineering, and Planning & Development submitted a letter on August 31, 2022, regarding ODOT's perspective on the UGB expansion.***

***ODOT concurred with our analysis and their office's past analysis on a previous UGB expansion proposal, that development should occur on the east side of the highway 99W versus an alternative location west of the highway. Here were their comments on that subject:***

- Highway intersections in the vicinity of Adair Village (e.g., Ryals Avenue and Tampico Road) are not expected to be improved with traffic signals or roundabouts in the near-term. An urban growth boundary expansion on the west side of the highway would create new motor vehicle, bicycle, and pedestrian trips across the highway between existing City destinations (e.g., city hall, businesses, parks, and school) and newly urbanized west side residential areas. The increased number of trips across the highway (especially for walking and biking) may present a safety concern without intersection improvements. Maintaining urbanization on the east side is expected to minimize such highway crossings.***
- Region 2 Traffic Engineering would discourage any new urban access along the west side of the otherwise rural highway where the posted speed is 55 mph.***

***Benton County Public Works had no specific comments on the northern expansion area but, reiterated that NW Ryals Avenue is a Benton County Road, and they have jurisdiction. Their design standard was the basis of how the current area along Ryals Avenue and adjacent to Calloway Creek was developed. The sum of their comments identified the gap in urbanization (curb/gutter) between the end of current subdivision and 99W. This area will be designed to pick off where the improvements stopped all the way to highway 99W. They also stressed the importance in including in their plans that the City look to identify wetlands, riparian areas and drainage (downstream impacts) from the proposed annexation areas.***

***Future development on the Cornelius property will take access from an extension of Hibiscus Drive, a local street. Future development on the Weigel property will take access from local streets within the Calloway Creek subdivision that connect to Ryals Avenue, an Adair Village minor collector. Because both properties are readily accessible to existing transportation facilities, they can be efficiently developed and offer immediate connectivity to the existing City and County Road network for all modes of transportation.***

***The City just recently adopted a comprehensive trails plan in March 2023. Future development plans will incorporate community gathering places integrated throughout the City with designated pedestrian and bike connections to the County's Adair Park and surrounding State property. The intent and hope of this property is that it will be a functioning asset to the City and fulfill a residential need for both the City and surrounding economic areas.***

***Findings: The proposed properties are accessed by existing public streets. New development will be required to install and dedicate streets in a manner meeting City Development Code and the City's Transportation System Plan. All new development will have a separate Transportation Impact Analysis (TIA) done prior to the issuance of a permit.***

## **COMPREHENSIVE PLAN/MAP AMENDMENT** **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).***

### **GOALS AND OBJECTIVES**

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

## **SECTION 9.290 ENVIRONMENTAL GOALS & POLICIES**

### **GOALS & OBJECTIVES**

1. To recognize the opportunities and constraints posed by the natural environment.
2. To protect the unique resources of the Adair Village area.
3. To ensure that future development will complement the City's natural resource base.

## **POLICIES & RECOMMENDATIONS**

### **General**

1. Any expansion of the Adair Village Urban Growth Boundary shall identify and classify existing natural features including wetland and riparian areas that may require preservation, protection or restoration.

### **Geology & Soils**

1. Development proposals in areas considered to pose geologic hazards, such as land slippage, poor drainage, ponding and high-water table, shall submit engineering investigations of the site for project review to ensure that no environmental problems will result from development.
2. As additional land is needed to accommodate the City's growth needs the Urban Growth Boundary may be expanded. Preservation of the most productive agricultural soils shall be a factor in determining the Urban Growth Boundary expansion area.

### **Water Resources**

1. The City of Adair Village shall comply with state and federal water quality protection requirements and regulations within the City's limited resources to address these issues.

## **SECTION 9.490 HOUSING GOALS & POLICIES**

### **GOALS & OBJECTIVES**

1. To provide a housing policy plan that seeks to increase opportunities for all citizens to enjoy affordable, safe, energy efficient housing.
2. The City recognizes the need for an adequate supply of housing that includes a variety of types and designs that are responsive to community needs.

