

NOTICE OF PUBLIC HEARING
CITY OF MONROE PLANNING COMMISSION

MONDAY OCTOBER 8, 2018 6PM

MONROE CITY COUNCIL CHAMBERS 658 COMMERCIAL STREET

The Monroe Planning Commission will be conducting a public hearing on Monday October 8, 2018 for the purpose of accepting any and all public comment prior to deliberating and deciding a requested land use action for a condition use permit (CUP) application.

PEELER CONDITIONAL USE PERMIT APPLICATION FILE 18-20

LOCATION: 645 Ash Street, Monroe, OR

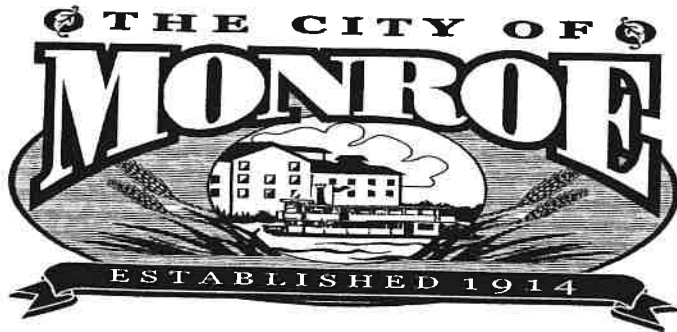
LAND USE ACTION REQUEST: The Peeler Conditional Use Permit (CUP) application is requesting to be permitted to build a residence on a piece of property that is larger than 14,000 square feet in size which is the maximum lot size allowed within the GRA Zoning. This is a family held piece of property which previously had a single family residence on it. The options before the applicant is to apply for a CUP or partition the property which would require extensive non-related utility construction for the requirements of installing public utilities to all of the new lots created by the partition.

BASED UPON THE FINDINGS OF FACTS, STAFF IS RECOMMENDING PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT FOR THE PEELER APPLICATION WITH CONDITIONS.

Additional information and staff report is available on the City website www.ci.monroe.or.us

Copies of the application and staff report are available for review at Monroe City Hall during normal business hours. Inquires may be directed to the City Planner, rick.hohnbaum@ci.monroe.or.us

This will be an open and recorded public hearing prior to the Planning Commission deliberation and decision. The Planning Commission is the decision making body for this type of land use action though it can be appealed to the City Council.



CITY OF MONROE

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

RECEIVED

SEP 21 2018

APPLICATION FOR CONDITIONAL USE PERMIT BY: 10

Fee: \$ 440

Applicant(s)

Name: Curtis & Shay Peeler
Mailing Address: [REDACTED]
Daytime Phone: [REDACTED] Contact Phone: _____
Email: [REDACTED]
Interest in Property (Owner, Purchaser, Agent, etc.): OWNERS

Subject Property Information

Street Address: 1015 Ash St. Monroe, OR. 97456
Assessor's Map: _____ Tax Lot: 14578D002002 Zoning: R04
Existing Structures: None
Current use(s) of the Property: None (zoned residential)
Describe the Proposed Conditional Use: single family home

General Information

A conditional use is a use that is normally appropriate in a zone, but which could potentially cause problems because of excessive size, traffic or parking congestion, health or safety hazards, or some other impact to surrounding properties. It is the intent of the conditional use review to determine if a requested use is appropriate on the property and to impose conditions that will minimize adverse impacts to surrounding properties, to the neighborhoods, and to the city as a whole.

Required Application Information

A detailed description of the present use of the property and the proposed use, in a form sufficient to describe the following:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants;
- H. Narrative report or letter documenting compliance with all applicable approval criteria contained in the following criteria and standards:

Criteria, Standards and Conditions of Approval.

- A. **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings, which you should address in the greatest detail practical:
 - (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 possible.
 - (b) That the applicable provisions of city codes and ordinances are complied with.
 - (c) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.
 - (d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on 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.
- B. Site Design Standards. The criteria for Site Design approval for the zone in which the property is located shall be submitted that shows building setbacks, parking, storm water, sanitary sewer, water service, landscaping, and signage as appropriate.
- C. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative

impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

- (a) Regulating the required lot size, lot width, or yard dimensions.
- (b) Regulating the height of buildings.
- (c) Controlling the location and number of vehicle access points.
- (d) Requiring dedication of additional street right-of-way or increasing the street width.
- (e) Increasing the number of required off-street parking or off-street loading spaces.
- (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (g) Limiting the number, size, location and lighting of signs.
- (h) Requiring ongoing maintenance of buildings and grounds.
- (i) Regulating emissions, potential hazards or nuisance characteristics caused by the proposed use which could have a negative impact on the surrounding area or the City as a whole.
- (j) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.
- (k) Regulating time periods for the conduct of certain activities.
- (l) Setting a time limit for which the conditional use is approved.
- (m) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval for the conditional use approved by the Planning Commission.
- (n) Providing a contractual agreement with the City to assure that the applicant will pay a share of the development costs for future public improvements.

