PLANNING COMMISSION
AGENDA

Monday, January 28, 2019
5:15 p.m.
Council Chambers, City Hall
333 Broadalbin Street SW

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
   a. November 19, 2018
5. SCHEDULED BUSINESS
   a. Business from the Public
   b. Quasi-Judicial Public Hearing (VC-01-18)
      Street Vacation for a portion of the Walnut Street SW right-of-way. The total area proposed to be vacated is 0.24 acres
6. BUSINESS FROM THE COMMISSION
7. NEXT MEETING DATE: TBD
8. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Manager’s Office in advance of the meeting: CMadmin@cityofalbany.net | 541-704-2307 or 541-917-7519.
CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 5:19 p.m.

PLEDGE OF ALLEGIANCE

Konopa led the pledge of allegiance.

ROLL CALL

Council Members present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Ray Kopczynski, and Dick Olsen

Council Members absent: Bessie Johnson (excused) and Mike Sykes (excused)

Commissioners present: Larry Tomlin, Dala Rouse, Joann Miller, Diane Hunsaker, Cordell Post, and Mike Koos

Commissioners absent: Daniel Sullivan (excused) and Roger Phillips (excused)

BUSINESS FROM THE PUBLIC  5:21 p.m.

None.

SCHEDULED BUSINESS  5:21 p.m.

Mayor Sharon Konopa welcomed attendees to the meeting. Public Works Engineering & Community Development Director Jeff Blaine stated the purpose of the meeting was to collect the general opinion on the framework for the two-track review system and to provide a quick update on the progress of the Albany Development Code (ADC) Amendments Task Force along with a demonstration of a public outreach tool. Blaine introduced Cathy Corliss from Angelo Planning Group. Corliss outlined the three phases of the multi-year project schedule (see agenda file). She noted that the project is currently in phase one and shared the schedule of the recent ADC Amendments Task Force meetings.

TWO-TRACK REVIEW SYSTEM  5:23 p.m.

Corliss gave a presentation about the two-track review system (see agenda file). Councilor-elect Alex Johnson II asked how the two-track system is different than the current system. Corliss explained that the two-track system requires clear and objective standards and a robust purpose statement. Johnson asked how the new system will affect City staff. Corliss responded that it will save staff time because land use applications that meet the standards would not require additional public notice. The process will be tested on applications before it is recommended to Council for adoption. Blaine commented that there will be many opportunities to review the process. Staff will reach out to developers and the general public to identify issues and collect feedback.
Konopa suggested comparing new land use applications to existing high-value, livable developments. Commissioner Larry Tomlin noted that multi-family land use applications can be contentious. Blaine commented that clear and objective standards would simplify the review process.

There was discussion about the members of the ADC Amendments Task Force and their meeting schedule along with the level of detail in the ADC Amendments Task Force minutes.

**TASK FORCE PROGRESS 6:07 p.m.**

Corliss shared that the ADC Amendments Task Force has been reviewing multi-family standards to make sure they are clear and objective. They are evaluating substance for each set of standards. The task force has identified issues and hopes to conclude discussions on the standards in December. Corliss encouraged the councilors and commissioners to review the ADC Amendments Task Force minutes to stay updated on recently discussed topics.

Blaine reminded the group that the purpose of the ADC Amendments Task Force is to save the Council time on reviewing the standards. A member of the Planning Commission and the City Council are appointed to the task force.

**PUBLIC OUTREACH – STORY MAP 6:12 p.m.**

Corliss and Planning Manager David Martineau presented a demonstration of the project story map, available on the City website. Blaine stated he would send a link to the web page to the City Council and Planning Commission. Corliss said that throughout the life of the project, they will be conducting surveys through the website. Konopa asked if they are planning to host any open houses. Corliss said they have set aside time for open houses, but they are working on finding the best way to reach people. Konopa commented that the website is a good way to reach people in the community. Blaine noted that they would be reaching out to the public and developers online and through outreach events. Discussion followed about public outreach.

