



STAFF REPORT TO THE ADAIR VILLAGE CITY COUNCIL AND BENTON COUNTY BOARD OF COMMISSIONERS

AFFECTED PROPERTY:	<p>A small portion of one property is being considered for addition to the Adair Village UGB. It is zoned Exclusive Farm Use. See map on Page 2.</p> <p>0.12 acres of Assessment Map & Tax Lot No. 104300001400 located at the SE corner of Ryals Avenue and Hwy 99W is proposed for residential development.</p>		
PROPOSED ACTION:	<p>Legislative Amendment to the Urban Growth Boundary (UGB) of the City of Adair Village.</p> <p><u>City of Adair Village</u> is reviewing an amendment to the Comprehensive Plan to change the Urban Growth Boundary. Review criteria: Land Use Development Code Section 2.700; Comprehensive Plan Sections 9.290, 9.490, 9.590, 9.890. <u>Benton County</u> is reviewing an amendment to the Comprehensive Plan to change the Urban Growth Boundary, and an amendment to the Zoning Map to change the zoning of the subject properties from Exclusive Farm Use to Urban Residential – 50-acre Minimum Parcel Size. Review criteria: Comprehensive Plan Section 17.3; Development Code Section 53.505.</p>		
STAFF CONTACTS:	<p>Adair Village/Benton County: Pat Depa Patrick.Depa@co.benton.or.us 541-760-2993</p>		
APPLICANT:	None (Legislative)		
PROPERTY OWNERS:	State of Oregon		
ZONING:	Exclusive Farm Use	COMPREHENSIVE PLAN DESIGNATION:	Agriculture
CAC PLANNING AREA:	North Benton (not active)		
ADAIR VILLAGE FILE NUMBER:	PC23-04	BENTON COUNTY FILE NUMBER:	LU-23-029

NATURE OF THE PROCEEDINGS

The proposed **0.12-acre** expansion to the existing Urban Growth Boundary is property that was inadvertently excluded from last years amendment adopted December 6, 2022. This new legislative action is being brought back to you through this process because there is no remedy in cases like this to modify the original adoption.

The proposed amendment should simply be viewed as a map correction to bring this property, owned by ODF & W, into the urban growth boundary and realign the city boundary to the southeast corner of Ryals Avenue and Hwy. 99W (See Figure 1). When Ryals Avenue was realigned some time ago it created this small, isolated piece of property on the south side of Ryals Avenue.

This piece was always intended to be included in the future growth of Adair Village and last year's amendment (See Figure 2) but was missed during the analysis. The State of Oregon has authorized the City of Adair Village and Benton County to include this piece in the Urban Growth Boundary Expansion and intends to sell the property to RST Weigel LLC, a partner in the Calloway Creek Subdivision.

The Board of County Commissioners formally initiated a legislative process on July 5, 2023, to Adair Village Urban Growth Boundary. The City of Adair Village separately initiated the legislative process. As a legislative matter, the City and County reviews are not constrained by the schedule necessary to meet the 150-day time limit that applies to decision-making on application-driven (quasi-judicial) proposals. The initial public hearing is scheduled for July 18, 2023.



Figure 1: Proposed UGB Expansion Map - SE corner of Ryals Avenue & Hwy. 99W (0.12 Acres)