Additional Responsibilities of the Applicant

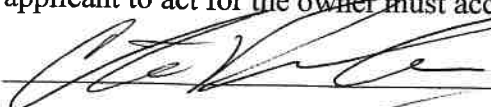
It is the responsibility of the applicant to determine if wetlands are present on the property and to contact the appropriate state and federal permitting agencies prior to applying for a development permit from the City. If hydric soils are present on the property or if the property contains a wetland designated on the National Wetlands Inventory Map, the applicant must submit documentation to the City that: (1) A permit has been applied for from the Oregon Division of State Lands; or (2) The Division of State Lands has determined that no permit is necessary for the project.


City staff will assist the applicant in determining if the property contains hydric soils or is identified on the National Wetlands Inventory Map, but the City has no responsibility for determining if wetlands are present or if a state or federal permit is required.

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.





9-20-2018

Date

9-20-18

Date

Processing Information

This application will be reviewed at a public hearing before the Planning Commission. Surrounding property owners will be notified of the application and given an opportunity to submit evidence and testify at the hearing. The City will also send notices of the hearing and final decision to the applicant, affected government agencies, owners of land within 250 feet of the boundaries of the property, and all other persons who participate in the proceedings. If the application is approved, Conditions of Approval specified in the Notice of Decision must be satisfied within the time specified in the approval.

Anyone who submitted written testimony or oral testimony to the Planning Commission may appeal a decision of the Planning Commission to the City Council by filing an appeal application with the City within 14 days of the decision.

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Date Application Deemed Complete: _____