## **POLICIES & RECOMMENDATIONS**

### **General**

1. The City shall support through implementation of the Adair Village Land Use Development Code housing types and programs that address the needs of all its citizens.
2. The City shall provide a variety of housing opportunities for its citizens through implementation of the Adair Village Land Use Development Code.
3. The City shall seek means to reduce housing costs to address the needs of all its citizens.



## **Housing Types**

1. The City shall support and encourage a range of lot sizes, housing types and densities within the locational criteria of the Adair Village Land Use Development Code.
2. The Urban Growth Area shall provide for single-family housing and manufactured homes on individual lots and multi-family alternatives will be considered under the City's "Planned Development" procedures of the Adair Village Land Use Development Code.
3. The City shall encourage innovative design and planning concepts to reduce the cost of housing and services through the "Planned Development" procedures of the Adair Village Land Use Development Code that may permit an increase in density if the project demonstrates improved livability.

## **SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES**

### **GOALS & OBJECTIVES**

1. To provide for an orderly and efficient transition from rural to urban land use.
2. To provide conservation and development policies for the orderly and efficient development of the community.
3. To ensure that the overall plan, policies and recommendations help conserve energy.

### **POLICIES & RECOMMENDATIONS**

#### **Urban Growth Management**

1. The City and County shall utilize the Urban Growth Management Agreement for administration of land development within the Urban Growth Area and the Planning Area.
2. The City shall ensure an orderly and efficient transition from rural to urban land use within the Urban Growth Area.
4. The City shall ensure the Comprehensive Plan and implementing ordinances fully comply with all State growth management policies and rules.
5. The City shall maintain adequate land within its urban growth boundary to address a 20-year demand for housing and economic development.
8. Provide for a network of arterial, collector and local streets that avoid reliance on the state highway for local trips. -The City shall plan for a local street network that is a complete and connected network of local and collector streets at a scale appropriate to the City of Adair Village that will provide the framework for long-term growth and enable residents to access important community destinations in a safe and direct manner and without relying on Hwy 99W for intra-city trips. The City shall consider the design of intersections at 99W to enhance the safety of motorists, especially turning movements, through signals, channelization or other design features.

10. Protect natural resources and avoid development in known hazard areas. As Adair Village grows, these natural features should be preserved to provide opportunities for passive recreation and scenic views and to protect water quality and wildlife habitat.

### **Annexations**

1. The City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly compact growth pattern within the City's service capability.
2. Evidence of development feasibility shall be a condition for annexation to the City. A development plan shall be approved prior to a land division or development of annexed property.

- (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 statewide housing shortage and the uptick in population projections.***

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

***The annexation and map amendments will bring these properties in as a residential designation which will have a positive impact on this area by bringing the possibility of development.***

***The northern parcel will connect to the existing street gride and will maintain the same zoning classification and density requirements. The property to the north, south and east will be well buffered by natural features including a 7-acre conservation easement. The conservation will act as a conduit to the 111-acre Benton County Park to the south.***

***The southern property is flanked by railroad tracks and 500-acre legacy farms to the east and Hwy 99W to the west. The connection to Calloway Creek subdivision to the north will be seamless as multiple streets were stubs awaiting future development. The boundary to the south is Calloway Creek that will remain as a natural buffer to any development and properties to the south. All future development will be north of the creek and will maintain a significant buffer due to FEMA-mapped floodplain and various small pockets of wetlands.***

- (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 manner to assure no adverse impacts will occur.***

***The northern parcel already has a wetland report that shows where wetlands currently exist on the site. All measures will be made to preserve these boundaries and maintain the required buffer.***

***The southern parcel has recently had a wetland delineation and survey completed. The developer is in the process of completing the report and submitting it to the Department of State Lands (DSL).***

- (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).***

***Any development on the two annexed properties will be required to produce a Traffic Impact Analysis (TIA) based on the density of the project, their ingress/egress points, and what level of road classification they will be using.***

