
NATURE OF APPLICATION:	An application for a Partition to create three buildable lots from one existing tax lot.
APPLICABLE CRITERIA:	<i>Monroe Zoning Ordinance</i> Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017
PROPERTY LOCATION:	In Monroe, west of 9th and north of Pine. (T14S R5W, Pacific Addition Block 43)
PROPERTY OWNER:	Pacific National Development Corporation
ZONE DESIGNATION:	Residential
STAFF CONTACT:	Rick Hohnbaum
FILE NUMBER:	17-10

PUBLIC NOTICE

The applicant, Pacific National Development Corporation (PNDC, Inc.) is requesting approval to partition half of Block 43 into three lots. The total of combined historically platted lots would be approximately 5,500 square feet.

It is the responsibility of the Planning Commission to determine whether or not the proposed parcel are consistent with the requirements of the City of Monroe zoning policies and standards.

The applicant paid the fee for a Partition application to the City of Monroe on August 9, 2017.

ON AUGUST 24, 2017 THE MONROE CITY PLANNING COMMISSION WILL CONDUCT A PUBLIC HEARING AT 6 PM IN THE CITY COUNCIL CHAMBERS AT 658 COMMERCIAL STREET. THE PURPOSE OF THE HEARING WILL BE TO ESTABLISH FACTS IN RENDERING A DECISION FOR THE REQUESTED LAND USE ACTION AS LISTED ABOVE. A STAFF REPORT WILL BE AVAILABLE FOR PUBLIC REVIEW PRIOR TO THE HEARING. IF A DECISION IS RENDERED, THE CITY COUNCIL WILL REVIEW THE DECISION ON AUGUST 28, 2017 AT THE SAME LOCATION AT 6PM.

Inquiries may be addressed to Rick Hohnbaum City Administrator/Planner at Monroe City Hall 541 847-5175 or rick.hohnbaum@ci.monroe.or.us. All inquiries and communications are a matter of public record.

The City of Monroe is an equal opportunity provider and employer

Notice was sent to all property owners with 100 feet of the proposed lot prior to 14 days to the Planning Commission Hearing on April 3, 2017 as well as to agencies and utilities with operational assets in the area. January 14, 2008, pursuant to Section 152.156 of the Monroe Zoning Ordinance (MZO).

On May 24, 2007, HFH submitted a Conditional Use Permit (CUP) application for a proposed two-family (duplex) dwelling for the subject property. Two family dwellings are listed as a use “permitted with conditions” within the General Residential zone under MZO §152.030 (C)(5). The CUP application for the proposed duplex was received at the Benton County Community Development Department and deemed incomplete. On May 25, 2007, notice of an incomplete application was sent to the applicant. Additional information was submitted to the County on June 6 and the application deemed complete on June 19, 2007. A referral was sent to Ron Staehlin, Monroe City Engineer, for review on July 19, 2007.

On September 4, 2007, the Monroe Planning Commission held a Public Hearing on the CUP application pursuant to MZO §152.156. The Commission showed considerable concern for the impact of a duplex on the neighborhood and surrounding properties of the site. The Commission recommended pursuing a variance to partition the lot, as an alternative to pursuing the duplex as a conditional use. The Planning Commission passed a motion to table the decision pending staff’s findings regarding the engineering feasibility of developing the lot as two separate lots. On September 13, 2007, the City Engineer, Ron Staehlin provided a referral suggesting that development of two separate lots created from lot 03900 would be physically possible and not cost

prohibitive. (See Engineer's referral comments, Attachment C, HFH Variance Staff Report, LU 07-049).

On December 21, 2007, HFH withdrew its CUP application and amended it to be a Variance application. HFH also submitted a Partition application for the division of the lot on January 4, 2008.