Olsen questioned if they need to examine current zoning. Corliss clarified that the scope of the project does not involve changing zoning. The project examines design standards. Blaine said the intent is to make the standards clear and objective. The task force will bring recommendations back to the Council as the project moves forward.

**BUSINESS FROM THE COUNCIL 6:28 p.m.**

None.

**ADJOURNMENT**

There being no other business, the meeting was adjourned at 6:28 p.m.

Respectfully submitted, Reviewed by,

Allison Grove Peter Troedsson
Administrative Assistant I (Confidential) City Manager

*Note: Staff handouts referred to in the minutes as (see agenda file) are available on the website in the “Staff Handouts” column.*
Staff Report

Street Vacation

VC-01-18

January 18, 2019

Summary

The application is to vacate an undeveloped portion of the Walnut Street right-of-way. The right-of-way proposed for vacation is the south 175 feet of Walnut Street that is located about 500 feet south of the Pacific Boulevard/Walnut Street intersection; the right-of-way is located on Linn County Assessor Map 11S-04W-13AA and fronts onto Tax Lots 100, 101 and 200. The area proposed to be vacated is illustrated in Attachment B and C.

Walnut Street would have been extended to 27th Avenue south of the existing terminus; however, 27th Avenue has since been vacated. As such, extension of Walnut Street south to another public street is not possible because there are existing industrial structures between the exiting terminus of Walnut Street and 28th Avenue, the next public street to the south. Since 27th Avenue has been vacated, there is no longer a purpose for any extension of Walnut Street beyond the terminus of existing street improvements.

Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

Application Information

Review Body: Planning Commission and City Council (Type IV)

Staff Report Prepared By: Melissa Anderson, Senior Planner

Type of Application: Street Vacation for a portion of the Walnut Street SW right-of-way. The total area proposed to be vacated is 0.24 acres.

Property Owner / Applicant: WSS Properties, LLC; Attn: Richard P. Smith, P.O. Box 158, Rickreall, OR 97371

Engineer: Troy L. Plum, PE, TKP Engineering, LLC P.O. Box 374, Corvallis, OR 97339

Address/Location: Unassigned; south end of Walnut Street SW, west of Tax Lot 101, East of Tax Lot 100 and North of Tax Lot 200

Map/Tax Lot: None; Adjacent to Linn County Assessor’s Map No. 11S-04W-13AA, Tax Lots 100, 101, 200, 1100 and 1401

cd.cityofalbany.net
Notice Information

A Notice of Public Hearing was published in the Democrat-Herald newspaper on January 7 and 14, 2019.

A Notice of Public Hearing was mailed on January 8, 2019, to all property owners located within 300 feet of the subject properties. A notice of public hearing was also posted on the subject site on January 17, 2019. Lastly, the staff report for the proposal was posted on the City’s website and available for public review on January 21, 2019. At the time this staff report was completed, no comments had been received.

Analysis of Development Code Criteria

The Albany Development Code (ADC) includes the following review criteria for a Street Vacation (ADC 2.630), which must be met for these applications to be approved. Code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Vacation Review Criteria

Criterion 1

The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation or public facility plan.

Findings of Fact

1.1 The right-of-way proposed for vacation is the south 175 feet of Walnut Street and is located about 500 feet south of the Pacific Boulevard/Walnut Street intersection.

1.2 Walnut Street is classified as a local street. Albany’s Transportation System Plan does not identify Walnut Street as being a part of the city’s arterial/collector street system, nor does it identify it as a critical local street connection.

1.3 The following Comprehensive Plan policies have been identified as relevant to this review criterion:
GOAL 11: Public Facilities and Services

a. Prohibit the construction of structures over public water lines and easements.
b. Prohibit the construction of structures over drainage improvements and easements.
c. Prohibit the construction of structures over public wastewater lines and easements.

Sanitary Sewer. City utility maps show no public sanitary sewer facilities in the area of the proposed vacation. There are no plans for public sanitary sewer improvements to be made in this area.

Water. City utility maps show a 12-inch public water main running along the west side of the Walnut Street right-of-way north of the proposed vacation. This water main turns to the west at the very northwest corner of the proposed vacation area.