- (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 economy as the additional developments will help stabilize the current housing deficit and keep prices lower.***

***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. The additional housing will bring additional population that will be in concert with the critical mass needed to support the City's future plans to bring commercial development to their downtown core.***

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

***All the Statewide Goals were looked at and reviewed to the proposal and are deemed to concur with the direction the City is going to create opportunities for additional housing and to adhere to the state's requirement to establish a 20-year supply of available residential land. Bringing these properties into the City supports Goal 14 – Urbanization. These properties are in areas of the City that have adequate infrastructure and transportation facilities that support urbanization.***

***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 housing and residential land for its residents. This proposal supports these conclusions and actually brings a solution to the concern.***

- 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. The procedure for a Comprehensive Plan map amendment requires the demonstration of consistency with City's goals and policies and the Statewide Planning Goals so that the Planning Commission and Board of Commissioners may make their decisions based on findings of fact.***

***In the process of developing buildable land inventory, the City inventoried existing residential land uses, projected suitable land needs, and compared these needs with potentially suitable land within and outside the Adair Village urban growth area. The resolution of land need and supply was found within the buildable land inventory which supported expansion for the purposes of adding high density residential.***

- Goal 10**      ***The proposed amendment will facilitate annexation of the sites into the City for future residential development. The BLI, identifies a need for additional lands to accommodate projected housing demand over the next 20 years. Consistent with the intent of Goal 10, the proposed comprehensive plan amendment is critical to ensure that the City of Adair Village establishes a 20-year supply of available residential land for housing to serve projected population growth. Goal 10 has been properly addressed.***

- Goal 14**      ***Urbanization: To provide for an orderly and efficient transition from rural to urban land use.***

***The evaluation under ORS 197A.320 requires that land considered for inclusion in a UGB be prioritized using a four-tiered hierarchy based on land designations and capability. Generally, land zoned EFU is a low priority for UGB inclusion. However, the analysis concluded that the Cornelius property and the Weigel property, although zoned EFU, can be considered for UGB inclusion because higher priority lands are not available within the study area. In addition, the agricultural capability of the subject sites (expressed by soil classification) is low relative to other lands in the study area. Lands with lower agricultural capability are a higher priority for urbanization.***

***The sites are directly adjacent to existing development; road and utility stubs are in place on Hibiscus Drive and the Calloway Creek subdivision to serve future development in these locations.***