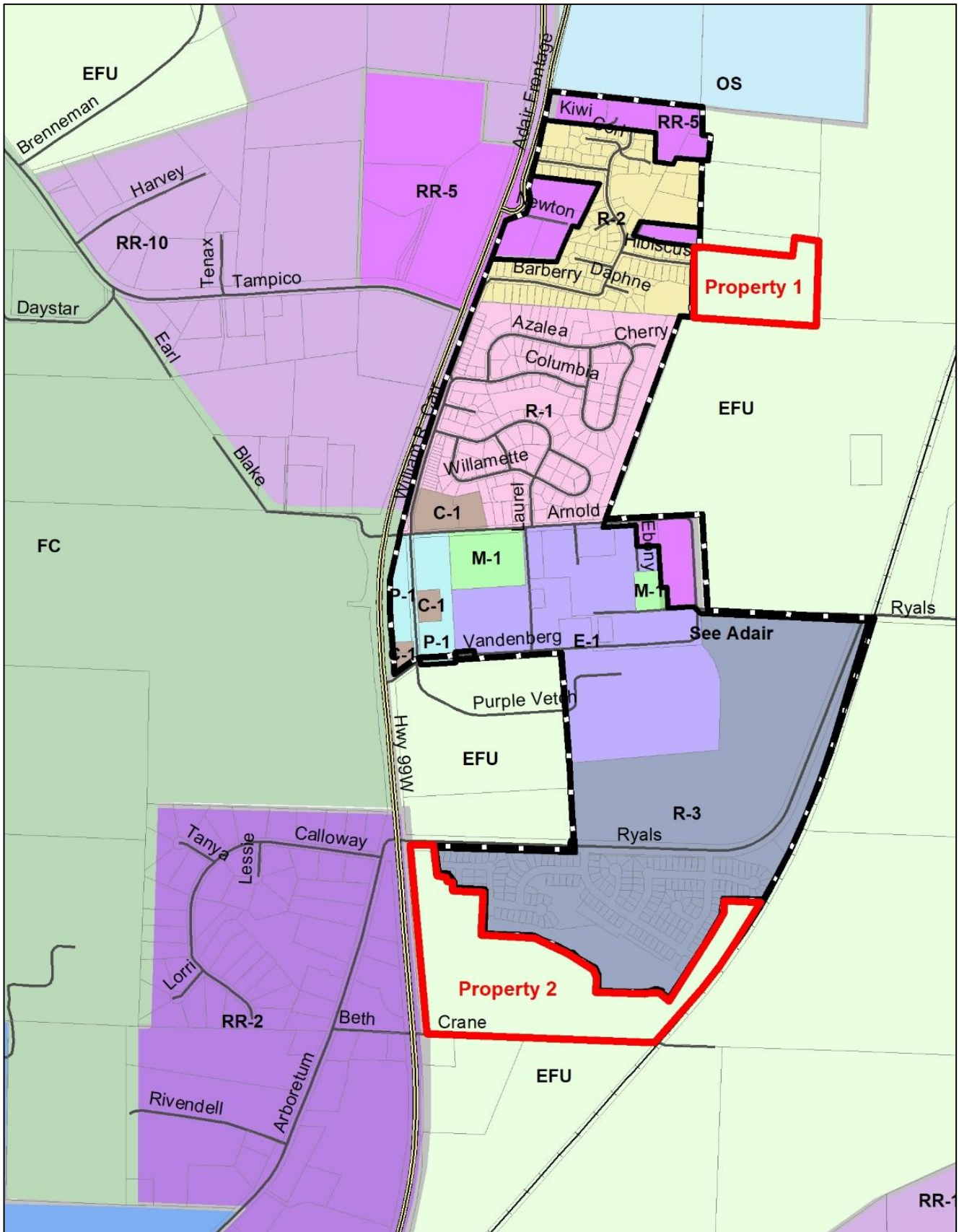


Figure 2: Properties adopted into the 2022 Adair Village UGB Expansion

NOTIFICATION

Notification of the proposed UGB amendment was submitted to the Oregon Department of Land Conservation and Development was provided 35 days prior to the Planning Commission hearing as required by state rules.

A legal advertisement was published in the *Corvallis Gazette-Times*, pursuant to BCC 51.610(3).

The City and County mailed notification to owners of property outside city limits located within 2,000 feet of the current UGB (farther in neighborhoods—see Figure 3 below for notification area) and was mailed/emailed to agencies and other interested parties on July 6, 2023. Mailed notifications: 201; emailed notifications: 88. **No objections to the UGB amendment from outside agencies or any written testimony was received by the deadline or prior to the staff report being written.**

