MONROE PLANNING COMMISSION AGENDA
July 9, 2018

MONROE CITY HALL COUNCIL CHAMBERS 6pm

Commission Members: Kathy Smith, Tim Eastridge, Dan Sheets, Fred Cuthbertson, Linda Fredricks, David Mills, Cary Thayer. Staff: RJ Theofield, Community Development Coordinator, Rick Hohnbaum, City Administrator

1. OPENING: Call to Order/Pledge of Allegiance/Roll Call

2. PUBLIC ITEMS AND COMMENTS: (please limit your comments to less than 3 minutes)

3. APPROVAL OF MINUTES:
   a. Minutes of June 4, 2018

4. PUBLIC HEARINGS
   1. **A PUBLIC HEARING to receive public input regarding the building permit application for a 3,000 square foot pole barn in a Residential Zone A property in the 700 Block of Orchard**
   2. **A PUBLIC HEARING to receive public input for a proposed amendment to the Monroe Land Use Development Code clarifying and limiting the development of Accessory Dwellings and Buildings within the City of Monroe**

5. DEVELOPMENT PROJECT UPDATES
6. OTHER BUSINESS
7. ADJOURNMENT OF MEETING

MONROE PLANNING COMMISSION WORK SESSION

FOLLOWING THE PLANNING COMMISSION MEETING, THE MONROE PLANNING COMMISSION IS GOING TO ADJOURN TO A WORK SESSION FOR THE PURPOSE OF REVIEWING AND DISCUSSING:

Comprehensive Plan: Citizen Involvement Element Second Draft & Housing Element First Draft

The City of Monroe is an Equal Opportunity Provider and Employer

Monroe City Planning Commission Minutes

June 4, 2018 6PM City Council Chambers

1. Call to Order: Vice-Chair Dan Sheets called the Planning Commission meeting to order at 6:00PM.

2. Acting Chair Sheets requested Commissioner Eastridge to lead the commission and audience in the Pledge of Allegiance.

3. Roll Call: Present was Vice-Chair Sheets, Commissioners Fredricks, Mills, Cuthbertson and Eastridge. Staff Present included City Planner Rick Hohnbaum and Community Development Coordinator RJ Theofield. Audience members included Tracy Mueller, Paul Canter, Cindy Canter and Floyd Billings.

4. Public Comments: None

5. Approval of Minutes: Commissioner Eastridge moved to approve the minutes of January 8, 2018 and Notes of February 5 Work Session. Commissioner Mills seconded. Ayes: All

6. Public Hearing Dollar General Sign Variance

The Public Hearing was opened at 6:04 by Chair Sheets and he suggested that the Commission members take turns reading the City of Monroe Land Use Script for the record. Commissioner Cuthbertson read the first paragraph of the land use hearing script. Commissioner Fredrickson continued reading the next paragraph followed by Chair Sheets and Commissioner Mills and Commissioner Eastridge. Chair Sheets asked for any declaration of exparte contacts or bias and none were given. Chair Sheets read the order of the parties testifying. CA Hohnbaum reviewed his written report. CP Hohnbaum stated that he had some additional questions regarding the proposed site which he felt had not been adequately addressed and recommended that based upon current information, the planning commission may want to continue the public hearing. Tracy Mueller, the applicant, introduced himself and provided the background of his family owned business. Mr. Mueller shared the impact of the sign for any business and that he had statistics to share regarding that impact. He stated that the business will need the sign to do well. Mr. Mueller shared his responses to the four questions addressed in the May 22nd email referenced in the staff report. Commissioner Mills asked about setback from the sidewalk. Commissioner Fredricks inquired as to restrictions of signs on Highway 99 and if the signs are lite 24/7. Commissioner Fredricks inquired as to the impact of the sign on neighbors and Mr. Mueller explained the glow from the sign. Commissioner Fredricks stated that the local Dollar General store is going to have a high percentage of local traffic so a sign may not be as critical. The commission and applicant discussed the local traffic patterns and the use of signage to attract it. Commissioner Eastridge expressed favor of the setback from the sidewalk to increase the safety traffic view. The applicant and commission discussed setbacks.

Call for proponents: Mayor Paul Canter rose and speak in favor of the sign and that the grade for the sign should be no more than 12 inches above the sidewalk. Councilor Floyd Billings rose to speak stating

that he got on the city council in January of 2017 and that Dollar General does need to advertise and recommended that it would be wrong to place to many restrictions on the sign. Councilor Cindy Canter rose and shared that all the existing signs on the Highway were pre-ordinance and that she would like to see the Planning Commission approve the request.

Call for opponents: None

The applicant was offered an opportunity for any rebuttal but there was a general consensus by all that none was needed.

City Planner Hohnbaum reminded the commission that they could approve the variance with a condition of approval to include the one-foot limit which was mentioned during the testimony. The applicant expressed some unknowns about the drainage affects and the slope of the topography of the land for the sign.

Chair Sheets closed the public hearing at 6:36PM.

Commissioner Cuthbertson stated that he felt that the sign was needed to make known the presence of the store. Chair Sheets asked for any additional commission comments.

Commission Eastridge moved to approve the variance with the condition of the bottom of the sign being no higher than 12" above finished grade of the sidewalk. Commissioner Cuthbertson seconded. Ayes: All.

Chair Sheets read from the Land Use Planning Script the final decision statement and the process and timeline for submitting an appeal to the Planning Commission decision.

7. Other Business

   CA Hohnbaum reminded the Planning Commission that their next regular meeting is scheduled for the second Monday of July.

8. Adjournment: Chair Sheets adjourned the meeting at 6:40PM.

Respectfully Submitted;

Rick A. Hohnbaum, City Recorder

Minutes approved by Planning Commission on July 9, 2018.

Planning Commission Chair/Vice-Chair Date

Attest:

Rick A. Hohnbaum, City Recorder Date

PUBLIC NOTICE - PUBLIC HEARING

REQUEST TO CONSTRUCT A 3,000 SQUARE FOOT ACCESSORY BUILDING IN THE 700 BLOCK OF ORCHARD STREET

On July 9, 2018, the Monroe Planning Commission will conduct a public hearing to receive public input regarding an application to construct a 3,000 square pole barn in a General Residential "A" Zone

A copy of the application and staff report is available to view at City Hall during normal business hours and will be on the city website www.ci.monroe.or.us five days prior to the public hearing. Additional information and inquiries may be made to the city planner, Rick Hohnbaum. (rick.hohnbaum@ci.monroe.or.us) Written testimony is accepted prior to the date of the hearing.

According to the city code, accessory buildings over 800 square feet require a site plan review and approval by the Monroe Planning Commission. The Planning Commission will conduct a public hearing to allow for public input for this proposed project. The public hearing will take place in Monroe City Hall at 658 Commercial Street at 6PM July 9, 2018.

The City of Monroe is an equal opportunity employer and service provider.

Benton County
Building Division
360 SW Avery Ave.
Corvallis, OR 97333
541-766-6819
Fax: 541-766-6891

Building Permit

FP NO

Residential Structural

Permit Number: 138-18-000454-STR

IVR Number: 138063068151

Web Address: www.co.benton.or.us

Email Address: building@co.benton.or.us

Permit has not been issued

TYPE OF WORK

Category of Construction: Single Family Dwelling
Type of Work: Other
Calculated Job Value: $71,700.00

Description of Work: CONSTRUCTION OF 3000 POLE BUILDING FOR SHOP AND STORAGE

JOB SITE INFORMATION

Worksite Address	Parcel		
0 UNASSIGNED	14533B001300	**Owner:**	KOROUSH TERRACE L & KATHY R
,		**Address:**	2031 OLIVIA CIR NW OR
		Owner:	PECORILLA SAM
		Address:	24615 WILLIAMS RD MONROE, OR 97456

LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Number	Phone
MICHAEL LEE STAPLETON - Primary	CCB	119307	541-410-2363

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Schedule by phone call 1-888-299-2821 use IVR number: 138063068151

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

Fee Description	Quantity	Fee Amount
Structural building permit fee		$510.20
Structural plan review fee		$510.20
State of Oregon Surcharge - Bldg (12% of applicable fees)		$61.22
	Total Fees:	$1,081.62