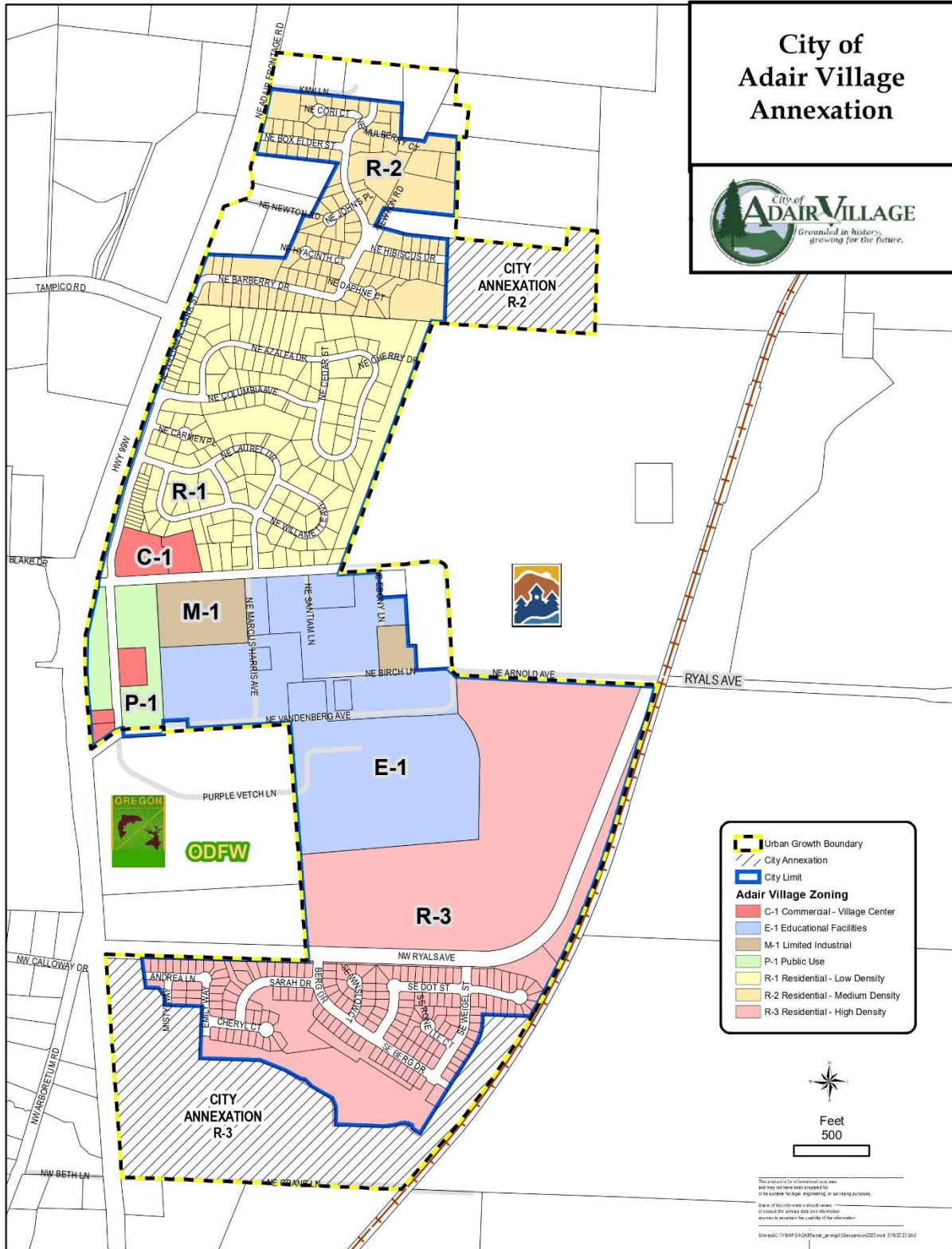
### **CONCLUSION**

Following the public hearing, the Planning Commission may make their decision on whether the application meets the City's applicable criteria and can recommend approval to the City Council. Staff believes the findings presented in the decision criteria support the annexation and comprehensive plan/map amendment of the three proposed properties. The proposed annexation 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.

### **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 approve the action of annexation/comprehensive plan/map amendment to bring the property described in Exhibit A - Map and Exhibit B - Legal Descriptions into the City as R-2 (Medium Density Residential) for the northern parcel and R-3 (High Density Residential) for the southern properties."***