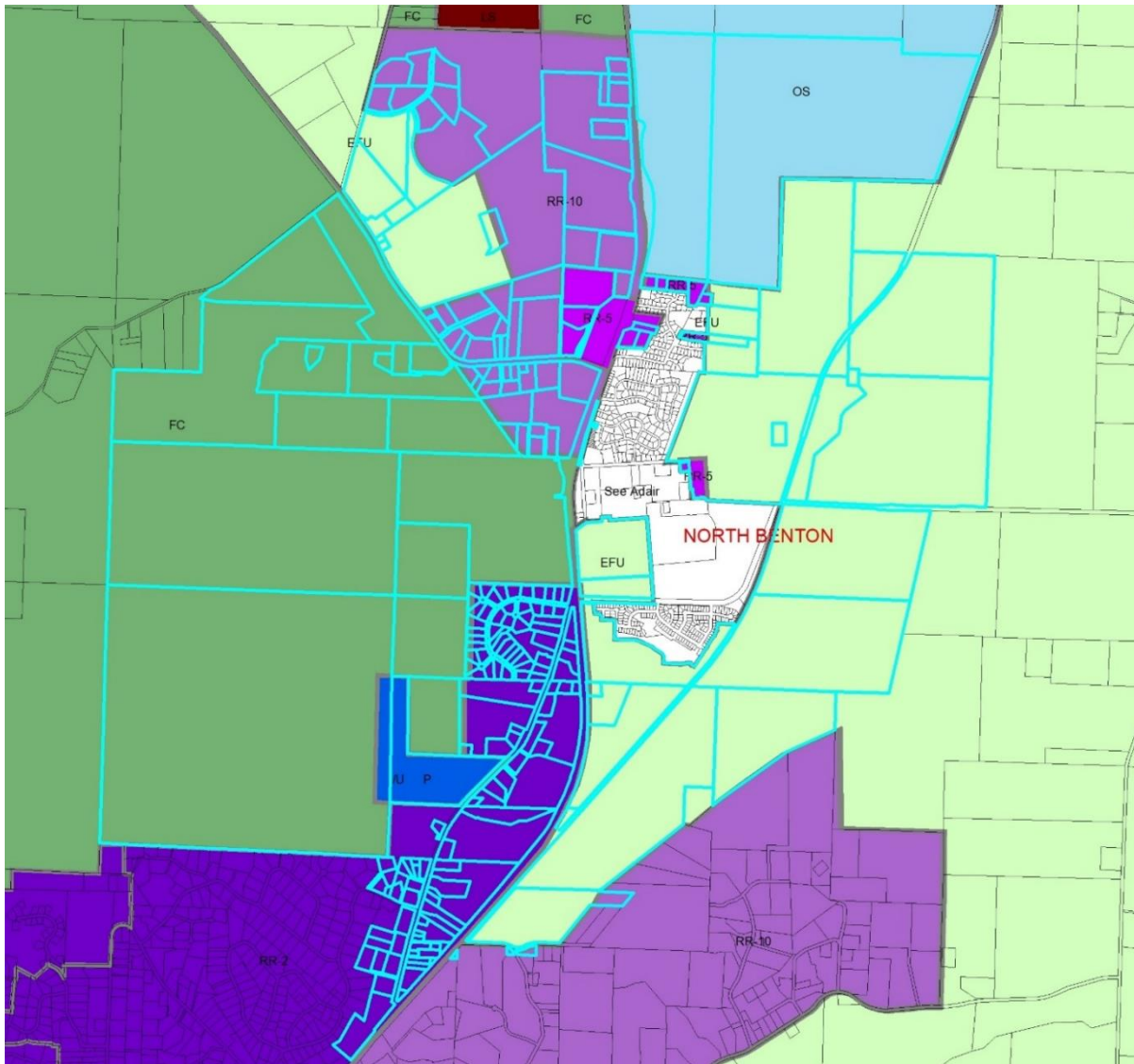


Figure3: Properties mailed notification are outlined in blue.

ORGANIZATION OF DOCUMENT

The City and Benton County compiled an expanded staff report titled “**Adair Village & Benton County Comprehensive Plan and UGB Amendment – Justifications and Findings**” dated September 2022. Additionally, the city and county used the Buildable Lands Inventory (BLI) to determine the deficit in land needed to support a 20-year supply of residential land. These reports thoroughly address all the analysis required to establish findings that adhere to the Oregon Administrative Rules (OAR) that qualify a UGB expansion. These reports are not included in your packets but, can be viewed on The City of Adair Village’s home website using this link:

<http://adairvillage.org/urban-growth-boundary-expansion/>

This review will follow the “Justification and Findings” document and reference the key findings that support the inclusion of the 0.12-acre piece of property into the urban growth boundary.

1. LAND NEED:

This section summarizes the residential land needs for Adair Village, based on the results of the 2022 Buildable Lands Inventory (BLI), contained in Appendix 1. This section addresses Goal 14 need factors 1 and 2 for residential lands.