Public utility easements of at least 15 feet in width, centered over the main, are required for all public water lines and appurtenances (ADC 12.370). Permanent structures are not allowed to encroach on a public utility easement or be placed over a public water line (AMC 11.01.290).

A public utility easement will be required over the portion of the area to be vacated where the public water main lies.

Storm Drainage. City utility maps show an 18-inch public storm drainage main running diagonally through the northwest portion of the area to be vacated.

ADC 12.370 requires the dedication of public utility easements of at least 15 feet in width, centered over the main, for all public storm drain lines and appurtenances. Permanent structures are not allowed to encroach on a public utility easement or be placed over a public storm drain line.

A public utility easement will be required over the portion of the area to be vacated where the public storm drainage facilities lie.

Conclusions

1.1 Public water facilities and storm drainage facilities lie within a portion of the area to be vacated.
1.2 A public utility easement will be required over the area to be vacated where the public utilities exist.
1.3 The proposed vacation does not conflict with Albany’s Transportation System Plan.
1.4 This criterion can be met with the following condition.

Condition

Condition #1 A public utility easement must be maintained over the northwest corner of the area to be vacated. This easement shall be the westernmost 30 feet and northernmost 15 feet of the area to be vacated.

Criterion 2

The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.
Findings of Fact
2.1  Walnut Street south of Pacific Boulevard is a dead-end street that provides access to several parcels zoned for industrial uses.

2.2  A vacation of the south 175 feet of Walnut Street would not land-lock or remove access to any existing parcels.

Conclusions
2.1  The vacation of this portion of Walnut Street would not negatively impact access between rights of way, nor eliminate access to any parcels.

2.2  This criterion is met without conditions.

Criterion 3
The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

Findings of Fact
3.1  As discussed under 2.630(2) the vacation will not have a negative impact on access between rights of way or remove access to any existing parcels.

3.2  Walnut Street is a dead-end street. The proposed vacation will not change that traffic pattern. The parcels that adjoin the proposed vacation will continue to use the remaining Walnut Street right of way to the north for access to and from Pacific Boulevard.

3.3  The portion of Walnut Street proposed for the vacation is not necessary for emergency vehicle access.

Conclusions
3.1  The requested vacation will not have a negative effect on traffic circulation or emergency vehicle service protection.

3.2  This criterion is met without conditions.

Criterion 4
The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

Findings of Fact
4.1  The subject portion of Walnut Street proposed for Vacation is undeveloped. The proposed vacation would not require any improvements and would be left in the existing condition until such time industrial development is proposed on the subject properties.

Conclusion
4.1  There are no improvements required to bring the portion of Walnut Street that is proposed to be vacated into compliance with any section of the Albany Development Code.
4.2 This criterion is met without conditions.

Criterion 5
The public interest, present and future, will be best served by approval of the proposed vacation.

Findings of Fact
5.1 The existing right-of-way is not needed to serve the general public because extension of Walnut Street to the south is no longer possible since 27th Avenue has been vacated.

5.2 Vacating the right-of-way will provide opportunities for abutting properties to redevelop and expand their operations into the vacated street right-of-way, potentially creating jobs or expanding the tax base.

Conclusion
5.1 The proposed undeveloped portion of Walnut Street no longer serves a purpose for the public interest. As such, the best use for the public of that undeveloped portion of Walnut Street is vacation of the right-of-way.

5.2 This criterion is met without conditions.

Overall Conclusion
As proposed and conditioned, the application for a street vacation satisfies all applicable review criteria as outlined in this report.

Options for the Planning Commission
The Planning Commission has three options with respect to the proposal:

Option 1: Recommend that the City Council approve the request as proposed;

Option 2: Recommend that the City Council approve the request with conditions of approval; or

Option 3: Recommend that the City Council deny the request.

Staff Recommendation
Based on the analysis in this report, staff suggests that the Planning Commission pursue Option 2 and recommend that the City Council approve the requested street vacation as conditioned in this staff report. Should the Planning Commission accept this recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed Street Vacation (planning file VC-01-18) as conditioned in the staff report. This motion is based on the findings and conclusions in the staff report and findings in support of the application made by the Planning Commission during deliberations on this matter.