I. GENERAL FINDINGS OF FACT

1. The parcel is zoned General Residential type A (large lot) and the Comprehensive Plan designation is Low Density Residential. The site is 13,999 square feet (.32 acres) and has no existing structures.
2. The site is owned by Habitat for Humanity, a non-profit Christian organization that helps low-income families build their own homes. Each unit of the proposed two-family dwelling will be deeded to separate owners.
3. Uses surrounding the parcel are all single family residences zoned GR(A). The residences to the south, north and east of the site are all located on lots significantly smaller than the lot to the west of the site. The subject property is bordered on the east by 8th Street, which is a graveled minor street that currently dead ends into a residence just north of the subject property. A plat of the site shows that the subject property is bordered on the east by a right-of-way for a currently non-existing northern extension of 9th Street.
4. The proposed structure is not within the 100-year floodplain as designated on the Federal Emergency Management Agency's Flood Insurance Rate Map for the City of Monroe (FIRM Panel number 4100080250C, effective August 5, 1986).
5. The western two thirds of the site have a slope of approximately 12%, and that portion is mapped as having high shrink-swell potential. The eastern third of the lot has a 6% slope. The entire lot is designated as having "slight" erosion potential. Landslide hazard for the site is also mapped as "Low."

II. COMMENTS

No comments had been received as of the date this staff report was written.

III. FINDINGS APPLYING CODE CRITERIA

ZONING ORDINANCE STANDARDS

Lot Standards and Specifications in the General Residential-A Zone.

- 1) **In the General Residential-A zone, the minimum lot size for creation of new parcels shall be not less than 8,001 square feet and the maximum lot size for creation of new parcels shall be not more than 14,000 square feet. [MZO 152.030(D)]**

Discussion: The current size of the subject property is approximately 13,999 square feet. The proposed parcel sizes are 6,999 square feet (Parcel 2) and 7,000 square feet (Parcel 1).

Findings: Proposed Parcels 1 and 2 do not comply with the minimum lot size standards of the General Residential-A zone. Partition application PT 08-01 has been accompanied with a Variance application (LU 07-049) for the purpose of seeking exception to this standard.

With the approval of the Variance request, this criterion will be met.

2) All lots must front along a minimum of 40 feet and a maximum of 80 feet of publicly dedicated road (not alley) in order to be built on. [MZO 152.030(E)(1)]

Discussion: Frontage distances for the proposed parcels are as follows:

	<u>Parcel 1</u>	<u>Parcel 2</u>
8 th Street (east)	78 ft	N/A
9 th Street (west)	N/A	80 ft

Findings: Proposed Parcel 1 complies with the minimum and maximum frontage standards along 8th Street (east). Proposed Parcel 2 complies with the minimum and maximum frontage standards along 9th Street (south).

This criterion is met.

3) The recommended maximum lot depth (from front to rear lot lines) in the General Residential-A zone is 130 feet. [MZO 152.030(E)(2)(a)]

Findings: The average lot depth of the subject property, as it currently exists, is approximately 180 feet. The lot depths for proposed Parcels 1 and 2 are not greater than the 130-foot recommended maximum.

This criterion is met.

4) The minimum setbacks shall be 25 feet from the front property line, 12 feet from the side property line, and 30 feet from the rear property line. [MZO 152.030(F)(2)]

Side yards which abut a public or private street shall have the same minimum setback as the front yard setback. [MZO 152.030(F)(3)]

Findings: Application of the setback standards to proposed Parcels 1 and 2 would leave a building envelope of over 1,000 square feet for both Parcels.

This criterion is met.

5) In the General Residential-A zone, the maximum density for creation of new lots shall be ten units per acre, lot width shall be 40 feet, and alley service is required for all new lots that are 54 feet in width or less. [MZO 152.030(J)(2)]

Discussion: The subject property is currently .32 acres in size. The proposed partition would create two resultant parcels. The resulting density is approximately 6.2 units per acre.

The width of the subject property is approximately 76 feet. Proposed Parcel 1 will have an approximate lot width of 78 feet. Proposed Parcel 2 will have an approximate lot width of 76 feet.

Neither of the proposed parcels will have a width of 54 feet or less.

Findings: The proposed partition meets the maximum density standard of ten units per acre. The proposed Parcels meet the 40-foot lot width requirement. Alley service is not required for the proposed parcels.