Need Factor 1: Population Growth (Page 7 of the Justification and Findings document)

Goal 14 Need Factor 1 requires cities to demonstrate need to accommodate population growth:

Exhibit 1 shows that Adair Village is expected to grow from 1,416 residents in 2022 to 2,541 residents in 2042, an increase of 1,125 new residents over the 20-year period.

Exhibit 1. Forecast of Population Growth, Adair Village UGB, 2022 to 2042

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

1,416	2,541	1,125	80% increase
Residents in 2022	Residents in 2042	New residents 2022 to 2042	4.0% AAGR

Need Factor 1 Findings:

The Buildable Lands Inventory found that Adair Village will grow by 1,125 new residents between 2022 and 2042 based on PSU’s Population Research Center coordinated population forecast for Adair Village. Adding the 0.12-acre piece of property to the 55 acres last year is consistent with state requirements for expected growth.

Need Factor 2: Land Need (Page 8 Justification and Findings document)

Goal 14 Need Factor 2 requires that cities demonstrate need for lands proposed for inclusion in a UGB:

Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

This section documents land need for housing to be included in the Adair Village UGB expansion proposal.

Need Factor Findings:

The Buildable Lands Inventory identified that the city has a deficit approximately 13.25 acres to accommodate 20-years of residential growth. Applying the efficiency methods, the city found that it has an additional 13 acres inside its urban growth boundary that are not suited for development at this time (See page 31). The adding of 0.12 acres of land supports the result that the city still needs land to meet state requirements to accommodate future housing.

2. ALTERNATIVE ANALYSIS FOR ESTABLISHMENT OF THE UGB EXPANSION STUDY AREA:

The Land Need section concluded that Adair Village has insufficient land to accommodate projected growth for residential land. The alternatives analysis required by OAR 660-024-0060 established seven study areas for inclusion (See Figure 4 next page). ORS 197A.320 Prioritization presents a priority list of lands to be included within an urban growth boundary for evaluating alternative boundary locations (Pages 33-45 of the Justification and Findings document).

Findings:

Subareas 4, 6, and 7 were given higher priority due to the higher levels of Class III and IV soils. Other subareas in the analysis had greater proportions of Class I and II soils, which are more productive and therefore, a lower priority.

To summarize the prioritization analysis under ORS 197A.320, there are no lands of first, second or third priority within the study area. Therefore, the EFU subareas 1-7 can be included as fourth priority lands. Under ORS 197A.320 (2), subareas 4, 6, and 7 are considered higher priority due to the higher levels of less productive soils.

The 0.12-acre piece of property is adjacent to subarea 7 and contains a similar concentration of less productive soils and should be considered for inclusion over the rest as subarea 7 originally was.