# EXHIBIT A



# **EXHIBIT B**

## **Legal Descriptions:**

**Weigel Property:** Parcel 2 of Partition Plat No. 2021-019 in the Benton County, Oregon Partition Plat records.

**Cornelius Property:** Parcel 3 of Partition Plat No. 1999-049 in the Benton County, Oregon Partition Plat records.

### **State of Oregon to Weigel**

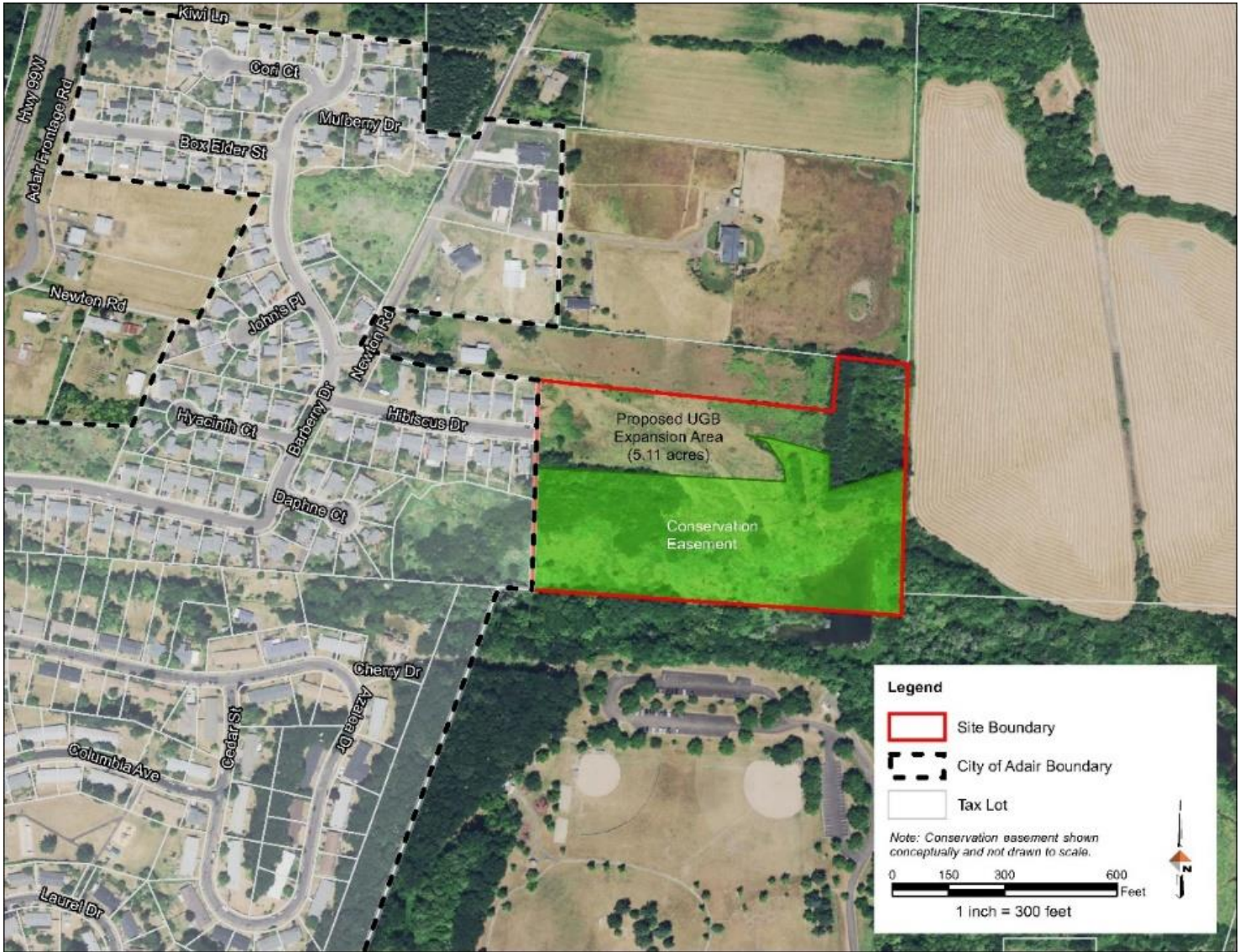
0.12 acres

A portion of that property conveyed to the State of Oregon by Bargain and Sale Deed described by Document 2002-330615 recorded in the Benton County, Oregon Deed Records on December 10, 2002 (hereinafter referred to as "State of Oregon Tract") said portion being more particularly described as follows:

Beginning at a 5/8-inch rod on the south line of Section 30, Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon that is North 87°51'18" West 1884.84 feet from the southeast corner of said Section 30 said rod being on the westerly city limits line of the City of Adair Village said city limits line being current line as of January 3, 2020; thence North 87°51'18" West, along said south line of Section 30, a distance of 228.81 feet to a point on the east right-of-way line of Highway 99E; thence North 04°14'22" West, along said east right-of-way line, 22.41 feet to a point on the south right-of-way line of Ryals Avenue; thence South 88°13'13" East, along said south right-of-way line, 227.26 feet to a point on said westerly city limits line; thence South 07°32'03" East 24.06 feet to the Point of Beginning.