Condition of Approval
Condition #1 A public utility easement must be maintained over the northwest corner of the area to be vacated. This easement shall be the westernmost 30 feet and northernmost 15 feet of the area to be vacated.
Attachments

A. Applicant’s Findings
B. Map of proposed right-of-way vacation
C. Aerial map of proposed right-of-way vacation
D. Property description of proposed right-of-way vacation
WALNUT STREET VACATION

LAND USE APPLICATION SUBMITTAL FOR;

Right-of-Way Vacation

September 2018

Expires 12/31/2018

PREPARED FOR:

WSS PROPERTIES, LLC
P.O. Box 158
RICKREALL, OR 97371

PREPARED BY:

TKP ENGINEERING LLC
P.O. Box 374
CORVALLIS, OR 97339
PHONE: (541) 760-7205
FAX: (866) 861-5704
WALNUT STREET VACATION

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Project Introduction

Section 1
PROJECT INTRODUCTION

TKP Engineering is pleased to submit a Land Use Application for Right-of-Way Vacation on an undeveloped portion of Walnut Street. The subject portion of Walnut Street requested for vacation is located on Linn County Tax Map 11S-04W-13AA. The proposed right-of-way vacation fronts Tax Lots 100, 101 and 200.

Walnut Street has been improved to the northern property line of Tax Lots 100 and 101. The proposed right-of-way vacation involves that undeveloped portion of Walnut Street abutting Tax Lots 100, 101 and 200.

Walnut Street would have been extended to 27th Avenue south of the existing terminus, although 27th Avenue has since been vacated. Extension of Walnut Street south to another public street is not possible as there are existing industrial structures between the exiting terminus of Walnut Street and 28th Avenue, the next public street to the south. Since 27th Avenue has been vacated, there is no longer a purpose for any extension of Walnut Street beyond the terminus of existing street improvements.

The developed portion of Walnut Street currently serves three industrial properties. Extending Walnut Street to the south would not provide any benefit to those industrial properties fronting the improved portion of that public street.

The properties abutting that section of Walnut Street proposed for Vacation are zoned Light Industrial and will not benefit from any extension of Walnut Street through those properties. The Light Industrial properties fronting the proposed right-of-way vacation would be developed upon vacation of the subject section of Walnut Street as requested herein. Currently, the presence of that undeveloped section of Walnut Street right-of-way renders the subject properties fronting that right-of-way limited, or no, development potential.

The following sections provide ‘Findings of Fact’ and ‘Affected Property’ criteria addressing right-of-way vacation requirements.
Vacation Review Criteria – Finding of Fact

Section 2
The following ‘Findings of Fact’ address the review criteria for proposed right-of-way vacations.

**Criterion 1: The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.**

**Fact:** The Comprehensive Plan addresses the need for public streets, which would conform to the requirements detailed in the ADC. The Comprehensive Plan does not consider this specific request for right-of-way vacation.

The City of Albany Transportation System Plan does not identify Walnut Street, or an extension thereof. Public utility infrastructure is currently provided to all surrounding properties and extension of the subject Walnut Street right-of-way is not required to ensure all adjoining properties are provided adequate utility service.

**Conclusion:** The proposed right-of-way vacation is consistent with the Comprehensive Plan and all transportation and public utility master plans.

**Criterion 2: The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.**

**Fact:** When the Walnut Street right-of-way was created, 27th Avenue existed to the south on the subject property. Since that time, the 27th Avenue right-of-way has been vacated. Since 27th Avenue no longer exists, Walnut Street can no longer be extended. The undeveloped portion of Walnut Street proposed for vacation no longer serves any purpose in providing public facilities or utilities.

**Conclusion:** The proposed vacation will not have any impact for access between public rights-of-way or to existing properties and associated public facilities.