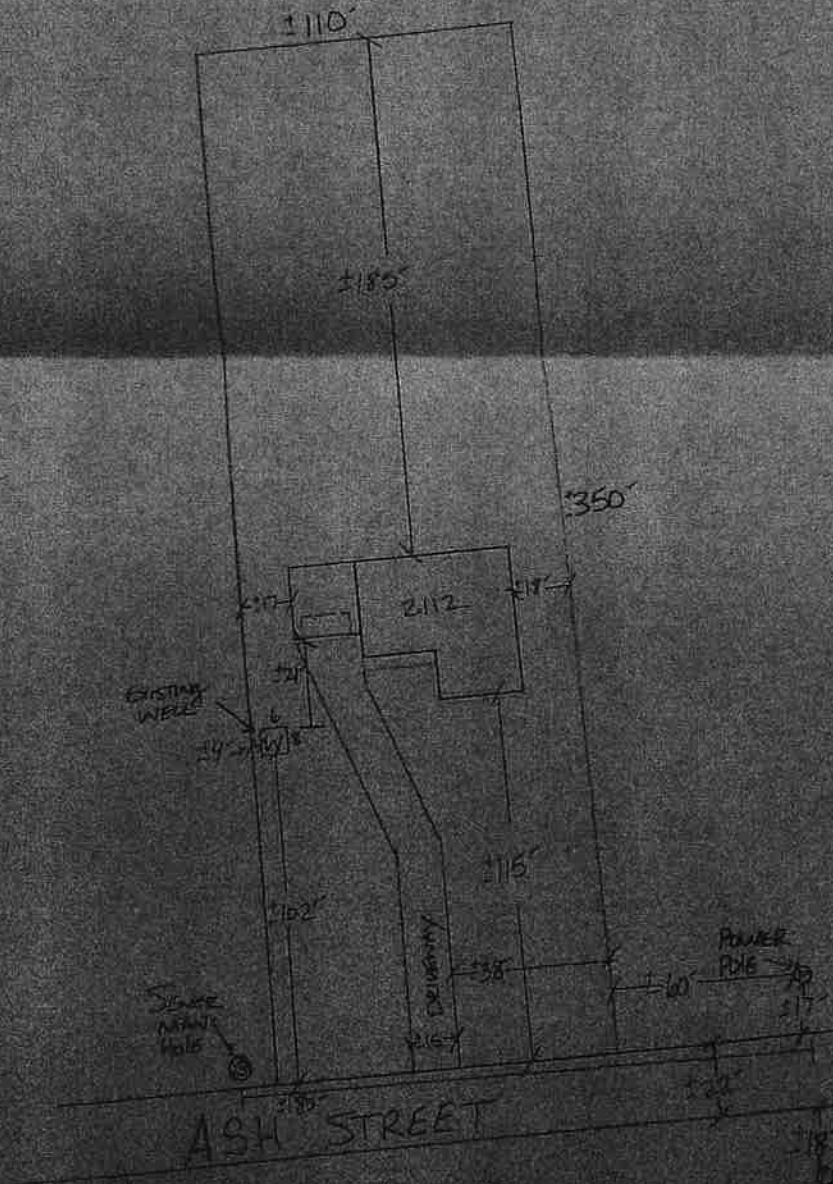
Curtis Peeler

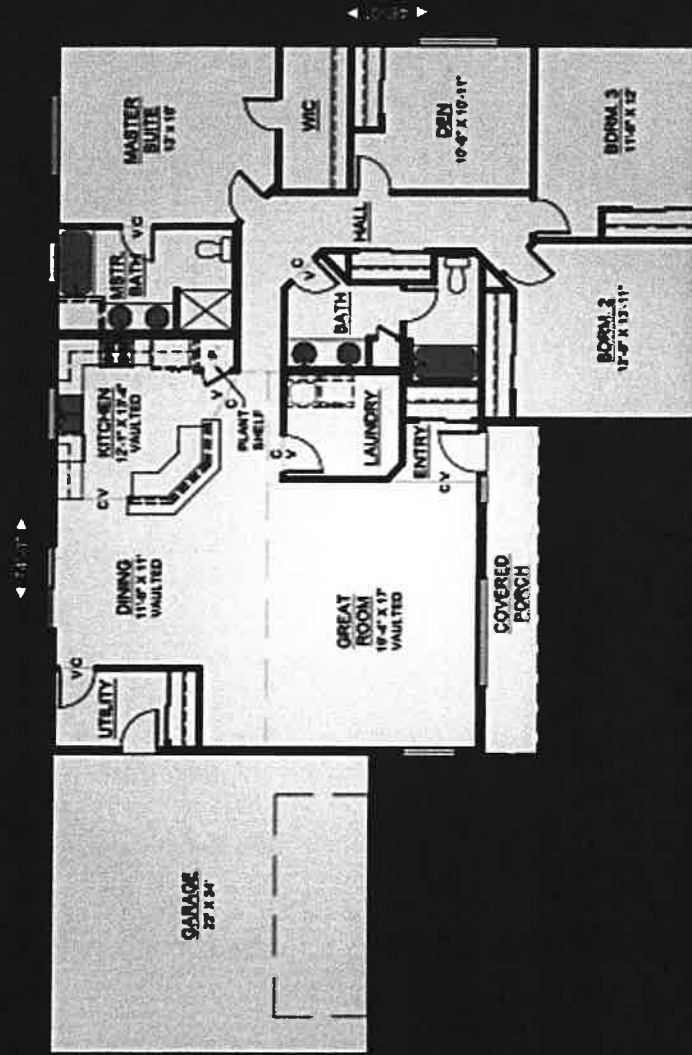
Contact - ~~REDACTED~~

Location - 645 Ash Street
Monroe, OR 97456

Tax Lot # - 14528DC02000

1" = 30'





Application for Conditional Narrative. 645 Ash St, Monroe, OR. 97456.

The proposed use of the land on 645 Ash St. In Monroe Oregon will contain a single-family home on a .75-acre lot.

The single-family home ~17.5" tall, 74' wide, 48' long facing south toward Ash st. It will contain 4 bedrooms, 2 bathrooms, a kitchen, a family room, 528 sq ft garage and 1,584 sq. ft of living space.

The home will sit approximately 115' from Ash st, 17' from the west end of the lot, 18' from the east end of the lot and 185' from the north end of the lot.

There are existing city utilities installed on the property and an existing power pole as well as an existing driveway and storm drainage on Ash st.