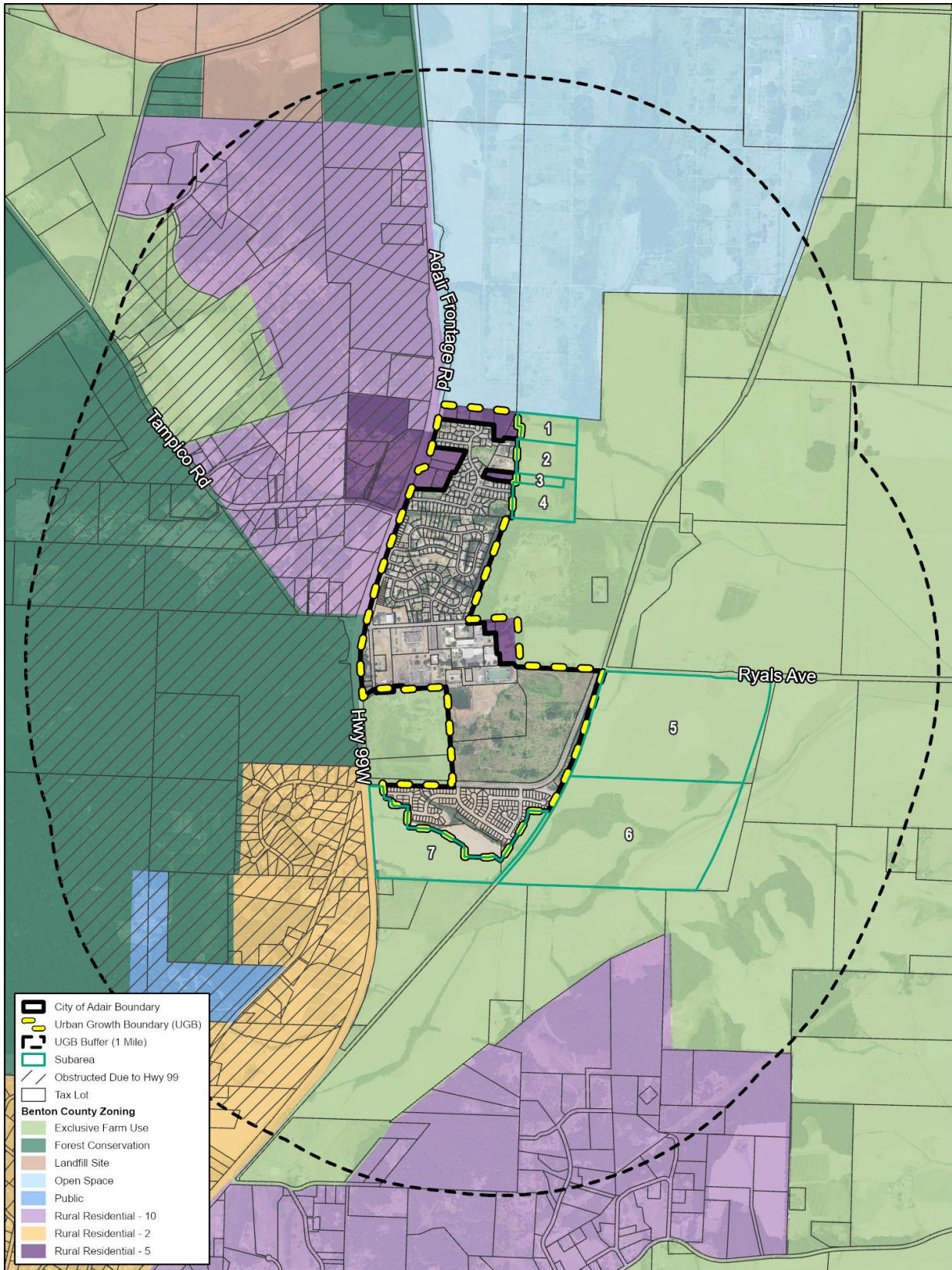


Figure 4: Comparative Analysis Study Area Map

3. GOAL 14 LOCATIONAL FACTORS:

The findings and analysis in Sections 1 and 2 demonstrate that insufficient land exists in the UGB to meet identified residential land needs.

Section 3 includes additional findings demonstrating compliance Goal 14 locational factors.

Goal 14 establishes four boundary location factors that must be considered when reviewing alternative boundaries:

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 and with consideration of the following factors:

- a. Efficient accommodation of identified land needs;*
- b. Orderly and economic provision of public facilities and services;*
- c. Comparative environmental, energy, economic and social consequences; and*
- d. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Findings:

As indicated in the findings and conclusion section of the four locational factors, subarea 7 (Weigel property) best met the criteria for an urban growth expansion when compared with other subareas relative to the four urbanization factors. The proposed 0.12-acre piece is surrounded by and contains the same high score as subarea 7 for inclusion over other subareas studied.

The proposed 0.12-acre piece is essentially part subarea 7 and is identified in the comprehensive plan as a logical location for UGB expansion and has the most efficient provision of public facilities.

Based on this analysis (Pages 48-62 of the Justification and Findings document), the proposed 0.12-acre site along with subarea 7 provide the lowest cost and are the easiest sites to develop.

4. STATEWIDE GOAL CONSISTENCY ANALYSIS:

Each chapter of the Adair Village Comprehensive Plan corresponds with a Statewide Planning Goal. In last year's UGB amendment, Subarea 7 or the Weigel Property was compared to the Statewide Planning Goals and the responses demonstrated compliance with both the Comprehensive Plan goals and policies and the corresponding Statewide Planning Goals.

Findings:

Due to the proximity and shared property lines to the Weigel property that was part of last year's UGB expansion, the proposed 0.12-acre piece of property should be viewed as consistent with the responses on pages 79-86 of the Justification and Findings document. All responses indicate compliance with the Statewide Planning Goals for inclusion into the Adair Village urban growth boundary.

5. CITY REQUIREMENTS FOR UGB EXPANSION:

I: Compliance with City of Adair Village Land Use Development Code

Section 5 of this staff report contains a series of the responses to the Adair Village Development Code that demonstrate how the proposed project meets the applicable standards and criteria for a comprehensive plan amendment and zone change. Sections of the code that are not applicable are generally not included here unless necessary for context.