VALUATION INFORMATION

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

BUILDING PERMIT SIGNOFF

Permit No.: 138-18-000454-STR

Description of Work: POLE BLDG FOR STORAGE

Application Date: 4/3/18 Received By: BP

Owner: KORDUSH / PECORILLA Owner No.: _____

Applicant: MICHAEL STAPLETON Applicant No.: 541-410-2363

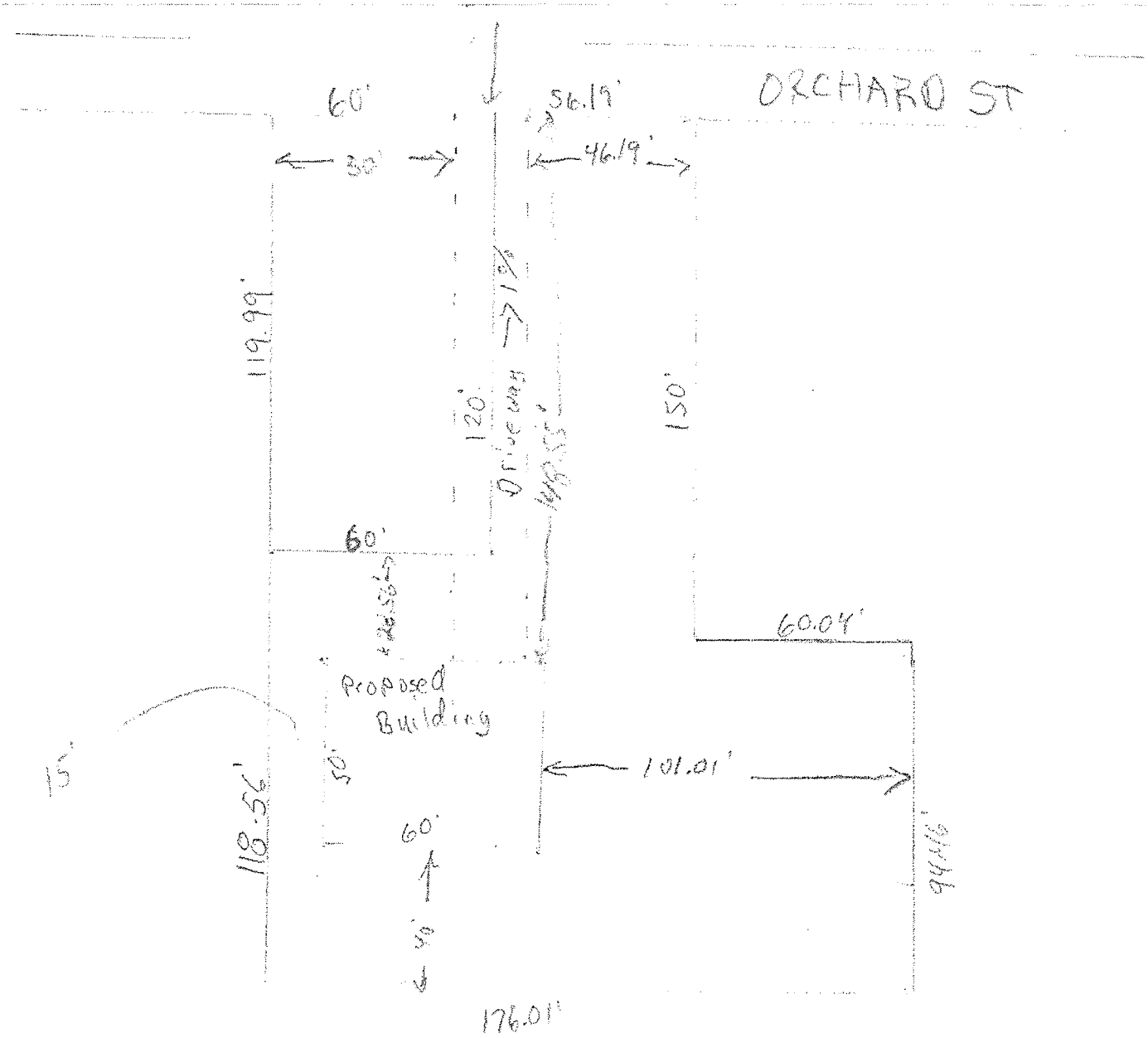
Situs: ORCHARD ST, MONROE

Parcel No.: 14-5-33B-1300

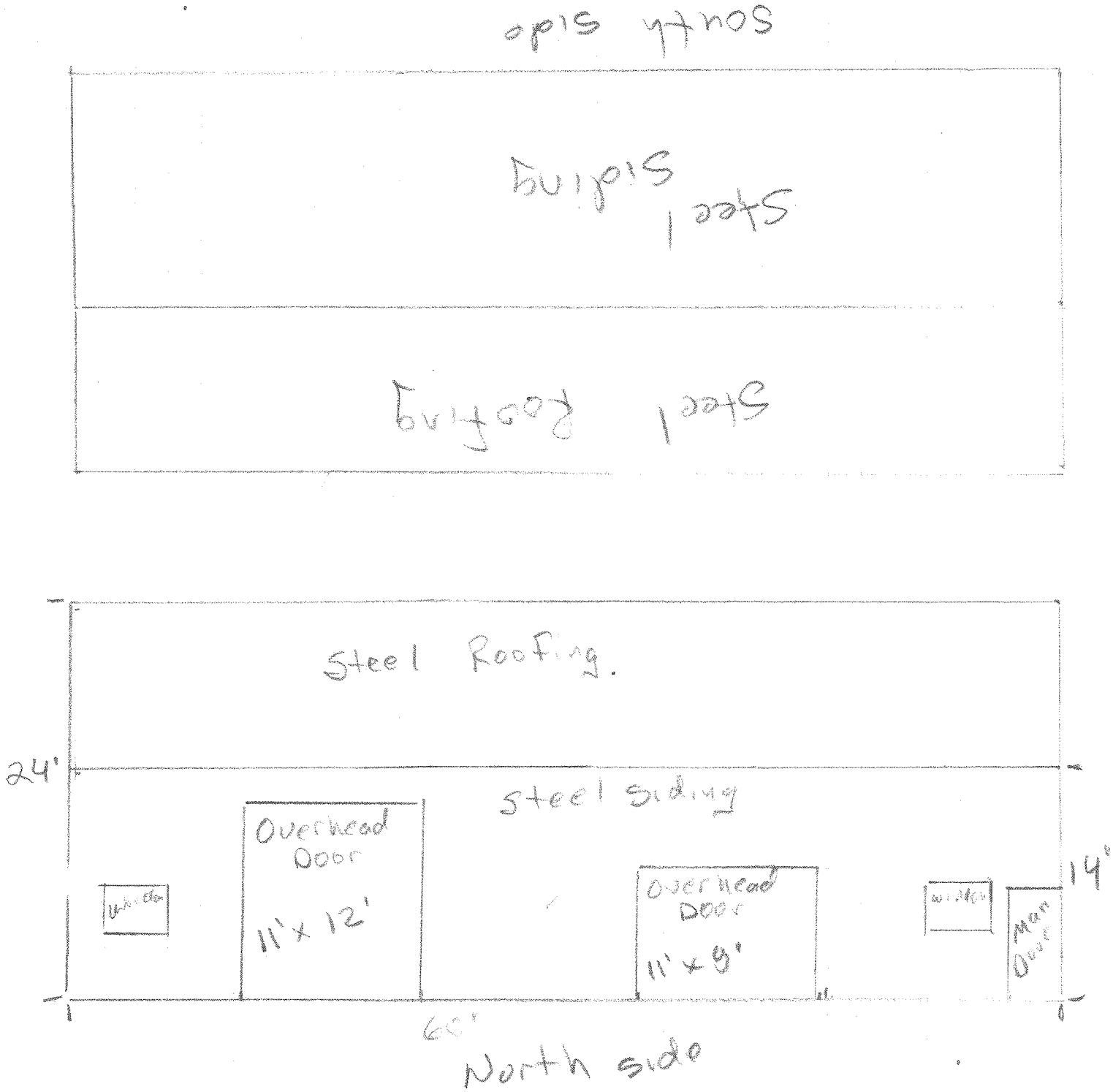
Floodplain: [y/n] _____

Manufactured Home: Year: _____ Make: _____ Size: _____ Bedrooms: _____

Check if Signoff Req'd:		Comments/Conditions:
YES ✓	Planning Sign Off: (Plot Plans, Covenants, Conditional Uses, etc) Signature: _____ Date Approved: _____	CITY OF MONROE
Check if Signoff Req'd: YES ___	Environmental Health Sign Off: (Septic) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ___	Planning Sign Off: (Water) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ___	ODOT Sign Off: (Road Approach) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ✓	Public Works Sign Off: (Road Approach) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ___	Public Works Sign Off: (Road Improvements) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ✓	Building Sign Off: (Building Plans) Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ___	Fire Sign Off for water and access: Signature: _____ Date Approved: _____	Comments/Conditions:
Check if Signoff Req'd: YES ___	Floodplain Sign Off: Signature: _____ Date Approved: _____	Comments/Conditions:


ORCHARD ST
60'
56.19'
30'
46.19'
119.99'
120'
Driveway
1%
150'
60'
60.04'
Proposed Building
15'
50'
101.01'
118.56'
60'
40'
176.01'

Sam Recorrilla


South side
Steel Siding
Steel Roofing
Steel Roofing.
24'
Steel Siding
Overhead Door
11' x 12'
Overhead Door
11' x 9'
Man Door
14'
60'
North side

Sam Tecorilla

CITY OF MONROE
644 Commercial Street
PO Box 486
Monroe, OR 97456
541-847-5175; 541-847-5177 (FAX)
www.ci.monroe.or.us

APPLICATION FOR SITE PLAN REVIEW

Fee: $400

Applicant(s)

Name: SAM PECORINA Bus Phone: 541-321 9088

Address: 24615 WILLIAMS RD Home Phone: Same

MONROE OR 97456

Name: _____ Bus Phone: _____

Address: _____ Home Phone: _____

_____

Interest in Property (Owner, Purchaser, Agent, etc.): Sam Pecorina

General Property Information

Street Address: 798 Orchard St Monroe Or 97456

Assessor's Map: _____ Tax Lot: _____ Zoning: _____

Existing Structures: Home

Current use(s) of the Property: Nursing Home

Describe the Proposed Use: Living Home Plus
& Building to Store Classic Cars Tractors etc

Required Application Information

Site Design Review Information. An application for site design review shall include the following information, as deemed applicable by the Planning Official:

1. Site analysis map. At a minimum the site map shall contain the following:

(13) Name and address of project designer, if applicable.
(14) Location of bus stops and other public or private transportation facilities.
(15) Locations, sizes, and types of signs.
(16) The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with the City of State standards.

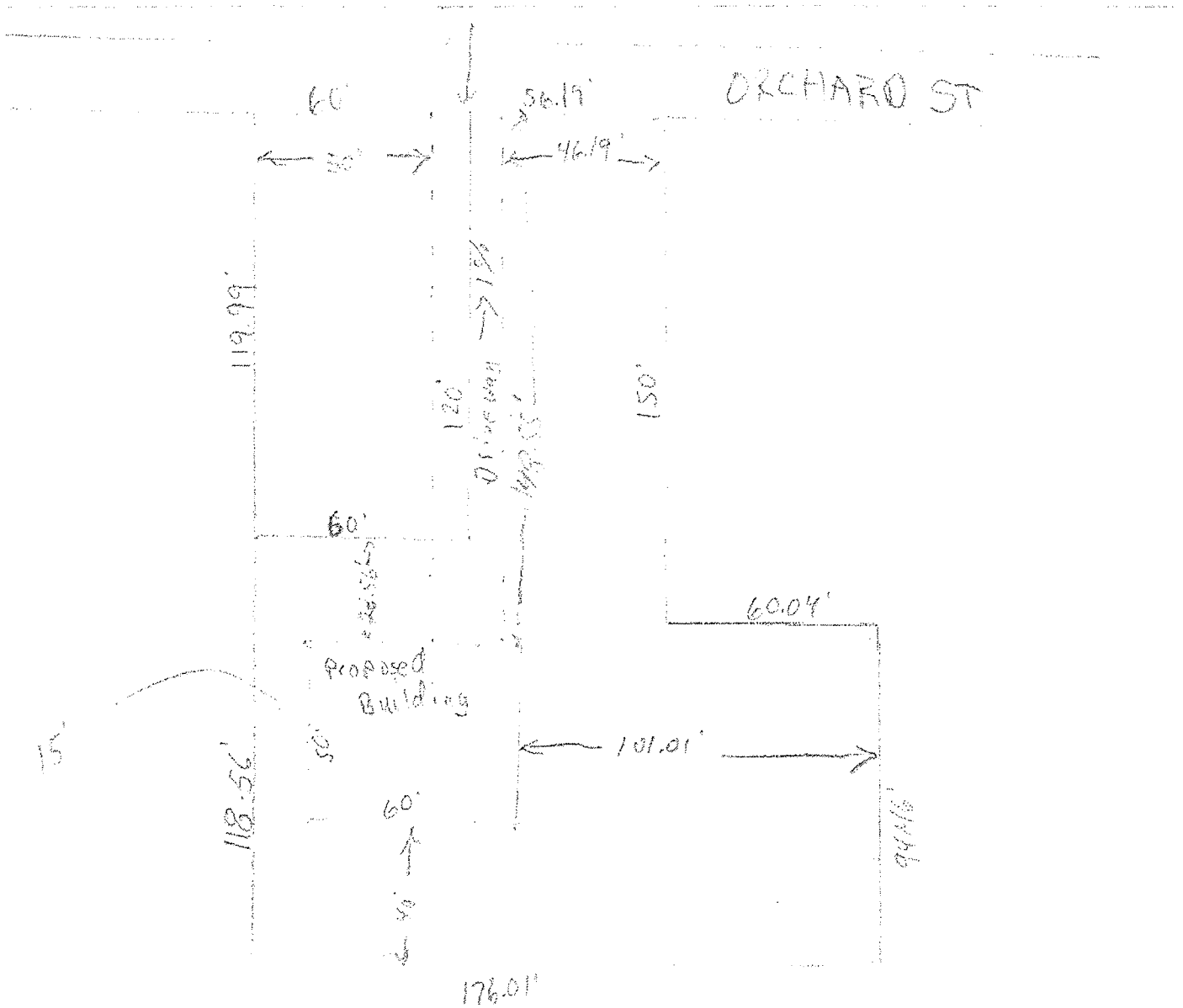
2. Architectural drawings. Architectural drawings shall be submitted showing:
   a. Building elevations with building height and width dimensions;
   b. The name of the architect or designer.
3. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.
4. Landscape plan. A landscape plan is required and shall show the following:
   a. The location and height of existing and proposed fences and other buffering or screening materials;
   b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
   c. The location, size, and species of the existing and proposed plant materials (at time of planting);
   d. Existing and proposed building and pavement outlines;
   e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.
   f. Other information as deemed appropriate by the Planning Official. An arborist's report may be required for sites with mature trees.
5. Sign drawings shall be required in conformance with the City's Sign Code, Section 5.136 of the MLUDC and Ordinance 17-300.
6. Copies of all existing and proposed restrictions or covenants.
7. Letter or narrative report documenting compliance with the applicable approval criteria for a Site Design Review.
8. If located in one of the overlay zones Planned Unit Development, Highway (Ordinance 17-300), Flood Hazard Overlay, narrative description of proposed project relationship to zone requirements or considerations.