**Criterion 3: The requested vacation will not have a negative effect on traffic circulation or emergency service protection.**

**Fact:** When the Walnut Street right-of-way was created, 27th Avenue existed to the south on the subject property. Since that time, the 27th Avenue right-of-way has been vacated. Since 27th Avenue no longer exists, Walnut Street can no longer be extended. The undeveloped portion of Walnut Street, currently proposed for vacation, has adequately served adjoining properties for decades. As such, vacation of that portion of Walnut Street will not have a negative impact.

**Conclusion:** Vacation of the undeveloped portion of Walnut Street will not have a negative impact on traffic circulation or emergency service protection as all of those...
services have been adequately provided for decades as Walnut Street is currently configured.

**Criterion 4:** The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

**Fact:** The subject portion of Walnut Street proposed for Vacation is undeveloped. The proposed vacation would not require any improvements and would be left in the existing condition until such time industrial development is proposed on those subject properties.

**Conclusion:** There are no improvements required to bring that vacated portion of Walnut Street into compliance with any section of the Albany Development Code.

**Criterion 5:** The public interest, present and future, will be best served by approval of the proposed vacation.

**Fact:** The subject portion of Walnut Street proposed for Vacation is undeveloped. Extension of Walnut Street to the south is no longer possible since 27th Avenue has been vacated.

**Conclusion:** The proposed undeveloped portion of Walnut Street no longer serves a purpose for the public interest. As such, the best use for the public of that undeveloped portion of Walnut Street is vacation of the right-of-way.
Affected Properties

Section 3
The proposed right-of-way vacation requires signatures from adjoining properties along with properties within the ‘Affected Area’ as described on the Vacation Checklist & Review Criteria and as more precisely defined in Section 271.080 of the Oregon Revised Status. The ‘Affected Area’ is defined in ORS 271.080 as: The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Additionally, 100% of the properties abutting the proposed right-of-way vacation must provide signatures.

The graphics provided on the following pages show the ‘Affected Area’ along with associated areas of each affected property lying within the 200-ft by 400-ft rectangle defined above. The following table provides a summary of the ‘Affected Areas’ and demonstrates over 2/3 of the properties within that ‘Affected Area’ have signed the right-of-way vacation petition.

### Affected Area Summary

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WSS Properties, LLC owns all of the properties adjacent to the proposed right-of-way vacation and represents approximately 66.8% of properties within the ‘Affected Area’, which exceeds all signatory requirements. WSS Properties, LLC has signed the Vacation Application form for all of the properties listed above under their ownership. Signatures from CMH Manufacturing West Inc. are not required for the subject right-of-way vacation petition.
PROPOSED VACATION

200-FT

400-FT

200-FT

AREA OF TAX LOT 300 WITHIN AFFECTED AREA
0.49 ACRES

AREA OF TAX LOT 200 WITHIN AFFECTED AREA
0.83 ACRES

AREA OF TAX LOT 300 WITHIN AFFECTED AREA
1.42 ACRES

ATTACHMENT A
EXHIBIT A

JANUARY 16, 2019

WALNUT STREET VACATION

A 60 foot wide portion of Walnut Street SW, in the Northwest Quarter of Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Beginning at a 5/8” iron rod at the Westerly Northeast corner of Parcel 3, as conveyed to WSS Properties, LLC, recorded in Volume 1359, Page 828, Benton County Records, said rod lying on the West Right-of-Way line of Walnut Street SW;

Thence along the north line of said WSS Tract, N 88°37’25”E 60.07 feet to a 5/8” iron rod at the Easterly Northeast corner of said Parcel 3, said rod lying on the East Right-of-Way line of said Walnut Street SW;

Thence along said East Right-of-Way line, S 00°48’00”W 175.07 feet to a 5/8” iron rod at the Southeast corner of said Walnut Street SW;

Thence leaving said East Right-of-Way line, along the South Right-of-Way line of said Walnut Street SW S 88°52’12”W 60.00 to the Southwest corner of said Street;

Thence leaving said South Right-of-Way line, along said West Right-of-Way line, N 00°48’00”E 174.81 feet back to the Point of Beginning:

Containing 10,502 square feet, more or less.

The basis of bearing for this description is from monuments found along the east Right-of-Way of Walnut Street SW per County Survey No. 10240