This criterion is met.

Streets and Alleys.

6) All new streets and street improvements shall conform to the design standards identified in MZO 152.030(K)(3).

Discussion: Although no comments were submitted identifying specifically what compliance with this requirement will entail, Frank Thayer, City of Monroe, stated in an e-mail dated November 22, 2005 that it is the City Council's desire that all land divisions comply with the requirements of this section. The proposed partition will not require a new street. However, the partitions may be subject to street improvements to 8th Street for Parcel 1, and future improvements to the currently non-existent 9th Street for Parcel 2. The City Engineer recommended that the City obtain a Waiver of Rights Remonstrance from the owner regarding improvements on 8th Street (Parcel 1) and 9th Street (Parcel 2).

Findings: Compliance with the requirements of this section will be required as a condition of approval.

This criterion can be met through compliance with Condition of Approval #6.

Parking.

7) A minimum of two (2) off-street parking spaces is required for each single-family dwelling. [MZO 152.079(K)]

For properties with more than one street frontage, primary street frontages shall have no vehicular entries. Properties with a single-frontage on a primary street shall be limited to a maximum of one single-lane-width vehicular entry separated by a minimum of 20 feet. [MZO 152.030(K)(4)(c)]

Vehicular entries may be shared between two or more properties (by easement or other means. [MZO 152.030(K)(4)(d)]

Discussion: Provision of two off-street parking spaces on proposed Parcel 1 would still leave a building envelope of at least 1,000 square feet for construction of a dwelling.

The frontage amounts are listed in criterion #2, above.

Findings: Provision of two off-street parking spaces is feasible for each of the proposed parcels. The proposed frontages are sufficient to allow for either a minimum 20-foot separation between driveways, as required by MZO 152.030(k)(4)(c), or a shared driveway, as allowed by MZO 152.030(K)(4)(d).

This criterion is met.

Other Site Considerations.

8) Any development in areas indicated in the Monroe Comprehensive Plan of 1979 or this chapter as having development limitations shall be subject to the following requirements. Development in areas with severe surface drainage characteristics shall be provided with adequate drainage facilities, development in areas with slope in excess of 15% shall be such that the slope may be adequately maintained, and areas of riparian vegetation shall be retained where feasible. The Benton County Building Official shall

determine that the requirements of this chapter have been met. [MZO 152.082]

Discussion: The western extent of the subject property exhibits a slope grade of 12% and that portion is mapped as having high shrink-swell potential. The eastern third of the lot has a 6% slope. The entire lot is designated as having “slight” erosion potential. Landslide hazard for the site is also mapped as “Low.” No part of the lot is identified in the Monroe Comprehensive Plan of 1979 as having poor surface drainage.

Findings: No portion of the existing Parcel is in excess of 15% slope, and no portion of the lot is identified in the Monroe Comprehensive Plan of 1979 as having poor surface drainage characteristics. Additionally, at the Planning Commission’s request, City Engineer Ron Staehlin provided referral comments on September 13, 2007 suggesting that development of the existing property into two parcels would be feasible and not cost prohibitive.

This criterion is met.

LAND DIVISION ORDINANCE STANDARDS

Note: *The Monroe Land Division Ordinance (Ord. 157) is adopted into the Monroe Zoning Ordinance by reference. [MZO 151.01]*

Design Standards.

9) The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain a part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the lot size and width standards of the Zoning Ordinance. [MLDO 7.040(1)(a)]

Discussion: As discussed in Criteria #1 through #3 above, proposed partition complies with these standards, except that the applicant is seeking a variance to the lot size standards of the zoning ordinance.

Findings: *With the approval of the Variance request, this criterion will be met.*

10) Each lot shall abut upon a publicly owned street, other than an alley, for a width of at least 20 feet. [MLDO 7.040(2)]

Findings: Both of the proposed parcels have more than 20 feet of frontage along at least one publicly owned right-of way.

This criterion is met.

11) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planning screen easement at least ten (10) feet wide and across, which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use. [MLDO 7.040(3)]

Findings: Neither Parcel 1 nor Parcel 2 is proposed to be a through lot.

This criterion does not apply.

12) The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [MLDO 7.040(4)]

Discussion: Due to the lot size limitations of the proposed partition, the lot line proposed attempts to provide the most acreage possible for each both Parcels 1 and 2. Division of the lot with perpendicular to 8th Street and 9th Street is impractical and would require a variance to both Lot width and lot size standards. The proposed lot line runs parallel to the 9th Street right of way and roughly parallel to 8th Street.

Findings: The proposed partition maintains lot side lines that run at right angles to both 9th Street and 8th Street. The proposed lot line runs parallel to the 8th Street and 9th Street as far as is practicable.

This criterion is met.

13) Flag lots shall be prohibited unless there is no other way of providing access to property. The thin strip of land which provides access to the major portion of the lot from the street shall be at least 20 feet in width and shall not be used in determining lot size, lot width or yard requirements. [MLDO 7.040(5)]

Findings: No flag lots are proposed as part of this partition request.

This criterion does not apply.

Improvements.

14) Water lines and fire hydrants serving each lot in the subdivision and connecting the subdivision to mains shall be installed. The design shall be to standards of the City of Monroe, shall be approved by the City Engineer, and shall take into account the City system. In addition, the City Engineer shall determine the effect that the extension of water supply service will have upon the City's existing water supply. [MLDO 8.030(1)]

Discussion: This property is in the northwest area of the City of Monroe. City Engineer, Ron Staehlin provided referral comments assuring that the lots can be served by the water line on 9th Street.

Findings: The applicant will need to work with the City of Monroe and the City Engineer to determine the extent of required improvements for the installation of water lines and fire hydrants to serve each of the proposed parcels and to connect proposed Parcels 1 and 2 to the City water mains. As specified in MLDO Section 8.030, improvements required to service proposed Parcels 1 and 2 shall be installed at the expense of the land divider.

This criterion can be met through compliance with Condition of Approval #3, below.

15) Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. All necessary facilities, such as pump stations which are necessary to serve the subdivision, shall be installed. Design of the sewer lines shall take into account the capacity and grade to allow for desirable extension beyond the subdivision, and the City Engineer shall review all proposed extensions to the sewage collection system, to assure that these extensions will be compatible with the approved design in the City's public facility plan. [MLDO 8.030(2)]

Discussion: City Engineer, Ron Staehlin provided referral comments assuring that the lots can be served by existing sewer on 8th Street.

Findings: The applicant will need to work with the City of Monroe and the City Engineer to determine the extent of required improvements for the installation of sewer lines to serve each of the proposed parcels and to connect each proposed parcel to the City sanitary sewer system. As specified in MLDO Section 8.030, improvements required to service proposed Parcels 1 and 2 shall be installed at the expense of the land divider.

This criterion can be met through compliance with Condition of Approval #3, below.

16) All new subdivisions shall be provided with an effective storm drainage system. Grading shall be performed and drainage facilities shall be provided within the subdivision, connecting the area drainage to drainage ways or storm sewers outside the subdivision. Design of drainage facilities within the subdivision shall be to City standards, and shall take into account the capacity and grade necessary to maintain unrestricted flow from other areas draining through the subdivision, and the possible future extension of the drainage system to serve other such areas. If necessary, provision shall be made for retention storage areas designed and constructed to standards provided by the City Engineer. [MLDO 8.030(3)]

Public streets, including alleys, within the subdivision, and public streets adjacent but only partially within the subdivision shall be improved according to City standards.