Signature(s)

I hereby certify that the information contained in this application is accurate to the best of my knowledge; and that the proposed use would not violate any deed restrictions attached to the property. All owners of the property must sign this application or a statement authorizing the applicant to act for the owner must accompany the application.

Tom Pecarella — 4/27/18
Date

_____
Date


ORCHARD ST
60'
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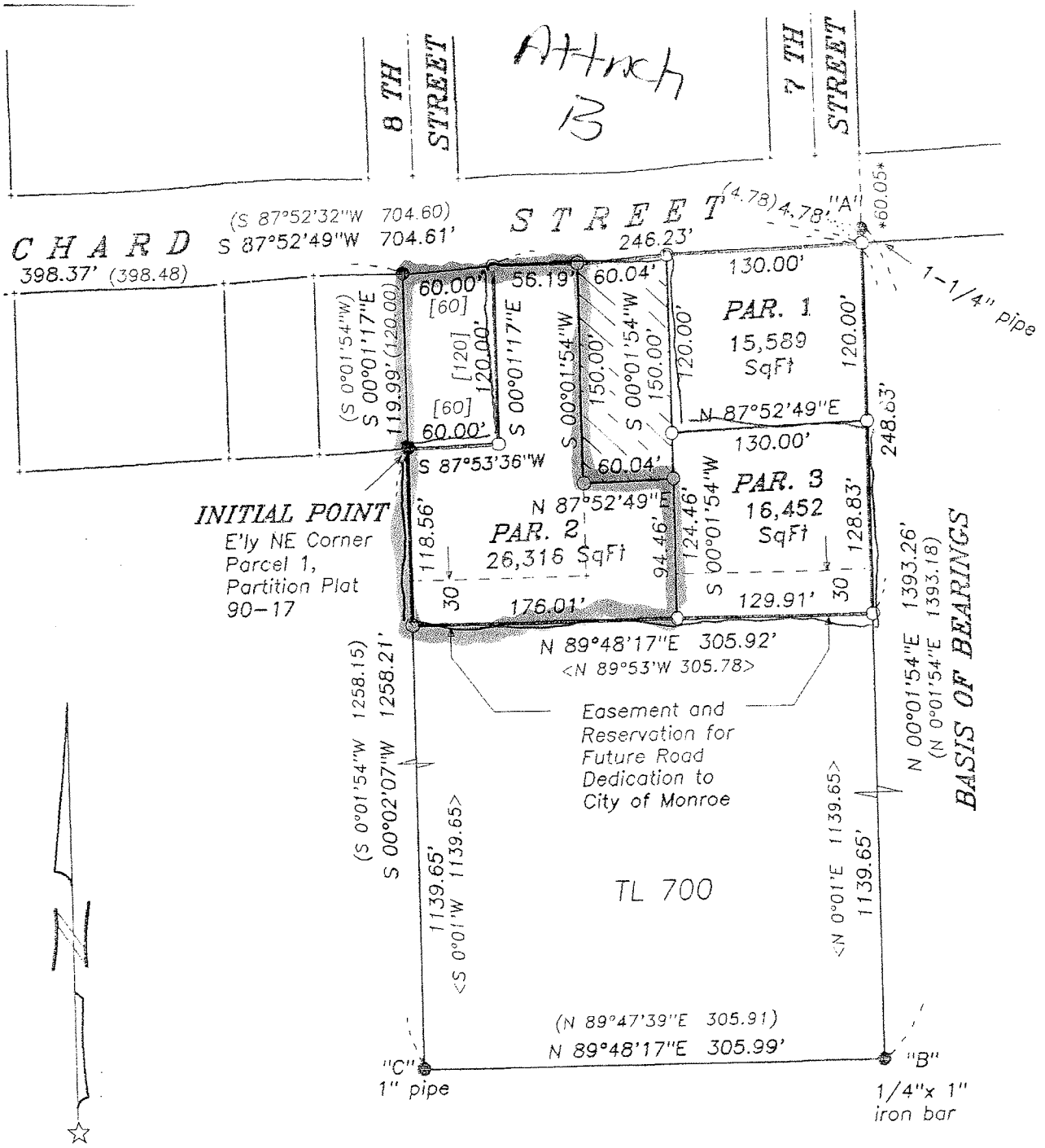
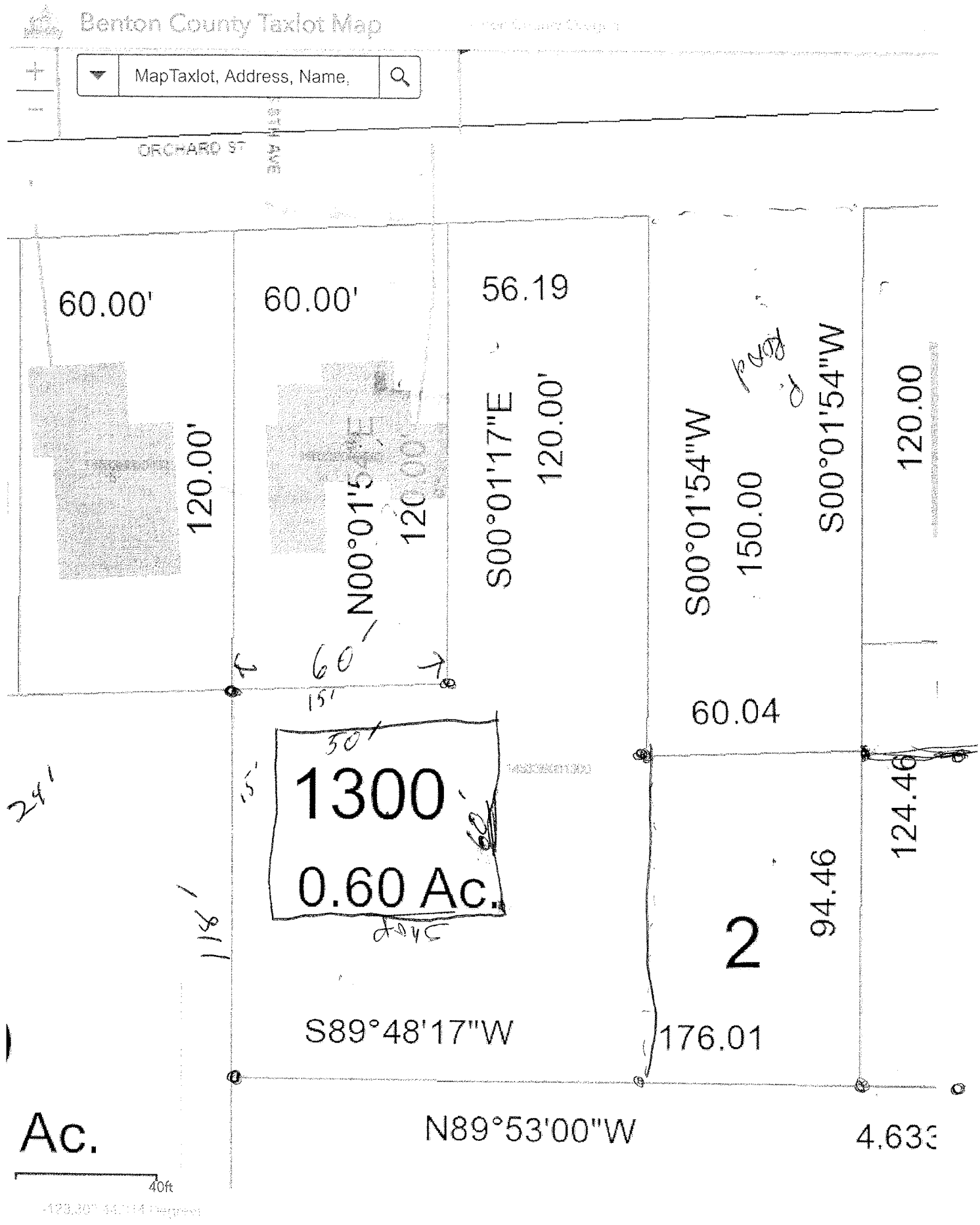


EASEMENT OF RECORD

Book 184, Page 649 created an easement over an existing "private road" from Orchard Street southerly to the land retained by Carpenter. Though this road no longer exists, the easement remains as an encumbrance on this property.


Benton County Taxlot Map
MapTaxlot, Address, Name,
ORCHARD ST
60.00'
60.00'
56.19
120.00'
120.00'
S00°01'17"E
120.00'
S00°01'54"W
150.00
S00°01'54"W
120.00
60.04
124.46
94.46
1300
0.60 Ac.
2
S89°48'17"W
176.01
N89°53'00"W
Ac.
40ft

CITY OF MONROE LAND USE APPLICATION 18-02

APPLICATION:	**Site Plan Review**
REQUEST/PURPOSE:	**To permit the construction of a 3,000 square foot pole barn in the 700 Block of Orchard Street**
PROPERTY:	**In Monroe, south of Orchard near the intersection of 8th Street and Orchard**
CORDINATES:	**S89, 53' 36"W**
APPLICANT:	**Sam Pecorilla**
OWNER OF PROPERTY:	**Sam Pecorilla**
ZONING:	**Residential GRA**
APPLICABLE CRITERIA:	**Monroe Zoning Sections 4.111, 2.400**
STAFF CONTACT:	**Rick Hohnbaum**
FILE NUMBER:	**18-02**
DATE OF STAFF REPORT:	**July 5, 2018 2PM**

I. REQUESTED ACTION:

The applicant, Sam Pecorilla is requesting approval to construct a 3,000 square foot pole barn on a parcel which has no other development. The process which he is following is to get permission to construct the building as an accessory building and then when or if granted he will do a lot line adjustment and merge two lots, one which has an existing residence so that the pole barn would be an accessory building to the residence.

II. STAFF ACTION:

On April 6, Benton County Development forwarded the building permit to the City of Monroe for our review and approval prior to their issuing a building permit.

On April 11th, city staff informed the applicant and county staff that the City could not approve said requested building permit for several reasons including that a pole barn was not a permitted or conditional use allowed in a residential zone.

On April 20, city staff prepared a written response to the applicant's request and stated desire to construct a pole barn providing several options and stating some of the challenges in attempting to construct something which is not a permitted use within a zone.

On April 27th the applicant submitted an application for a Site Plan Review and at staff's suggestion did not pay any fee due to staff's uncertainty as to what it was he actually wanted to build and what processes would be required to accomplish his plans.

On April 30th, Mr. Percorilla came into City Hall about 3:50 pm with application material for a site plan review and he was also given a letter dated 4-30 reminding him that even if he was successfully with the planning process for a site plan review he would still need to do a lot line adjustment afterwards. I again explained that the size of the lot after the lot line was completed could be no larger than 14,000 square feet as he had planned to merge the two lots that exist and have a much bigger lot. I asked Mr. Percorilla to leave his application material, not to submit a check yet, and allow me to review the submitted material to determine if the application was complete or not. I told him I would review his material and have commented by the end of business 5-1-18

On May 1st, city staff reviewed the application and transmitted a letter stating some items that still needed to be addressed before the application would be considered complete. THE APPLICATION IS STILL NOT COMPLETE.