ARTICLE 2 APPLICATION PROCEDURES

SECTION 2.700 AMENDMENTS

It is recognized that this Code or the Comprehensive Plan, may require amendments to adjust to changing circumstances. Amendments may be a Text change or addition or a Map change or addition. A Zone Change is an example of a Map Amendment. An amendment shall require a Legislative Decision as defined in Section 3.200 (2) if it applies to the Code or Plan in general, or a Quasi-judicial Decision as defined in Section 3.200 (3) if it applies to a specific property or use.

(1) Amendment Application. An Amendment may be initiated by the City Administrator, the City Council, the City Planning Commission or by an Applicant. A request by an Applicant for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 2.130.

Response: The proposed amendment is being initiated by the City Administrator and is being processed as a legislative comprehensive plan amendment.

(2) 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 City Council in accordance with the following findings:

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

Response: Applicable Comprehensive Plan goals and policies are addressed in Part II of this narrative.

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

Response: The proposed amendment will facilitate annexation of the site into the city for future residential development. The BLI, identifies a need for an additional 26 acres of buildable residential land in the city to accommodate projected housing demand over the next 20 years. As the population of Adair Village continues to grow, the city will need additional residential land to accommodate new homes. The 2022 PRC population forecast data estimated the population of Adair Village to be 1,416 people. The proposed 0.12 acre UGB expansion would add to the 55 acres of residential land already approved in last year's UGB amendment to the city to help ensure the city is able to accommodate additional growth and provide ample housing opportunities for its residents.

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

Response: Areas adjacent to the sites include residential development and an Oregon Department of Fish and Wildlife Park. This property is adjacent to existing roads and a developed subdivision and therefore will not impinge on or threaten any nearby agricultural uses or any incompatible uses.

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

Response: No wetlands or other sensitive lands have been identified in this area of proposed expansion.

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

Response: Road and utility stubs are readily available to this property making extension of public infrastructure very easy without an undue adverse impact on the local system.

Area parks, directly north of the site, is a large regional wildlife preserve and can accommodate additional use by residents of the future development.

The impact on local schools will also be minimal as this property will be intergraded into the current development plans for housing.

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

Response: The proposed comprehensive plan amendment would change the zoning to UR-50, a large lot holding designation that is intended to limit future development until such time as a site is incorporated into a city and up-zoned to allow for residential development. As a consequence, no direct impacts to transportation would result from this request.

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

Response: The proposed comprehensive plan amendment will allow for new residential areas that can be developed with minimal new public infrastructure and will generate new tax revenues to augment the existing tax base.

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

Response: Applicable Statewide Planning Goals are addressed in Section 4 of this document.

(3) *Decision Process.*

(a) *Text amendments or map amendments that affect a group or class of properties within the City requires a "Legislative Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of Section 3.520.*

Response: The proposed comprehensive plan amendment will affect only one 0.12 acre piece of the property and is being processed as a legislative update.

(b) *Map amendments initiated by an Applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510.*

Response: As noted above, the proposed comprehensive plan amendment involves only one small piece of property and is being processed as a legislative update.

(c) *The City Council upon recommendation of the Planning Commission may approve, deny or approve with conditions to attain compliance with the intent of this Code or with the applicable standards of the zoning district.*

(d) *The City is not required to justify denial of a proposed legislative change.*

(e) *A written record of the findings and action of the Planning Commission and City Council shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Amendment as specified in Section 3.600.*

Response: All decisions will follow the above process and a permanent record will be kept.

II. Compliance with City of Adair Village Comprehensive Plan

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.*

Response: The proposed amendment will allow approximately 0.12 acres of land to be brought into the city and used for residential development. As described in detail in the Site Selection Analysis included Section 2, the subject area is proposed for UGB inclusion because of their relatively minimal extent of productive soils and their enhanced access to public infrastructure.

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.

Response: There are no wetlands or sensitive land in the proposed amendment.

Geology & Soils

1. 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.

Response: Under ORS 197A.320 (2), lands that can be considered for UGB expansion must be evaluated and prioritized based on the soil capability to support agriculture. Per the analysis provided in Section 2, the subject site was found to rank higher for UGB inclusion than other EFU lands due to the fact that other sites on the UGB fringe generally had a higher percentage of Class II soils throughout the site.