Improvements shall be made to the paving line of existing streets in the subdivision. At such time as the City has provided a storm drainage system which is capable of serving the subdivision, catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments on all property corners shall be established or re-established by the subdivider. Bench marks shall be installed at each street intersection. Street center lines, crosswalks, bikeways and other traffic control symbols shall be marked. [MLDO 8.030(4)]

Curbs and sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision except within industrial areas. The curbs shall be cut at all corners to allow for wheelchair access. [MLDO 8.030(5)]

Traffic control devices and street name signs, designed to City specifications, shall be installed at all street intersections and elsewhere as required by the City. [MLDO 8.030(6)]

Discussion: As mentioned previously, no comments were submitted identifying specifically what compliance with this requirement may entail for the subject property. However, Frank Thayer, City of Monroe, stated that it is the City Council's desire that all land divisions comply with the requirements of this section. Additionally, the City Engineer recommended that the City obtain a Waiver of Rights Remonstrance from the owner regarding improvements on 8th Street (Parcel 1) and 9th Street (Parcel 2). Compliance with the standards identified above shall be required as a condition of approval.

Findings: Compliance with the requirements of this section will be required as a condition of approval.

This criterion can be met through compliance with Condition of Approval #5.

17) The land divider shall make necessary arrangements with the City, utility companies or other person or corporations affected, for the installation of street lights and for underground lines and facilities. Electrical lines and other wires including, but not limited to communication, street lighting and cable television, shall be placed underground. [MLDO 8.030(7)]

Discussion: As mentioned previously, no comments were submitted identifying specifically what compliance with this requirement will entail for the subject property, and Frank Thayer, City of Monroe, has stated that it is the City Council's desire that all land divisions comply with the requirements of this section. Compliance with the standards identified above shall be required as a condition of approval.

Findings: Compliance with the requirements of this section will be required as a condition of approval.

This criterion can be met through compliance with Condition of Approval #7.

IV. CONCLUSION

The proposed partition meets the criteria required for approval if the concurrent request for Variance to lot size standards is granted. Based on the findings of fact in the staff report and material submitted in the file, Staff recommends **approval** of the proposed partition.

V. RECOMMENDED CONDITIONS OF APPROVAL

If the Planning Commission finds that the proposed partition meets the requirements for approval, Staff recommends the following conditions of approval.

1. An Oregon licensed land surveyor shall survey and monument the proposed parcels.
2. A partition plat shall be prepared by an Oregon land surveyor in accordance with ORS Chapter 92 and County Surveyor Plat Standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor.
3. All improvements required for provision of City water and sewer services to proposed Parcels 1 and 2 shall be completed by the land divider in compliance with Monroe Land Division Ordinance (Ord. 157) Section 8.030(1) and (2).
4. All improvements shall be constructed in compliance with Monroe Land Division Ordinance (Ord. 157) Section 8.010.
5. The City of Monroe shall determine all improvements required for compliance with Monroe Land Division Ordinance (Ord. 157) Section 8.030(3) through (6) and shall notify the applicant of the extent of the required improvements. The applicant shall then complete all improvements identified by the City of Monroe prior to recording the partition plat.
6. All new streets and street improvements shall conform to the design standards identified in MZO 152.030(K)(3), as determined by the City of Monroe.
7. The applicant shall make all necessary arrangements with the City, utility companies or other persons or corporations affected, for the installation of street lights and for underground lines and facilities. Electrical lines and other wires including, but not limited to communication, street lighting and cable television, shall be placed underground. [MLDO 8.030(7)]
8. Upon confirmation from the City of Monroe that Conditions of Approval #1 through #5 have been met, the applicant shall record the approved partition plat at the County Recorder's Office and provide a copy of the plat to the City Recorder and to the Benton County Public Works Department prior to applying for any building permits. [MLDO 6.050]

VI. MOTIONS

MOTION IN FAVOR

Approve application

1. I move that the partition request for preliminary approval to divide the subject property into two resulting parcels be **approved** based on the Findings contained in the Staff Report [and/or developed at the public hearing] and subject to the Conditions of Approval contained in the Staff Report [and/or Conditions of Approval developed at the public hearing].

MOTION IN OPPOSITION

Deny application

2. I move that the partition request for preliminary approval to divide the subject property into two resulting parcels be **denied** based on Findings contained in the Staff Report [and/or developed at the public hearing].

Attachments:

- A. Site Plan

Attachment A