On May 2, 7:26pm Mike Stapleton of Stapleton construction company sent me an email at 7:26pm. On 5-3-18 at 11:50 I reviewed said communication which appears to attempt to address some of the questions and unknowns shared in the 5-1 letter. I wrote an email responding to four of his concerns and then did a follow up task and involved the city engineer regarding my concerns about the wetland and drainage plan requirement.

The next day Mr. Pecorilla came into the office and inquired about the wetland review process. I provided maps of what the city had relating to wetlands and the contact and the form from the state for a designation to be made relating to the wetlands and assisted him in providing some of the information he needed for the form. I also called the state in his presence and shared contact information so they would be aware of his project and the process and expect his formal request for designation.

On June 25th around 10AM, Mr. Pecorilla visited City Hall to check on his permit approval process. He inquired as if he was on the city council agenda for that night per a previous request. I informed him that he was not on the agenda and that if he wanted to address his application process it would be with the Planning Commission and not the City Council. I reviewed the May 1st letter with the list for information which was still out standing and four of the five items still had not been addressed or provided. Mr. Pecorilla stated that his builder had provided all that information already. He also stated that there was no new driveway being installed and that the drawing I showed him which was submitted with the building permit to the county was a document that he had not seen and was not correct.

On June 25th at 11:49AM I received an email communication from Mike Stapleton that that they were "...waiting on the wetlands review still, all of your other questions have been answered Sam is the only owner...". He enclosed an attachment with the easement documentation.

On June 25 at 2:23PM I received an email from Mike Stapleton stating that "The new driveway straddles the existing." Preliminary grading plan is not needed as it will be less than a 1% grade from Orchard Street. "Nothing changed with either grade or driveway."

Sometime during the day, I received additional information from Mr. Stapleton providing responses to the earlier inquiries including information as to the engineering firm being engaged for the project as well.

Staff provided another correspondence to Mr. Pecorilla date June 25, 2018.

The following items need to be provided or addressed. There may be additional items upon review especially as it relates to wetlands and drainage issues.

1. ***No wetlands review/determination or drainage plans. (storm water plans)***

2. ***Copy of approved encroachment permit from Benton County for new access to Orchard.***

   Mr. Pecorilla has stated to me that there will not be a new driveway. The drawing submitted to Benton County reflects a new driveway. Either a new drawing or an encroachment permit needs to be submitted.

3. ***Preliminary grading plan-From the application:***

   > ***Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.***

4. ***Payment of Application fee of $400.***

There may be additional request material after these items are received based upon staff review of the items yet to be submitted.

On June 27, 2018, (3:42PM) staff received an email correspondence from Mike Stapleton:

"Report has came back, according to all maps there is no wetlands on property. We have an onsite inspection scheduled. We would like to get on the schedule for next Mondays meeting so we can continue forward on the project."

Staff sent a response that the only outstanding issues upon receipt of the wetland designation report "...is the driveway issue and payment of the fee for the application." "I will need to double check with the city engineer before the review of the final application."

On June 30th (Saturday 10:51AM), Mr. Stapleton sent an email stating that "We are using the existing driveway, and that plan is drawn showing that."

Staff responded by email at 11:30 (Saturday) requesting a copy of the wetland report.

On June 30th at 1:30PM Mike Stapleton forwarded to me an email from Lauren Brown, Wetland Ecologist, Jurisdictional Coordinator Oregon Department of State Lands.

On Sunday July 1st, I asked Mike if it was okay to put the building permit site design review on the July 9th Planning Commission Agenda stating that any potential approval would be conditional upon the site inspection that DSL is doing on July 10th. He responded in the affirmative.

On Sunday July 1st staff transmitted the following email to the Chair, Vice Chair and Mayor.

An applicant is asking to be allowed to build a 3,000 square foot pole barn in a GRA Zone. He is very close to **completing** his application which he submitted to the county in early April.

The applicant still needs to pay the $400 application fee. I did NOT have him pay up front because I was not sure what process he might use to move his project forward (see letter of April 20).

The only way through the process and my recommendation to the applicant was that for this structure to be allowed in a residential zone, is to consider it an accessory building. IF the building is approved he will then apply for and receive a lot line adjustment so that the house and the barn are on the same lot as there is no residential unit on the proposed pole barn lot at this time. I provided this process to him as the best way to move forward and encouraged him to hire a planner to find another potentially possible process to build this type of building in a residential zone.

I have been informed by the applicant's representative that the wetland designation paperwork is complete. I have not seen it yet, despite two requests for a copy.

The City Planning process:

1. Completed application (darn close and perhaps today)
2. Site Plan Review (NOT Variance) for accessory buildings over 800 square feet
3. Site Plan Review is Planning Commission Decision
4. Notification to property owners within 100 feet.
5. Allowing only WRITTEN testimony prior to the planning commission meeting EXCEPT
6. The Planning Commission may choose to schedule a ***"... public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City."***

Notes- There is no required time line for the notification of neighbors within 100 feet.

The Planning Commission would have to meet twice unless it was decided on the front end that they wanted a public hearing, if during the initial meeting they decided to have a public hearing.

The only way that the council would see it is if someone appealed it to the city council or the city council appealed it to themselves.

The applicant is anxious to get this approved.

Since there is no stated time line... IF I get a completed application today (Saturday/could happen except for the payment of fee) I can do notification to property owners and they would get a week's notice and I can place it on the Planning Commission Agenda for next Monday (July 9th).

Does the Planning Commission Leadership wish to conduct a public hearing on the proposed 3,000 square foot pole barn in a residential zone to be posted and

advertised for July 9th or proceed with a normal site review and not decide in advance to conduct a public hearing?

Staff received direction from both the Chair and Vice-Chair to advertise for a public hearing regarding this matter.

On Monday July 2nd, City Staff created a public notice and posted said notice and mailed said notice (with map) to all property owners within 250 feet and several public agencies and utilities and the Monroe Planning Commission.

On Tuesday July 3rd, the applicant paid the fee for the site design review and staff prepared the written staff report for this application.

On Tuesday July 3rd at 2PM, I provided a copy of this draft report to the applicant's representative (Mr. Stapleton) by electronic form requesting comments, edits and corrections. It was also provided to Planning Commission members. Since that date and time, I have received several inquiries from one commissioner. NO edits, corrections or comments have been received from the applicant.

The "DRAFT" status of this report was removed at 2PM on July 5th and it was formally published with the planning commission packet and distributed.

III. STAFF REPORT:

Finding of Fact 1: **The application is still not deemed complete without the formal wetland designation and drainage plan.**

Finding of Fact 2: **City zoning code states that there is a minimum lot size in the GRA Zone of 8000 square feet.**

Finding of Fact 3: **City zoning code states that a maximum lot size in this zone is 14,000.**

Finding of Facts 4: **MLUDC 4.111 states; "No accessory building shall exceed 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.**

Finding of Facts 5: **SECTION 2.400 SITE PLAN REVIEW**

The purpose of the site plan review procedures is to correlate the general code requirements with the specific site conditions and proposed uses through a comprehensive review process to assure that developments are in conformance with the City's applicable land use regulations.

(1) **Site Plan Review Application.** An application for a use requiring a Site Plan Review shall be filed with the City together with a site plan and other supplementary data described in the Application, Section 2.130 and Section 2.140. The City Planner may also request a Site Plan Review for any development proposal, in addition to those specifically required by this Code, if the site or proposed use possesses any one of the following characteristics:

(a) Site is traversed by a natural drainage-way or has demonstrated drainage limitations.

(b) Site includes, or is adjacent to, Open Space and/or Greenway Areas designated in the Comprehensive Plan.

(c) Site is located in a hazard area.

(d) Site contains unusual topographic features including hillside slopes exceeding 15% slopes.

(e) Site or proposed buildings have unusual or special features requiring a decision by the City.

(2) **Decision Criteria.** After an examination of the Site and prior to approval, the Planning Commission must make the following findings:

(a) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent practical.

(b) That the applicable provisions of city codes and ordinances are complied with.

(c) That traffic congestion is avoided, pedestrian and vehicular safety is protected, and future street rights-of-way are protected.

(d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or adversely impact adjacent properties.

(e) That adequate water, sewage disposal system and utilities for the proposed use are available.

(f) That drainage-ways are protected and drainage facilities provided.

(g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

(3) **Decision Process.** The procedure for taking action on an application for a Site Plan Review shall be as follows:

(a) A Site Plan Review requires a "Limited Land Use Review" by the Planning Commission in conformance with Section 3.400. A Limited Land Use

Decision requires notification to owners of property within 100 Feet of the subject property with an opportunity to submit written comments prior to the review and decision by the Planning Commission.

(b) The Planning Commission may approve, deny, or modify and approve the Site Plan and attach any reasonable conditions to approval of a site development plan.

(c) The Planning Commission may also call for a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the city.

(d) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance.

(e) All required elements of the approved site plan shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.

(f) Revisions or amendments to an approved site plan shall follow the same procedure as for adoption of a site development plan.

(g) A written record of the findings and action of the Planning Commission 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 Site Plan as specified in Section 3.600.

Decision Criteria 1: (a) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent practical.

Staff Findings: This proposed building project is not compatible with the existing land use zone while it is compatible with the surrounding area. The potential impacts have not been mitigated to the maximum extent practical based upon the plans as presented. Size and building material have not been demonstrated to be similar in context or type.

Decision Criteria 2: (b) That the applicable provisions of city codes and ordinances are complied with.

Staff Findings: This proposed project can comply with all applicable provisions of city codes and ordinances.

Decision Criteria 3: (c) That traffic congestion is avoided, pedestrian and vehicular safety is protected, and future street rights-of-way are protected.

Staff Findings: This proposed building project as proposed does not meet this standard due to the lack of clarity relating to access to the building from Orchard Street.

Decision Criteria 4 (d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or adversely impact adjacent properties.

Staff Findings: This proposed building project does not include any proposed signs nor lighting and thus is in compliance as proposed.

Decision Criteria 5 (e) That adequate water, sewage disposal system and utilities for the proposed use are available.

Staff Findings: This proposed building project does not include any utility service to the building other than electrical and could be considered in compliance. However, the resulting storm water flow from this project has not been addressed and this project would NOT be in compliance with this decision criteria without an engineered approve storm water plan.

Decision Criteria 6 (f) That drainage-ways are protected and drainage facilities provided.

Staff Findings: The resulting storm water flow from this project has not been addressed and this project would NOT be in compliance with this decision criteria without an engineered approve storm water plan.

Decision Criteria 5 (g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

Staff Findings: Staff has not been informed, formally (in writing) what the proposed use of the building is and thus have no staff findings regarding this criteria.

Recommendation 1: The Planning Commission should conduct a public hearing on July 9, 2018 at 6pm allowing for the applicant to speak and then allowing any and all public testimony and written documents submitted for their review. Following the public hearing the commission should deliberate and establish additional findings and render a decision on the applicant's requested action.

Recommendation 2: Recommended Conditions

a. A determination by the Oregon Department of Lands that there are no wetlands on site.

b. An engineered storm drainage plan that is reviewed and approved by the City Engineer.

c. Necessary required processes creating a lot with a residence which is within the allowable 8,000 to 14,000 square foot in size.