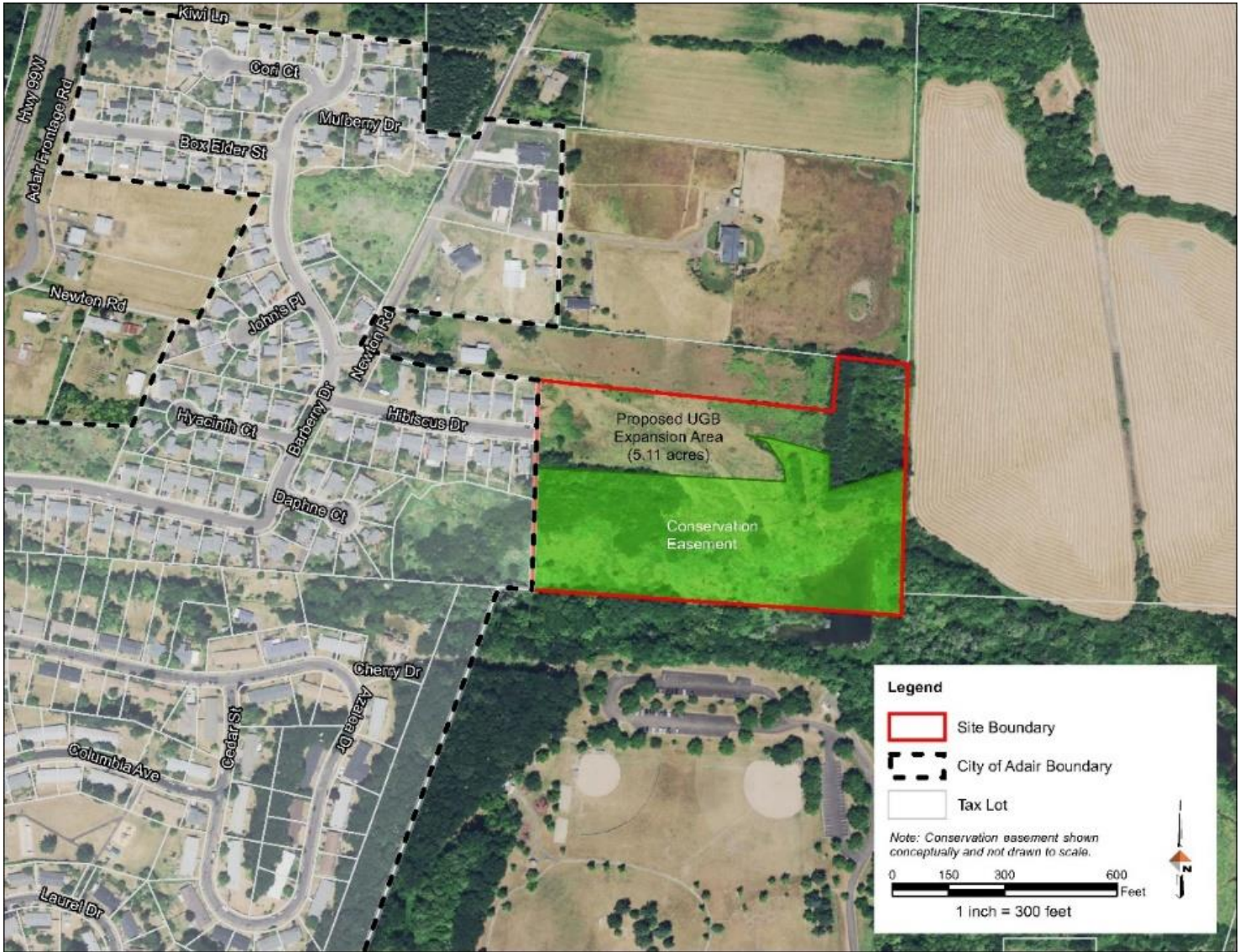
The Basis of Bearings of the above-described property was established by County Survey Number 10928 filed in the office of the Benton County Surveyor.

# EXHIBIT C





# EXHIBIT D



# EXHIBIT E