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.

Response: Consistent with these goals and objectives, this proposal supports the city's housing goals and policies by removing barriers to allow new residential development in the City.

SECTION 9.590 LAND USE GOALS & POLICIES

POLICIES & RECOMMENDATIONS

Residential Land Use

1. The City shall maintain an adequate availability of residential buildable lands that provides locational choices for each housing type.

Response: This proposal supports this policy by increasing the amount of buildable residential land within the city.

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.*

Response: The subject site is adjacent to existing residential development and public utilities are available to serve the site without significant infrastructure improvements. Phase four of the Calloway Creek Subdivision is stubbed at the eastern boundary of the 0.12-acre property in anticipation of future residential development.

POLICIES & RECOMMENDATIONS

Urban Growth

3. *The Exclusive Farm Use parcels abutting the easterly Urban Growth Boundary shall be maintained until urban development occurs within the existing Urban Growth Area.*

Response: All EFU parcels abutting the existing UGB will be maintained other than the 0.12-acre piece being proposed. The proposed amendment is essentially a map correction to elevate an isolated piece of property where productive agriculture processes would not be possible.

6. *An urbanized development or annexation request outside the Urban Growth Boundary shall be considered a request for an amendment to the boundary and shall follow the procedures and requirements of the statewide Goals #2 and #14.*

Response: As demonstrated in the responses to the Statewide Planning Goals in Section 4 of this narrative, and the UGB expansion analysis provided in this request for UGB expansion and annexation is consistent with Goals 2 and 14.

III. Conclusion

As established in the above responses in the Buildable Land Inventory and the Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with City goals and policies and applicable Statewide Planning Goals to warrant the expansion of the Adair Village UGB and the proposed rezoning of the site from EFU to UR-50.

6. COUNTY REQUIREMENTS FOR UGB EXPANSION:

Benton County Comprehensive Plan (BCCP)

I. Criteria for Amending the Comprehensive Plan. (Section 17(3), BCCP)

Criteria for Amendments:

Text Amendments:

Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan, bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals.

Map Amendments:

Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals.

Findings:

The amendment under consideration is consistent with the goals and policies of Benton County's comprehensive plan. Compliance with all elements of the Comprehensive Plan have been analyzed on pages 71-77 of the Justification and Findings document which support this amendment. Compliance with statewide planning goals is evaluated in Section 4. Pursuant to OAR 660-024-0020(1)(a), the amendment of a UGB does not require a goal exception.

Benton County Development Code (BCC)

ZONE CHANGE

53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Findings: If the Comprehensive Plan amendment is approved, bringing the subject property into the Adair Village UGB, then that would be a change in circumstance since the current EFU zoning was applied. At that point, with the lands located inside the UGB, Urban Residential zoning would be more appropriate than EFU zoning.

(2) The impact on adjacent properties will be minimal;

Findings: The change in zoning from EFU to Urban Residential with a 50-acre minimum parcel size would allow a single dwelling to be established on the subject property, along with the accessory uses or other land use that are allowed in the UR zone.

(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Findings: Similar to the findings regarding the prior criterion, the minimal level of development allowable under the proposed UR-50 zoning would not require a significant increase in the level of public services.

(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.

Findings: This criterion is addressed in preceding section.

Conclusion: The proposed zone change to UR-50 meets the criteria from the Development Code, provided the UGB amendment is approved to add the subject property to the UGB.

CONCLUSION

Based on the facts and findings presented by the city and county within this detailed written narrative and supported by the “Justification and Findings” document, we believe we have satisfied the burden of proof and demonstrated how the proposed Comprehensive Plan amendment and zone change request satisfies all applicable criteria including a benefit to the community by providing needed housing within Adair Village's Urban Growth Boundary.

As established in the analysis performed in the Buildable Land Inventory and the Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with County and City goals and policies and applicable Statewide Planning Goals to warrant the expansion of the Adair Village UGB as proposed and the proposed rezoning of the site from EFU to UR-50.

RECOMMENDED MOTION

“I move that the findings under the city’s decision criteria, the Oregon Administrative Rules and Goal 14 in the staff report be adopted as presented and the City Council direct staff to prepare an ordinance APPROVING the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File NO. PC23-04 for the proposed Urban Growth Boundary Expansion”