IV. MOTIONS:

1. APPROVAL: To approve application:
   a. I move that the Monroe Planning Commission approve the Site Plan Review application submitted by Mr. Pecorilla for a 3,000 square foot pole barn to be constructed in the 700 Block of Orchard Street based upon the Findings contained in the Staff Report and developed at the public hearing and subject to the Conditions of Approval contained in the Staff Report and Conditions of Approval developed at the public hearing.

2. DENIAL: To deny the application:
   a. I move that the Monroe Planning Commission deny the Site Plan Review application submitted by Mr. Pecorilla for a 3,000 square foot pole barn to be constructed in the 700 Block of Orchard Street based upon the Findings contained in the Staff Report and developed at the public hearing and subject to the Conditions of Approval contained in the Staff Report and Conditions of Approval developed at the public hearing.
3. TABLE:
   a. I move that the Monroe Planning Commission TABLE the Site Plan Review application submitted by Mr. Pecorilla for a 3,000 square foot pole barn to be constructed in the 700 Block of Orchard Street based and request additional information and details from the applicant regarding storm drainage plans, wetlands, and _____and that the Planning Commission meet on July 16, 2018 at 6PM or July 26, 2018 at 6PM to receive requested information and make a Planning Commission determination.

THE CITY OF MONROE
ESTABLISHED 1914

April 20, 2018

Sam Pecorilla
24615 Williams Road
Monroe, OR 97456

Dear Mr. Pecorilla;
Your request to build a 3000 square foot pole barn in the residential zone is not an acceptable permitted use. I perceive that you have three options.

1. Hire a planner to review the city code and submit an application or applications defining a process which they believe it is an allowable use. Mostly likely this would require a public hearing and a plea to the Planning Commission.

2. Submit an application for a site review plan and an application for a variance. Staff recommendation to the Planning Commission would be not to allow the variance due to the Monroe Land Use and Development Code that states;
   "That the granting of the Variance will not conflict with the purpose and intent of the district or zone or other related ordinances."
   Based upon what I currently understand from the material you have shared in our verbal conversations, as city planner your proposed 3000 pole barn would not be allowed in the zone which you are being proposed. However, the Planning Commission consists of local citizens who are far wiser than the city planner. If you went through this process a public hearing would be conducted and the Planning Commission would make the determination. A variance process is a fee of $440 and the site plan review is $400 as there are significant public notice requirements and staff time.

3. If you submitted an application for a lot line adjustment so that a house and the proposed pole barn was on the same lot, you could then submit an application for the pole barn as an accessory building. However, no accessory building shall exceed 800 square feet unless approved by a Site Plan Review. The Site Plan Review is a $400 application and again it would be a Planning Commission Decision if you submitted an application for a pole barn larger than 800 square feet.

Both option 1 and 2 decisions by the Planning Commission could or would receive an additional review by the City Council. In addition, it is possible but not likely that a decision could be appealed to the state if an interested party was not satisfied with the decision. (Someone not liking this type of building in a residential zone perhaps).

I know you shared verbally the proposed height for this pole barn. It is not recorded on any document and I can not recall the exact figure. The proposed height (24 feet is what I recall) you appeared to be uncertain about. Height is one of those issues and concerns that matters especially when proposed a large building in a residential area. For any addition consideration it would be good for me to have that information in a written format.

If I may be of any additional assistance, please let me know.

Respectfully,

Rick Hohnbaum, City Administrator/Planner

THE CITY OF MONROE
ESTABLISHED 1914

April 30, 2018

Sam Pecorilla
24615 Williams Roads
Monroe, OR 97456

Dear Mr. Pecorilla;

Thank you kind sir for coming in and picking up the letter of April 20th which was also mailed to your residence. Since you have reviewed the letter and informed me that you wish to proceed, I do want to remind you that the application and first step is the site plan review for an accessory building larger than 800 square feet. **AFTER that process is completed**, then there will be the process to qualify the property that you want to build on. Being an accessory building requires that it is on the same lot as a house since the zoning for that area is residential.

That process, as mentioned in the April 20th letter and as we discussed would be for you to apply and get a lot line adjustment, moving the lot line so the house and the pole barn would be on the same lot. The lot can not be bigger than 14,000 square feet. You should consider the desired lot size when you are creating your site design review application. A property line adjustment is $190 but if you are doing two applications, you only pay half of the second process so it would be $95. It is also incumbent upon you to have the "new" lot surveyed and filed with the county recorder with a copy of the filed map provided to the city.

This letter is just a reminder of the second step per our conversations and a suggestion that you plan for the site design review process by figuring out where and how big the site is going to be that will have both the house and the pole barn (if approved) on the same lot.

Please feel free to contact me if you have any questions.

Respectfully;

Rick A. Hohnbaum, City Planner

INITIAL REVIEW OF PECORILLA APPLICATION 5-1-18

9am- Not a lot of material. Has drawing showing setbacks and size and height of building.

Need:

1. No wetlands or drainage plans.

2. Names and addresses of all persons listed as owners on the most recently recorded deed

3. name and address of project designer, engineer, surveyor, and /or planner.

4. The location and dimensions of all ...right-of-ways and easements

5. Preliminary grading plan

THE CITY OF MONROE
ESTABLISHED 1914

May 1, 2018

Mr. Sam Pecorilla
24615 William Road
Monroe, OR 97456

I have conducted a preliminary review of the application and have determined that it is not yet complete.

The following items need to be provided or addressed. There may be additional items upon review especially as it relates to wetlands and drainage issues.

1. No wetlands review/determination or drainage plans.
2. Names and addresses of all persons listed as owners on the most recently recorded deed
3. Name and address of project designer, engineer, surveyor, and /or planner.
4. The location and dimensions of all ...right-of-ways and easements
5. Copy of approved encroachment permit from Benton County for new access to Orchard.
6. Preliminary grading plan-From the application:

> ***Preliminary grading plan.*** *A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.*

As promised when you dropped the material off yesterday, I have done an initial review. There are additional review processes after this material is received and reviewed which other parties including the city engineer and county may request as well as myself.

If you have any questions or concerns, please feel free to inquire.

Respectfully,

Rick A. Hohnbaum, City Planner

June 25, 2018

This morning, Mr. Pecorilla again visited City Hall to check on his permit approval process. This was slightly after ten Am and Tracy was present.

He inquired if he was on the council agenda per his request, and I informed he that he was not. I shared that his application goes to the Planning Commission first not the city council. He asked when the next planning commission meeting was and I informed him on July 9th but that he was not set for that agenda either as he still had not submitted a finished application. He stated that that he had submitted everything that had been requested by the City. I printed out the letter and application dated May 1, 2018. We reviewed the materials submitted and with the exception of the property ownership list, none of the remaining items had yet been submitted.

He stated that his builder "Mike" had submitted all that stuff. I stated that I had talked to Mike on the phone a couple of times but that I had not seen any printed material from him. I also stated that I had not seen anything from him or the county about his driveway encroachment permit. Mr. Pecorilla stated that he didn't need one since he was going to use the existing driveway. I showed him the drawing that I received from Benton County attached to his building permit which reflects a new driveway next to the existing lot where the house is. He denied knowing anything about that drawing and that he didn't do it.

I shared that the written request included a driveway and his verbal request was that there was not going to be a driveway. I stated that I needed something in writing about this driveway and a plan and a map.

Later this morning I received 3 emails from Mike Stapleton on behalf of Mr. Pecorilla. One of them is a copy of an easement of record showing easements. One email had a logo showing contact information for South Valley Engineering. One email had a statement saying that they were waiting for wetlands review still and that all other questions have been answered by "Sam is the only owner."

Based upon these conversations and additional information, I felt that a letter clarifying both the requirements and process still to be accomplished for planning commission consideration of his proposal would be in order.

RAH

THE CITY OF MONROE
ESTABLISHED 1914

June 25, 2018

Mr. Sam Pecorilla
24615 William Road
Monroe, OR 97456

The following items need to be provided or addressed. There may be additional items upon review especially as it relates to wetlands and drainage issues.

1. No wetlands review/determination or drainage plans. (storm water plans)

2. Copy of approved encroachment permit from Benton County for new access to Orchard.

   Mr. Pecorilla has stated to me that there will not be a new driveway. The drawing submitted to Benton County reflects a new driveway. Either a new drawing or an encroachment permit needs to be submitted.

3. Preliminary grading plan-From the application:

   Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

4. Payment of Application fee of $400.

There may be additional request material after these items are received based upon staff review of the items yet to be submitted.

Once the application is deemed complete here are the following steps:

1. Staff report is completed
2. Public notice is sent to all property owners within 250 feet and affected public agencies
3. A public hearing is conducted by the Monroe Planning Commission at a date no sooner than 20 days after the mailing of the public notice to the property owners.

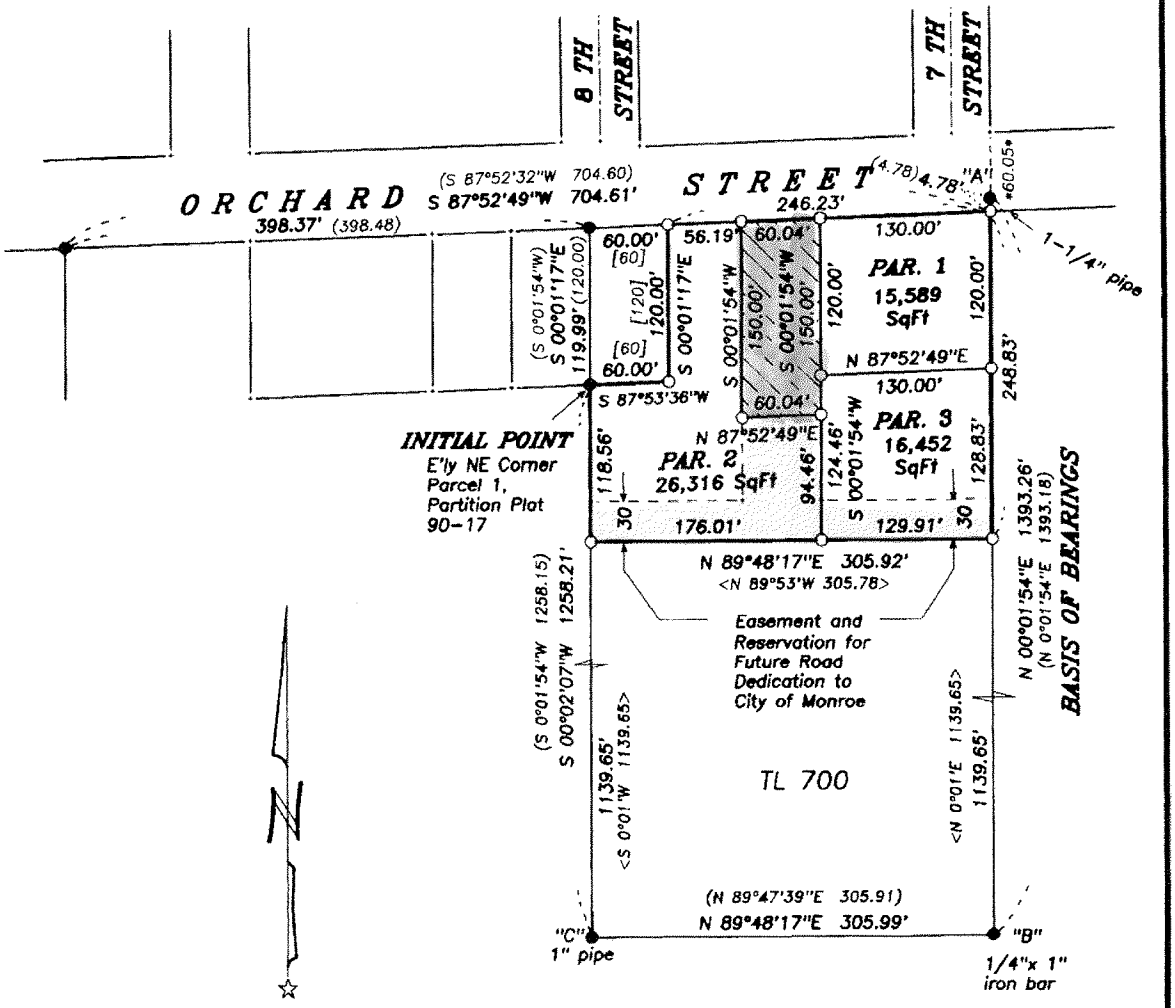
4. The Planning Commission does make the final decision but their decision may be appealed to the City Council or the City Council may appeal it to themselves.