The land is tax lot 14528DC02000 and is zoned as residential. It does not reside in any protected wetlands according to Benton County survey maps and City of Monroe Survey maps.

STAFF REPORT

CITY PLANNER RICK HOHNBAUM

PEELER CONDITIONAL USE PERMIT APPLICATION

FILE 18-20

LOCATION: 645 Ash Street, Monroe, OR

SUMMARY: The applicant has applied for a conditional use permit to be allowed to construct a single family residence on a piece a property that formerly had a single family residence on a parcel which exceeds the maximum lot size for General Residential A within the City of Monroe.

PROCESS: Application required, Notification to property owners with 250 feet, Public Hearing, Planning Commission Decision.

APPLICATION: Submitted September 21, 2018 and fees paid

NOTIFICATIONS: Mailed October 3, 2018 to property owners and sent electronically to Monroe Telephone, PPL, Public Works, City Engineer and Benton County Public Works Engineering.

STAFF REPORT: October 3, 2018

PUBLIC HEARING: October 8, 2018

SPECIAL NOTES AND NOTIFICATIONS: Ash Street is a County Road, owned and maintained by Benton County.

DECISION CRITERIA: MLUDC Section 2.500 (2) (Attached and contained within the application)

DECISION CONDITIONS: MLUDC Section 2.500 (3) (Attached)

DECISION PROCESS: MLUDC Section 2.500 (4) Attached

LAND USE ACTION REQUEST: The Peeler Conditional Use Permit (CUP) application is requesting to be permitted to build a residence on a piece of property that is larger than 14,000 square feet in size which is the maximum lot size allowed within the GRA Zoning. This is a family held piece of property which previously had a single family residence on it. The options before the applicant is to apply for a CUP or partition the property which would require extensive non-related utility construction for the requirements of installing public utilities to all of the new lots created by the partition.

BASED UPON THE FOLLOWING FINDINGS OF FACTS, STAFF IS RECOMMENDING PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT FOR THE PEELER APPLICATION WITH CONDITIONS. (3)

Decision Criteria. Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with 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.

The surrounding properties along Ash and the neighboring extension streets are all single family residences as proposed for this project. A number of them are on large properties that exceed the maximum lot size allowed within this zone. Of the seven houses located within two blocks on Ash Street, four of them are currently on lots over 14,000 square feet. The potential impact is mitigated by a proposed condition that any additional development of residential units on this tax lot would require partitioning and the installation of public utilities to access all lots of the partition.

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

It will be a proposed condition of approval that all city codes and ordinances are complied with as well as an additional requirement to meet county codes due to Ash Street being a county road.

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

The City already has on file a signed and notarized Waiver of Rights Remonstrance for street, storm drainage and sidewalks/driveways.

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

There are no known conditions or findings for this requirement based upon the proposed project and the conditional use permit application.

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

There is adequate water and sewer as well as other utilities available. The potential exception would be storm water which is a county issue since Ash Street is a county road. A conditional approval being recommended by staff is storm water sign-off from Benton County.

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

A recommended condition of approval is drainage per county standards of Ash Street and that the applicant is the responsible party in determining and defining any potential wetlands and required mitigation of them with the State of Oregon.

- (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.

A standard condition of approval regarding rules and regulations would satisfy this decision criteria. There are no known potential nuisance characteristics based upon the proposed project plan discovered through the staff review and onsite inspection.

STAFF RECOMMENDATIONS:

1. That the Planning Commission conduct a public hearing.
2. That the Planning Commission adopt findings of fact for this application.
3. That the Planning Commission direct staff to complete a staff report or a letter of decision should all parties waive the right of 7- day additional review and evidence.
4. Staff recommended conditions of approval:
 - a. That any additional residential units developed on this lot would only be approved after formal partition of property lots to meet the zoning code lot size requirements.
 - b. That any partition process would include the applicant causing the placement of public utilities to all lots contained within the proposed partition.
 - c. That the applicant meets all city, county, state and federal rules, laws and regulations especially but not limited to wetlands, county road, county road access and storm water standards.

PLANNING COMMISSION OPTIONS:

1. Approve the Conditional Use Permit Application: I move to approve the Peller Conditional Use Permit Application File #18-20 with the conditions as determined by the Planning Commission (read for the record the conditions desired by the Planning Commission).
2. Keep the record open for seven days: I move that the Planning Commission keep the record open for seven days per the request of the _____ and that the Planning Commission reconvene on _____.
3. Deny the Conditional Use Permit Application: I move that the Planning Commission deny the Peeler Conditional Use Permit File #18-20 based upon the following finds of fact (list the findings for the reason for the denial).

