



## STAFF REPORT

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<b>Date:</b>	<b>July 14, 2020</b>
<b>Applicant:</b>	<b>Bob Thayer</b>
<b>Nature of Application(s):</b>	<b>Street Vacation</b>
<b>Property Location:</b>	<b>Cherry Drive</b>
<b>Applicable Criteria:</b>	<b>Sections 2.130, 2.900, 3.510</b>
<b>Zone Designation:</b>	<b>Low Density Residential (R-1)</b>
<b>Staff Contact</b>	<b>Patrick Depa, Associate Planner</b>

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### BACKGROUND

The City received an application requesting the vacation of Cherry Drive by the all three adjacent property owners. The Development Code requires a public hearing to consider any vacation and review of all public utilities and public utility easements. If the criteria are met, the city may permit the vacation of public lands not needed for the specified municipal purpose. Ownership of vacated territory may revert to the original property or proportionally to the adjoining properties and become a part thereof, unless specified otherwise by the City Council.

### FINDINGS OF FACT

1. Cherry Drive is currently unimproved.
2. Three properties abut Cherry Drive in some manner.
3. One property owner gains access to their residence within the right-of-way.
4. There is a ten (10) foot wide path in the right-of-way that leads to Adair Park that will remain.
5. There is a storm water line and a twenty (20) foot wide easement which accompanies it that are no longer in use and will be abandoned as part of this vacation.
6. A new twenty (20) foot storm water easement will be established for the line currently being used for the neighborhood system that goes through both Cherry Drive and private property.
7. There is a large sanitary line with a twenty (20) foot easements that crosses through Cherry Drive and private property that will remain.
8. Pacific Power has overhead lines that cross into the right-of-way which will remain but now has its easement drawn up and recorded.

## Comments

1. Benton County's Natural Areas & Parks Director does not have any objections to the vacation and supports the drawing up a permanent easement for the pathway leading from the neighborhood to Adair Park.
2. Civil West Engineering Services, the City's consulting engineers, have reviewed the easements and legal descriptions for the purpose of this vacation and have no objections.
3. Adair Fire District Chief has no objections to the vacation.
4. No public comments have been received at this time.

## Applicable Criteria

**Decision Criteria.** A Vacation of public land may be approved if the reviewing body finds that all of the following review criteria are met:

- (a) The proposed Vacation is consistent with the relevant Comprehensive Plan policies and with any official street plan, transportation plan or public facility plan.**

There are no goals or policies in the Transportation or Housing sections of the Comprehensive Plan that this vacation will conflict with. There is no future use outlined in the official street plan pertaining to Cherry Drive. Retaining all utility easements where in use or for future use is consistent with the community Public Facilities and Services policies and goals.

- (b) The proposed Vacation will not adversely impact adjacent areas or the land use plan of the City.**

Two of the adjacent properties will not be affected as both properties have existing driveways to Azalea Drive. The third property owner will maintain their driveway from Azalea Drive through the vacated right of way if approved. The vacating of Cherry Drive will not adversely impact Adair Park, the path to the park, or the wooded area that Cherry Drive backs up to.

- (c) The proposed Vacation will not have a negative effect on access between public rights-of-way, existing or future properties, public facilities or utilities.**

The vacation will not have a negative effect on adjacent right of ways as Cherry Drive is a dead end that stops at the County Park boundary. All land east and past the end of Cherry Drive is outside the City's urban growth boundary and no plans to alter or reduce the parks area is being discussed at this time. All public utilities and their easements are being addressed as either their easements are being eliminated due to no future need or new easements

are being created that address a current need or the possible need in the future.

- (d) The proposed Vacation will not have a negative effect on traffic circulation or emergency service protection.**

Cherry Drive is currently unimproved and unused except for the access of one homeowner to their house. The City of Adair and Benton County do not have any emergency plan associated with Cherry Drive.

- (e) 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.**

Currently there is curb and gutter along the entire Cherry Drive right of way along Azalea Drive. The only code requirements will be for Mr. Thayer to pave his driveway if the vacation is approved. There is no plan to reconstruct access for fire safety as none existed.

- (f) The proposed Vacation will not have an adverse impact on the economy of the area.**

Cherry Drive is a dead end and leads to only one house which has access from it. No taxes will be eliminated by the vacation nor will any business be interrupted.

- (g) The public interest, present and future, will be best served by approval of the proposed Vacation.**

The area will now be maintained more frequently by the property owners receiving their proportional area of the vacation. The County's Adair Park will be best served as it will now have a legal description and easement drawn up and recorded of the pathway for the ten (10) foot easement from Azalea Drive to the park.

### **Recommended Action**

Based on the findings of fact, as understood at the time of this report, it is recommended that the Planning Commission recommend **approval** of the vacation of Cherry Drive to City Council subject to the following conditions:

1. That all of the surveys and legal descriptions outlining and describing the easements both established and abandoned be recorded at Benton County.
2. That the driveway to the one property that will retain their access from Azalea Drive be paved per the City of Adair Village requirements.