In addition, after this process is successfully completed, a lot line adjustment ($190) application will need to be processed and approved (staff level decision) putting the accessory building on the same parcel as the residence.

If you have any questions or concerns, please feel free to inquire.

Respectfully,

Rick A. Hohnbaum, City Planner



EASEMENT OF RECORD

Book 184, Page 649 created an easement over an existing "private road" from Orchard Street southerly to the land retained by Carpenter. Though this road no longer exists, the easement remains as an encumbrance on this property.

APPROVALS

* _____ 3-20-98
Benton County Planning Official — date

Ray Wilson 3/20/98
Benton County Surveyor — date

I hereby certify that pursuant to O.R.S. 92.095 all ad valorem taxes, fees and other charges required by law to be placed on the 1997-1998 tax roll, which became a lien or will become a lien during this tax year on this partition, but not yet certified to the tax collector for collection have been paid to me this 20TH day of MARCH, 1998.

by Jon E. Farrell ACTING ASSESSOR
Benton County Assessor

I hereby certify that all ad valorem taxes and other charges required by law to be placed upon the tax roll which have become a lien on this partition that are now due and payable have been paid to me this 20th day of March, 1998.

98-13
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 07SAR

rick.hohnbaum@ci.monroe.or.us

From: Mike Stapleton <stapletonconstruction@gmail.com>
Sent: Saturday, June 30, 2018 1:30 PM
To: rick.hohnbaum@ci.monroe.or.us
Subject: Fwd: Pecorilla wetlands determination review

Here's what she's given me so far , she's doing an onsite review on the 10th.

---------- Forwarded message ---------
From: BROWN Lauren <Lauren.BROWN@state.or.us>
Date: Thu, Jun 28, 2018, 6:28 AM
Subject: RE: Pecorilla wetlands determination review
To: Mike Stapleton <stapletonconstruction@gmail.com>

Mike-

Based on my review of existing wetland and soil maps, it is unlikely there are wetlands on the property. However, the only way to know for sure is to have the property checked out by a wetland professional. I will be on site on July 10th.

Feel free to share this email with city so they know you are working with DSL.

Thanks,

Lauren Brown, Wetland Ecologist

Jurisdiction Coordinator

Oregon Department of State Lands

503.986.5218 Desk

503.302.3290 Cell

[map title]

4/26/2018, 3:03:23 PM

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Taxlots

Override 1

ArcGIS_Public.SDE.Roads

Address - Corvallis

County_Addresses

County_Addresses

Buildings

Driveways

Cities and Places

County Parks

All Districts

Benton County, Oregon
Benton County, Oregon - Assessor's Department

Benton County, Oregon
This product is for informational purposes
and may not have been prepared for,
or be suitable for legal, engineering, or surveying purposes

ORDER OF PROCEEDINGS FOR PLANNING COMMISSION
QUASI-JUDICIAL PUBLIC HEARINGS

These proceedings are to be used for **quasi-judicial** public hearings of the Planning Commission.

I. INTRODUCTION

Speaker		*Script*	*Notes*
Chair	☐	**Welcome citizens**	
Chair	☐	**Review case title and summary provided by staff**	
Chair	☐	**Describe order of proceedings:** *"The order of tonight's proceedings shall be:* *1. Applicant's presentation* *2. Staff report* *3. Public testimony in favor of application* *4. Public testimony in opposition of application* *5. Neutral testimony of the application* *6. Planning Commission deliberations, and* *7. Final decision."* **State time limits – 2 options:** *"For those testifying this evening, please keep your comments to 3 minutes."*; **or** *"This evening, no specific time limit shall apply to any testimony; however, please attempt to keep your comments brief and directed to the criteria upon which the decision is made."*	3 minutes is a common limit.
Chair	☐	**Describe process to request a continuance:** *"Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony."*	During testimony, keep track of requests for continuances or keeping the record open.
Chair	☐	**Describe process to request that the record remain open:**	During testimony, keep track of

Speaker		Script	Notes
		"Persons testifying may also request that the record remains open 7 additional days to submit additional written evidence. Requests to keep the record open should be included in your testimony."	requests for continuances or keeping the record open.

II. OPEN PUBLIC HEARING

Speaker		Script	Notes
Chair	☐	**Open public hearing:** *"The public hearing is now open."*	
Commission/Commission Declarations:			
Chair	☐	**Declaration of any conflicts of interest:** *"Do any Commissioners wish to declare any conflicts of interest?"*	Determine if any member is ineligible to participate in public hearing and final decision.
Chair	☐	**Declaration of any ex parte contacts:** *"Do any Commissioners wish to declare any ex parte contacts?"*	
Chair	☐	**Rebuttal of disclosures:** *"Does anyone from the public wish to rebut these disclosures of conflicts of interest or ex parte contacts?"*	Question directed toward public audience.
Presentations:			
Chair	☐	**Describe decision based on applicable criteria:** *"Land use decisions such as the case under consideration this evening are evaluated against applicable criteria from the Municipal Code and Comprehensive Plan. The applicable criteria for this case are found in the staff report, which is available as a handout by the door."*	Reference applicable criteria in the staff report available as a handout.

Speaker		Script	Notes
Chair	☐	**Describe need to direct testimony to applicable criteria and in sufficient detail:** *"This is a good time to remind those testifying that you should direct your testimony toward the applicable criteria of the case or other criteria in the Municipal Code, or Comprehensive Plan which you believe to apply to the decision."* *"Failure to raise an issue, accompanied by statements or evidence sufficient to afford the City or other parties the opportunity to respond to the issue, precludes appeals to the State Land Use Board of Appeals based on that issue.* *The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient detail to allow the local government to respond to the issue precludes an action for damages in Circuit Court."*	
Chair	☐	**Introduce applicant presentation:** *"We will now hear the applicant's presentation."*	The ENTIRE applicant presentation is limited to 15 minutes. Each individual presenting on behalf of the applicant is NOT entitled to 15 minutes.
Applicant	☐	**Applicant provides presentation, which may include:** 1. Project objectives 2. Main project components 3. How application meets applicable land use criteria; and 4. Any points of disagreement with written staff report, and suggested alternatives.	Applicant has been provided a recommended format for the presentation.
Chair	☐	**Ask if Commission/Commission has**	

Speaker		*Script*	*Notes*
		questions of applicant: *"Does any Commissioner have questions of the applicant?"*	
Chair	☐	**Introduce staff report:** *"We will now hear the staff report."*	
Staff	☐	**Present staff report, to include:** 1. Evaluation of proposal with regards to applicable Municipal Code and Comprehensive Plan criteria; 2. Clarifications regarding any information presented by the applicant; and 3. Recommendation(s).	
Chair	☐	**Ask if Commission/Commission has (brief) questions of staff:** *"Are there any preliminary questions of staff at this time? There will be an opportunity to ask additional questions of staff after the public testimony."*	Limit questions to allow public testimony to proceed as soon as possible.
Public Testimony:			
Chair	☐	**Introduce public testimony, beginning with testimony in favor of application:** *"We will now move to public testimony, beginning with testimony in favor of the application. Before you make your comments, please sign-in your name and address."* *[OPTIONAL: Remind testifiers of testimony time limit: "Please keep your comments to 3 minutes."]* *"Please provide any written materials you wish to be part of the official record to the recording secretary. Does anyone in favor of the application wish to speak?"*	
Public	☐	**Public testimony in favor**	The person testifying

Speaker		Script	Notes
			may direct questions of staff to the Commission, which may then direct the questions to staff.
Chair	☐	**Ask questions of testifier(s):** *"Are there any questions for Mr./Ms. X?"*	
Chair	☐	**Introduce testimony in opposition to application:** *"Does anyone in opposition to the application wish to speak?"*	
Public	☐	**Public testimony in opposition**	
Chair	☐	**Ask questions of testifier(s):** *"Are there any questions for Mr./Ms. X?"*	
Chair	☐	**Introduce neutral testimony:** *"Is there any neutral testimony?"*	Neutral testimony precludes the presenter from rebuttal.
Chair	☐	**Ask questions of testifier(s):** *"Are there any questions for Mr./Ms. X?"*	
Chair	☐	**Ask if Commission/Commission has any additional questions of staff:** *"Does any Commission member have any further questions of staff?"*	Questions of staff at this point in the hearing allow staff to respond to statements provided during the public testimony.
Staff	☐	**Staff response to any remaining questions.**	

III. CONTINUANCE OR CLOSE PUBLIC HEARING

Speaker		Script	Notes

Speaker		Script	Notes
Chair	☐	**[If there is a request for a continuance:]** **Note request for a continuance:** 1. There has been a request for a continuance, either in written or oral testimony; 2. The request is based on new documents or evidence that have been submitted; 3. State whether or not the request for a continuance will be granted; 4. Establish the meeting date and time to continue the hearing; and 5. The continuance hearing shall be held in the same manner as the first hearing, but shall be limited to issues related to the new documents or evidence for which the continuance was requested.	The Chair needs to evaluate if new documents or evidence in favor of the application have been submitted. The City staff may be consulted. If the Chair determines that there are no new documents or evidence, then the hearing will not be continued. Additional documents or evidence in favor of the application (or appeal) are documents or evidence submitted to the City in support of the application less than 10 days prior to the hearing date. The Commission may grant a continuance to address additional documents or evidence per application.
Chair	☐	**[If there is a request to hold the record open]:** **Note request to hold the record open:** 1. The record shall be held open for at least 7 days; 2. The Board/Commission/Commission shall continue deliberation after the close of the record.	Any person testifying can request that the record be held open.
Chair	☐	***Ask if applicant waives right to submit additional written argument:*** *"Does the applicant waive a 7-day period to submit additional written argument?"*	Unless the applicant waives a 7-day period to submit written argument (after the

Speaker		*Script*	*Notes*
			record is closed to all other evidence), the Chair shall hold the record open for at least seven days and shall continue deliberation and decision to a date and time certain after the close of the record.
Chair	☐	**Establish the meeting date and time to continue Commission deliberations:** *"Deliberations will be held on Day/Date/Time."*	State the date and time of deliberations
Chair	☐	**Close public hearing:** *"The public hearing is now closed."*	

IV. COMMISSION DELIBERATIONS

Speaker		*Script*	*Notes*
All Commissioners	☐	**Deliberations of evidence/testimony:** Planning Commissioners deliberate on evidence and testimony presented during public hearing.	The Commission may ask additional questions of staff at this time.