- (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.

SECTION 2.500 CONDITIONAL USES

A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health or safety problem. It is the intent of this section to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner that safeguards surrounding property, the neighborhood, and the City.

- (1) **Conditional Use Application.** An application for a use requiring a Conditional Use must be filed with the City together with a site plan and other supplementary data using forms prescribed in Section 2.130 and Section 2.140. A Quasi-judicial Decision requires notification to property owners within 250 Feet of the subject property with an opportunity to submit written or oral comments at a public hearing prior to the close of the record and a decision by the Planning Commission. The Planning Commission may

also request a Conditional Use for any development proposal, in addition to those specifically required by this Code, if the site or proposed use has characteristics similar to, but different than, the uses permitted in the zone.

Uses existing prior to the effective date of this Code that are classified as a conditional use in this Code shall conform with the requirements for a conditional use if a change in use, lot area or an alteration is proposed.

- (2) **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with 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 impact on 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 Conditions.** In approving a conditional use application, the Planning Commission may require additional standards and conditions which the Planning Commission considers necessary to comply with the intent and purpose of the implementing codes or ordinances. These conditions may include, but are not limited to, the following:
- (a) Regulating the required lot size, lot width, or yard dimensions.
 - (b) Regulating the height of buildings.
 - (c) Controlling the location and number of vehicle access points.
 - (d) Requiring dedication of additional street right-of-way or increasing the street width.

- (e) Increasing the number of required off-street parking or off-street loading spaces.
 - (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - (g) Limiting the number, size, location and lighting of signs.
 - (h) Requiring ongoing maintenance of buildings and grounds.
 - (i) Regulating emissions, potential hazards or nuisance characteristics caused by the proposed use which could have a negative impact on the surrounding area or the City as a whole.
 - (j) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.
 - (k) Regulating time periods for the conduct of certain activities.
 - (l) Setting a time limit for which the conditional use is approved.
 - (m) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval for the conditional use approved by the Planning Commission.
 - (n) Providing a contractual agreement with the City to assure that the applicant will pay a share of the development costs for future public improvements.
- (4) **Decision Process.** The procedure for taking action on an application for a Conditional Use shall be as follows:
- (a) A Conditional Use requires a "Quasi-judicial Public Hearing" by the Planning Commission in conformance with Section 3.510. A Quasi-judicial Decision requires notification to property owners within 250 Feet of the subject property with an opportunity to submit written or oral comments at a public hearing prior to the close of the record and decision by the Planning Commission.
 - (b) The Planning Commission may approve, deny, or approve conditionally the Conditional Use and attach any reasonable standards of development to attain compliance with the zone and city codes and ordinances.
 - (c) If an application is denied, the action must be based on reasons related to non-compliance with the Development Code or Ordinance requirements.
 - (d) Once approved, the Conditional Use shall become the Official Plan. Building permits shall be issued only for plans which 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 Conditional Use shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.
- (f) Revisions, amendments or expansion of existing conditional uses having an impact greater than 15% of size, traffic, or other nuisance characteristic shall follow the same procedure as that utilized for approval.
- (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 Conditional Use as specified in Section 3.600.

SECTION 2.600 VARIANCES

Because of the impossibility of foreseeing and providing for all circumstances and conditions that may effect individual properties or uses, the variance provision is created to allow modification of the provisions of this Code for special and unusual circumstances without defeating the purpose and intent of the Code.

- (1) **Variance Application.** An application for a Variance shall be filed with the City together with a site plan and other supplementary data using forms prescribed in Section 2.130 and Section 2.140. The applicant shall submit evidence that the circumstance for granting a Variance as outlined in Item (2) herein apply to the Variance request. The Planning Commission may authorize variances from the requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the Code would cause an undue or unnecessary hardship. A Variance shall not be granted to allow a use permitted in another district or zone, to allow a use not authorized within the intended district or zone. In granting a Variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Code.
- (2) **Decision Criteria.** A Variance may be granted if all of the following circumstances exist:
 - (a) That there are special circumstances or conditions affecting the property or use.
 - (b) That the Variance is necessary for the proper design and/or function of the proposed development or land division.
 - (c) That the granting of the Variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.