V. DECISION

Speaker		*Script*	*Notes*
All Commissioners	☐	**Final Decision:** After a motion has been moved and seconded, the Commission/Commission can: 1. Approve the application, or 2. Approve the application, with modifications, or 3. Deny the application	Commissioners may move to amend any active motion.

Speaker		Script	Notes
Chair	☐	**Describe the Appeal Process Following the Commission / Board Decision:** *"Any participant not satisfied with this decision may appeal to the City Council within 12 days of the date the written decision is signed."*	

CITY OF MONROE LAND USE APPLICATION 18-11

APPLICATION:	**Monroe Land Use Development Code Amendment**
REQUEST/PURPOSE:	**Amend existing MLUDC with Ordinance clarifying and defining accessory use units within the City of Monroe**
PROPERTY:	**City of Monroe and affected Urban Growth Boundary**
APPLICANT:	**City of Monroe**
APPLICABLE CRITERIA:	**Monroe Land Use Development Code**
STAFF CONTACT:	**Rick Hohnbaum**
FILE NUMBER:	**18-11**
DATE OF STAFF REPORT:	**July 5, 2018 2PM**

I. REQUESTED ACTION:

The City is requesting approval to amend the Monroe Land Use Development Code (MLUDC) to clarify and define accessory use units. The primary purpose is to allow the same standards and policies regarding accessory units throughout all zoning within the City rather than only being allowed in General Residential Zone A as existing MLUDC states. Secondary purposes include limiting the number of accessory units per lot, requiring a certain size of lot for accessory units to exist and requiring appropriate safety guards for the providing of public utilities for accessory units.

II. STAFF ACTION:

On February 13, 2018, the Ordinance Committee for the City of Monroe reviewed draft language for Ordinance 18-200. This draft was presented based upon previous committee discussions and directions given to staff.

On March 13, 2018, the Ordinance Committee reviewed a second draft of Ordinance 18-200 having provided input to staff as to desired changes.

On April 10, 2018, the Ordinance Committee reviewed a third draft of Ordinance 18-200 having provided input to staff as to desired changes.

On May 7, 2018, City Staff notified the Oregon Department of Land Conservation and Development of the public hearing to be held on July 9, 2018 and July 23, 2018. The City is required to notify this state agency of any proposed changes to the development code at least 35 days prior to the first public hearing.

III. STAFF REPORT:

Finding of Fact 1: A City Council Committee has recommended to the Council to create draft policy language addressing accessory units within Monroe.

Finding of Fact 2: City staff following the direction given by the Ordinance Committee, City Council and Planning Commission has created a draft Ordinance addressing the issues and concerns with potentially new policy for the MLUDC.

Finding of Fact 3: The City notified the State of Oregon both directly and through the regional representative for the Oregon Department of Conservation and Development.

Finding of Facts 4: The City notified the residents of the City of Monroe both through public postings, newspaper notification, website and a mailing on June 5, 2018.

Finding of Facts 5: The Ordinance Committee, Planning Commission and City Council would prefer to see transparency and consistency of development policy for the entire community and just not allowable development of accessory units within a single zoning within the City of Monroe.

Policy Review

1. Currently accessory units are allowed in the Residential Zone A. Page 58 MLUDC
2. Accessory units are not mentioned within the other three major zones within the City.
3. Current code does not address set back requirements, utility connection requirements, limitations on the number of accessory units or address adequately the standards for development of residential and non-residential accessory units.

The goal or purpose of the proposed legislation is to allow accessory units in more than one zone within the City and establish minimum development standards for all accessory units being proposed and existing within the City of Monroe for the benefit and safety of the community.

Statewide Policy recently created and then changed by the state legislature, require the allowance of accessory units within the Urban Growth Boundary but these requirements have only been placed upon cities with a population greater than 2,500.

Other considerations relating to the approval of accessory units could include materials used, height, use, access and any other residential and non-residential oriented standards allowed regarding siting and local regulations placed upon accessory units.

Recommendation 1: The Planning Commission should conduct a public hearing on July 9, 2018 at 6pm for which the City will be both the applicant and the provider of the staff report. That following the public hearing, the Planning Commission amend and/or recommend action for the City Council to consider at their next regular meeting on July 23, 2018.

IV. MOTIONS:

1. APPROVAL:
    a. I move that the Monroe Planning Commission recommend approval of Ordinance 18-200 to the Monroe City Council following their public hearing as amended by the Planning Commission.

2. DENIAL:
    a. I move that the Monroe Planning Commission recommend to the Monroe City Council not to adopt Ordinance 18-200.

3. TABLE:
    a. I move that the Monroe Planning Commission TABLE the proposed recommendation for Ordinance 18-200 until August 6, 2018 at 6PM to allow for additional research and consideration and request staff to provide _____prior to the continuation of the public hearing and the deliberation by the Monroe Planning Commission.

ORDINANCE NO. 18-200

AN ORDINANCE AMENDING MONROE LAND USE DEVELOPMENT CODE CLARIFYING AND DEFINING ACCESSORY USE UNITS WITHIN THE CITY OF MONROE

WHEREAS, The City of Monroe Ordinance Committee began working on updates to the Monroe Zoning Ordinance in order to correct deficiencies and address current concerns; and

WHEREAS, the Planning Commission conducted a public hearing on July 9, 2018 to invite public input and recommended updates and corrections to the Monroe City Council; and

WHEREAS, the Monroe City Council did hold a public hearing on the proposed Monroe Land Use Development Code on July 23, 2018 to provide an opportunity for the public to be heard on this matter; and

WHEREAS, the City sent notice to DLCD on the amendments; and

WHEREAS, the City published notice of the hearings in accordance with City code and state law; and

WHEREAS, the City Council finds that the Development Code revisions conform to the City's Comprehensive Plan and the Statewide Planning Goals.

THE CITY OF MONROE ORDAINS AS FOLLOWS:

SECTION 1. The Monroe Land Use Development Code as attached as Exhibit A is hereby adopted.

SECTION 2. The sections or subsections of this ordinance are severable to the extent allowed by law. The invalidity of a section or subsection shall not affect the validity of the remaining sections or subsections of this ordinance, which shall remain in full force and effect.

SECTION 3. Whereas it is necessary for the general welfare of the citizens of the City of Monroe, an emergency is herby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

SIGNED AND APPROVED this 23rd day of July, 2018.

_____
Mayor Paul Canter

ATTEST:

_____
City Recorder: Rick A. Hohnbaum

EXHIBIT A

Amend:

Section 4.112 (2) (i) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes except as allowed by Section 6.100.
2. Accessory buildings 200 to 400 square feet be shall be setback at least 5 feet from an interior property line and limited to one story. No accessory building shall exceed 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the home occupation standards of Article 6.

Amend:

Section 4.121 (2) (k) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes except as allowed by Section 6.100.
2. Accessory buildings 200 to 400 square feet be shall be setback at least 5 feet from an interior property line and limited to one story. No accessory building shall exceed 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the home occupation standards of Article 6.

Amend:

Section 4.131 (2) (b) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes except as allowed by Section 6.100.
2. Accessory buildings 200 to 400 square feet be shall be setback at least 5 feet from an interior property line and limited to one story. No accessory building shall exceed 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the home occupation standards of Article 6.

Delete:
Section 6.100 sentence that reads....*"The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use."*

Amend:
Section 6.100 (g)
There will be no more than two residential (total) units per lot.

Section 6.100 (h)
Residential accessory units require a total lot size of 10,000 square feet.

Section 6.100 (i)
All residential units, including accessory units must have separate utility service connections.

Amend:
New Section 6.090
All development standards for non-dwelling accessory units must meet all development standards of Section 6.100.

Amend:
Section 6.100 (a) Oregon Structural Specialty Code or the Oregon Residential Specialty/Building Code as deem appropriate for the accessory unit being proposed will be complied with.

(5) **Destruction of a Nonconforming Use or Structure.**

(a) If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed to an extent greater than 50% of the assessed value by any cause, any future structure or use on the site shall be in accordance with the provisions of the zone in which the property is located, except as otherwise provided.

(b) A residential structure non-conforming as to setback or lot coverage that is destroyed by any reason may be replaced in its original footprint or to any more conforming degree provided all applicable building or fire codes are adhered to. Replacement shall begin within one (1) year of destruction, though the decision making body may grant a one-year extension.

(c) A non-conforming dwelling, in any industrial or commercial zone, may be altered, extended, or replaced within one-year of destruction provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the underlying zone.

(6) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.

(7) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

SECTION 4.100 PRIMARY ZONES

SECTION 4.111 RESIDENTIAL ZONE - GRA

(1) **Purpose.** To provide areas suitable and desirable for low density single-family residential use with provisions for associated residential or public service uses.

(2) **Permitted Uses.** In a GRA Zone, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:

(a) One single-family dwelling or manufactured home per lot, subject to Section 6.111 or 6.114.

(b) Residential Care Homes for 5 or less people as provided in ORS 197.660 -670.

(c) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657A.

(d) Accessory buildings subject to the following standards:
1. Accessory buildings shall not be used for dwelling purposes.
2. Accessory buildings 200 to 400 square feet be shall be setback at least 5 feet from an interior property line and limited to one story. No accessory building shall exceed 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the home occupation standards of Article 6.

(e) Boats, trailers, detached campers, recreation vehicles and similar recreational equipment may be stored on-site except in a front exterior yard setback and shall not be used for human habitation. Temporary use of a Recreation Vehicle for guests is permitted for no more than 30 days in any calendar year.

(f). Home occupation, subject to Article 6.

(g) Accessory Dwelling, subject to Article 6.

(3) **Conditional Uses.** In a GRA Zone, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of Section 2.500 and the applicable Use Standards of Article 6.

(a) Public or semi-public uses.

(b) Residential Care Facility for 15 or less people as provided in ORS 197.660 to 670.

(c) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

(d) Church

(4) **Development Standards.**

(a) Lots shall have a minimum lot size of 8,000 square feet and a maximum lot size of 14,000.

(b) No structure or use shall be established in a manner likely to disrupt or cause contamination of a stream, lake, or other body of water.

(c) Front yards shall have a minimum depth of 15 feet; with a minimum of a 20 foot setback for a garage or carport.

(d) Side yards shall have a minimum width of 5 feet with 10 feet on any side street; with a minimum of 20 for a garage or carport.

(a) Public or semi-public uses.

(b) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670 .

(c) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657A.

(4) **Development Standards.**

(a) Lots shall have a minimum lot size of 6000 square feet for the first unit and an additional 3000 square feet for each unit thereafter and a maximum lot size of 10,500 square feet unless otherwise approved by the Planning Commission via site plan approval for multi-family housing or the conditional use permit processes.

(b) No structure or use shall be established in a manner likely to disrupt or cause contamination of a stream, lake, or other body of water.

(c) Front yards shall have a minimum depth of 15 feet; with a minimum of a 20 foot setback for a garage or carport.

(d) Side yards shall have a minimum width of 5 feet with 10 feet on any side street; with a minimum of 20 for a garage or carport.

(e) Rear yards shall have a minimum depth of 20 feet.

(f) No structure shall exceed 30 feet in height.

(g) Manufactured Homes placed on individual lots outside of a Manufactured Home Park shall comply with the standards of Section 6.110.

(h) See Article 5 for additional General Development Standards; Section 5.116 for Yard Exceptions, and Article 6 for Use Standards that may apply in the GRB Zone.

(i) Lot coverage shall be limited to forty-percent (40%)

(j) Minimum lot width shall be 12 feet of street frontage.

SECTION 4.121 COMMERCIAL ZONE - C

(1) **Purpose.** To provide areas suitable and desirable for commercial development intended to respond to the business needs of area residents and highway travelers.

(2) **Permitted Uses.** In a C-1 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Sections 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building:

(a) Retail stores or shops.

(b) Personal or business service.

(c) Repair shops limited to indoor activities.

(d) Eating or drinking establishments.

(e) Offices, business or professional.

(f) Financial institutions.

(g) Indoor commercial amusement or recreation establishments.

(h) Public or semi-public buildings and uses.

(i) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.

(j) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

(3) **Conditional Uses.** In a C Zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500:

(a) Automotive service facilities with access from a designated arterial or collector street.

(b) Repair shops which possess nuisance characteristics or emissions potentially detrimental to public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference or require a permit from the Oregon Department of Environmental Quality shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a Certificate of Occupancy.

(c) Permitted uses listed in (2) above, requiring outside display or storage, including but not limited to, automobile or equipment sales.

(4) **Development Standards.**

(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.

(b) No minimum site area.

(c) Exterior yards shall not be required but may be provided if utilized exclusively for sidewalks, landscaping, and access drives. A 5 foot landscape buffer shall be required and maintained at the street when the exterior yard is utilized for parking as specified in Section 5.134.

(d) No interior yards are required.

(e) No building permit shall be issued within the C Zone without Planning Commission approval of a Site Plan Review.

(f) No structure shall exceed 35 feet in height.

(g) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Additional right-of-way shall be dedicated to maintain adequate traffic circulation, where necessary.

(h) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.

(i) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.

(j) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

(k) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-1 Zone.

SECTION 4.131 LIMITED INDUSTRIAL ZONE - M

(1) **Purpose.** To provide areas suitable for limited manufacturing, warehousing and industrial activities that have minimal emissions or nuisance characteristics.

(2) **Permitted Uses.** In an M Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Section 2.400:

(a) Light manufacturing, warehousing, wholesaling, storing, compounding, assembling, processing, researching, public or semi-public buildings or uses, treating or testing uses not requiring any DEQ permits, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building, and provided there are no emissions potentially detrimental to the public health or nuisance characteristics discernible without instruments at the property line.

(3) **Conditional Uses.** In the M Zone, the following uses may be permitted when authorized in accordance with Section 2.500:

ARTICLE 6 USE STANDARDS

SECTION 6.010 USE STANDARDS

In addition to the Development Standards specified in Article 5, there are also uses that may occur in more than one district. The following Sections specify development standards applicable to specialized uses within the City of Monroe.

SECTION 6.100 ACCESSORY DWELLINGS. Accessory dwelling (attached, separates, cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single-family lot. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

(a) Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;

(b) Owner-Occupied. The primary or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;

(c) One Unit. A maximum of one accessory dwelling unit is allowed per lot;

(d) Floor Area. The maximum floor area of the accessory dwelling shall not exceed 600 square feet;

(e) Building Height. The building height of new detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet or the height of primary dwelling, which ever is less; and

(f) Buffering. A minimum 4-foot hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

SECTION 6.101 HOME OCCUPATION STANDARDS

A Home Occupation is a Permitted Use in any residential district and must comply with the following additional standards:

(1) The home occupation shall be secondary to the main use of the dwelling as a residence.

(2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.

ORDER OF PROCEEDINGS FOR PLANNING COMMISSION LEGISLATIVE PUBLIC HEARINGS

These proceedings are to be used for **legislative** public hearings of the Planning Commission.

I. INTRODUCTION

Speaker		*Script*	*Notes*
Chair	☐	**Welcome citizens**	
	☐	**Review case title and summary provided by staff**	
	☐	**Describe order of proceedings:** *"The order of tonight's proceedings shall be:* *1) staff report;* *2) public testimony;* *3) Planning Commission questions of staff;* *4) Planning Commission deliberations; and* *5) Final recommendation.* *"For those testifying this evening, please keep your comments to 3 minutes."*; **or** *"This evening, no specific time limit shall apply to any testimony; however, please attempt to keep your comments brief and directed to the criteria upon which the decision is made."*	Chair identifies whether a time limit does or does not apply to public testimony.
Chair	☐	**Describe process to request a continuance:** *"Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted. If this request is made, please identify the new document or evidence during your testimony."*	During testimony, keep track of requests for continuances or keeping the record open. The Planning Commission must vote to approve a continuance or to hold the record open.

Speaker		Script	Notes
Chair	☐	**Describe process to request that the record remain open:** *"Persons testifying may also request that the record remains open 7 additional days to submit additional written evidence. Requests for allowing the record to remain open should be included in your testimony."*	During testimony, keep track of requests for continuances or keeping the record open. The Planning Commission must vote to approve a continuance or to hold the record open.

II. OPEN PUBLIC HEARING

Speaker		Script	Notes
Chair	☐	**Open public hearing:** *"The public hearing is now open."*	
Commission Declarations:			
Chair	☐	**Declaration of conflicts of interest:** *"Does any Commissioner wish to declare any conflicts of interest?"*	Determine if any member is ineligible to participate in public hearing and final decision.
Chair	☐	**Rebuttal of disclosures:** *"Does anyone wish to rebut these disclosures?"*	Question directed toward the public audience.
Presentations:			
Chair	☐	**Describe decisions based on applicable criteria:** *"Land use decisions such as the case under consideration this evening are evaluated against applicable criteria from the Municipal Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room."*	Reference applicable criteria available as a handout.

Speaker		Script	Notes
Chair	☐	**Describe need to direct testimony to applicable criteria and in sufficient detail:** *"This is a good time to remind those testifying that you should direct your testimony toward the applicable criteria of the case or other criteria in the Municipal Code, or Comprehensive Plan which you believe to apply to the decision."* *"Failure to raise an issue, accompanied by statements or evidence sufficient to afford the City or other parties the opportunity to respond to the issue, precludes appeals to the State Land Use Board of Appeals based on that issue.* *The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court."*	
Chair	☐	***Introduce staff report:*** *"We will now hear the staff report?"*	
Staff	☐	***Present staff report, to include:*** 1) evaluation of proposal with regard to applicable Land Development Code and/or Comprehensive Plan criteria, and Statewide Planning Goals and Guidelines; and, 2) recommendation(s)	*Staff report may be longer than the typical 15 minutes if the item is a complicated legislative matter.*
Chair	☐	**Ask if any Commissioner has (brief) questions of staff:** *"Are there any preliminary questions of staff at this time? There will be an opportunity to ask additional questions of staff after the public testimony."*	Limit questions to allow public testimony to proceed as soon as possible.

Speaker		Script	Notes
Public Testimony:			
Chair	☐	**Introduce public testimony:** *"We will now move to public testimony, beginning with testimony in favor of this application. Before you make your comments, please sign-in your name and address. [OPTIONAL: Remind testifiers of testimony time limit: Please keep your comments to 3 minutes."] Please provide any written materials you wish to be part of the official record to the recording secretary. Does anyone wish to speak regarding this application?"*	
Public	☐	**Public testimony in favor**	If the testifier directs questions to staff, the Chair should advise that the Commission may address the questions to staff later in the proceedings.
Chair	☐	***Ask questions of testifier(s):*** *"Are there any questions for Mr./Ms. X?"*	
Chair	☐	***Introduce testimony in opposition to application:*** *"Does anyone in opposition to the application wish to speak?"*	
Public	☐	***Public testimony in opposition***	
Chair	☐	***Ask questions of testifier(s):*** *"Are there any questions for Mr./Ms. X?"*	
Chair	☐	***Introduce neutral testimony:*** *"Is there any neutral testimony?"*	
		Neutral Public testimony	
Chair	☐	**Ask questions of testifier(s):** *"Are there any questions for Mr./Ms. X?"*	

III. CONTINUANCE OR CLOSE PUBLIC HEARING

Speaker		*Script*	*Notes*
Chair	☐	***[If there is a request for a continuance:] Note request for a continuance and call for a vote:*** *"There has been a request for a continuance"* [either in written or oral testimony.] *"Is there a motion in favor of the continuance?"* [Commission votes on the request.] 1) state whether or not the request for a continuance is granted; 2) establish the meeting date and time to continue the hearing; and 3) the continuance hearing shall be held in the same manner as the first hearing.	The Commission must vote whether or not to allow the continuance.
Chair	☐	**[if there is a request to hold the record open]:** **Note request to hold the record open:** *"There has been a request to hold the record open for 7 additional days to submit written testimony"* [either in written or oral testimony.] *"Is there a motion in favor of the request to hold the record open?"* [Commission votes on the request.] 1) State whether or not the request to hold the record open is granted; and, 2) Establish the meeting date and time to hold deliberations.	Any person testifying can request that the record be held open.
Chair	☐	**Close public hearing:** "The public hearing is now closed."	

IV. COMMISSION DELIBERATIONS

Speaker		*Script*	*Notes*
All Commissioners	☐	**Deliberations of evidence/testimony:** Planning Commissioners deliberate on evidence and testimony presented during public hearing.	The Commission may ask additional questions of staff at this time.

V. DECISION

Speaker		*Script*	*Notes*
All Commissioners	☐	**Final Decision:** After a motion has been moved and seconded, the Commission/Commission can: 1. Recommend the City Council approve the application, or 2. Recommend the City Council approve the application, with modifications, or 3. Recommend the City Council deny the application	Commissioners may move to amend any active motion.

DLCD FORM 1

NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (*See* OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Monroe**

Local file no.: **18-200**

Please check the type of change that best describes the proposal:

☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB

☐ **UGB amendment** over 100 acres by a metropolitan service district

☐ **Urban reserve designation,** or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB

☐ **Periodic review task** – Task no.:

☒ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): Rick A. Hohnbaum, City Administrator
Phone: 541 551 0905 E-mail: rick.hohnbaum@ci.monroe.or.us

Street address: 664 Commercial Street City: Monroe Zip: 97456-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

An amendment to the Monroe Land Use and Development Code addressing and clairfy the permitted uses relating to accessory buildings and accessory dwellings within the jurisdiction of the City of Monroe. Amending Chapter 4.1, 6.0 and 6.1 of the Monroe Land Use and Development Code.

Date of first evidentiary hearing: 07/09/2018
Date of final hearing: 07/23/2018

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

☐ Comprehensive Plan text amendment(s)

☐ Comprehensive Plan map amendment(s) – Change from to
Change from to

☒ New or amended land use regulation

☐ Zoning map amendment(s) – Change from to
Change from to

☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:

☐ Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts:

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,[1] proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:
http://www.oregon.gov/LCD/forms.shtml

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at
http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

[1] 660-018-0022 provides:
(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- ☒ Completed Form 1
- ☒ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ☐ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ☐ A map of the affected area showing existing and proposed plan and zone designations
- ☐ A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ☐ Any other information necessary to advise DLCD of the effect of the proposal

GUIDANCE ON IMPLEMENTING

THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT

UNDER OREGON SENATE BILL 1051

M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018

Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error[1] was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*

b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

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[1] *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow "at least one accessory dwelling unit for each detached single-family dwelling." While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don't create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn't meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like "compatible" or "character." With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure*[, pursuant to Section _____,]* and shall conform to all of the following standards:

*[**A. One Unit.** A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

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***A. Two Units.** A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed *[800-900]* square feet of floor area, or *[75]* percent of the primary dwelling's floor area, whichever is smaller.

2. An attached or interior Accessory Dwelling shall not exceed *[800-900]* square feet of floor area, or *[75]* percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than *[800-900]* square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the "definitions" section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.