

MONROE CITY COUNCIL SPECIAL MEETING

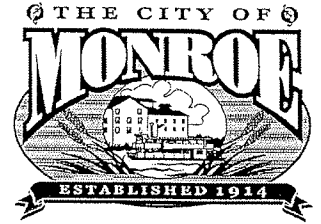
NOTICE AND AGENDA

Monday September 11, 2017

6PM

CITY HALL COUNCIL CHAMBERS

658 COMMERCIAL STREET



1. **OPENING:** Call to Order, Pledge of Allegiance and Roll Call
2. **PUBLIC ITEMS and COMMENTS:** *(please limit your comments to less than 3 minutes)*
3. **NEW BUSINESS:**
 - 3.1 Review and Confirmation of Planning Commission Decision for Partition of Lots on Block 43 -Planning File Docket 2017-10
 - 3.2 Review and Confirmation of Planning Commission Decision for Partition of Lots on Block 39 -Planning File Docket 2017-11
4. **OLD BUSINESS:**
 - 4.1. Ordinance No. 17-500-Second Reading and Adoption of An Ordinance Amending Code of Monroe Chapter 92.17 Nuisances Affecting Public Safety to address dumping on public property and setting a penalty
5. **OTHER BUSINESS:**
 - 5.1. Councilor Comments
 - 5.2. Mayor's Comments
6. **ADJOURN:**

Copies of the city council packets and documents are available to review at Monroe City Hall located at 664 Commercial Street. Questions and inquiries may be directed to the City Administrator (541) 847-5175 or rick.hohnbaum@ci.monroe.or.us

STAFF REPORT FOR THE SPECIAL COUNCIL MEETING OF SEPTEMBER 11, 2017

Three item agenda.

The City Planning Code has different levels of review and approval depending upon the type of land use action requested by the applicant. For a partition (dividing a tax lot into more than one tax lot but less than four lots), the planning commission makes the decision. However,

"The City Council shall either:

- i. Confirm the action of the Planning Commission without a public hearing;

Or

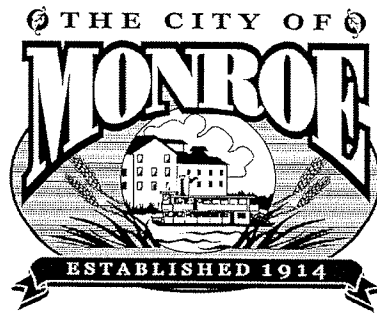
- ii. If he (I think the word is supposed to be the)-If he council feels further consideration is necessary, it shall hold a public hearing, per the hearing procedures as specified for the Planning Commission."

The first two items are land use actions awaiting council determination. To conduct a public hearing does require 20 days' notice to property owners within 250 feet. However, real due diligence and review was conducted by the planning commission in the making of their decision and the most likely process would be for council approval without what would be a third meeting with a public hearing. The planning commission spent two meetings reviewing the two land use actions. They are identical in requested actions but are for different locations. The key documents include the draft minutes, the staff report and the map within the staff report.

Item 3.1 of council agenda Land Use Docket 2017-10-A partition of taking one tax lot which is half a block in size and creating two buildable lots at the corner of Pine and 10th. The issue is the timing and the level of upfront infrastructure (street) required by the City. For the applicant it is the timing, investment and the amount of wetlands which includes parts of Pine Street which does not exist except on paper.

Item 3.2 of council agenda Land Use Docket 2017-11-A partition of taking one tax lot which is half a block in size and creating two buildable lots at the corner of 8th and Pine. Half of 8th street already exists so that land use request requires the applicant to complete the other half of the street to city standards in front of the lots being developed.

Item 4.1 Ordinance 17-500-The first reading was at your previous council meeting. An ordinance takes two meetings to adopt unless there is a unanimous vote and declaration of emergency. The first reading was approved on a 5-1 vote. Staff is recommending a second reading and adoption per the unanimous recommendation from the Ordinance Committee.



MONROE PLANNING COMMISSION MINUTES

August 24, 2017 COUNCIL CHAMBERS 6pm

1. Call to Order: At 6PM Chair Kathy Smith called the meeting to order and led the commission and audience in the Pledge of Allegiance.
2. Roll Call: Present was Kathy Smith, Stan Salot, Tim Eastridge, Dan Sheets and David Mills. Also present was Rick Hohnbaum, City Administrator.
3. PUBLIC ITEMS AND COMMENTS: Chair Smith stated that the commission wanted to recognize its newest member David Mills. Commissioner Mills was asked to share a few words and he spoke about his background, involvement in the community and his desire to serve the community.
4. APPROVAL OF MINUTES: Commissioner Eastridge moved to approve all three sets of minutes (July 10, July 17/20 and August 7) as presented. Commissioner Sheets seconded the motion. Ayes: All. CA Hohnbaum requested that the commissioners review the notes from the work session and consider follow-up tasks or ideas that they would like to follow-up on from the significant material and education that was provided during the work session.
5. PUBLIC HEARINGS:
 - a. Quasi-judicial Public Hearing---Limited Land Use Review---An application for a partition to create three buildable lots on Block 43 West of 9th and North of Pine Street File # 2017-10. Chair Smith read the land use planning script for the quasi-judicial public hearing for the City of Monroe. Chair Smith inquired if any commissioners had conflicts or ex-parte contacts and none were stated. Chair Smith called for the staff report which the City Administrator/Planner Hohnbaum presented reviewing both the written staff report and recent correspondence with the city engineer. Mr. Dale Drake who was present as a representative of the applicant, introduced himself and the history of the property including the substandard tax lots and wetland issues. Mr. Drake presented the long-term plan to build some houses now and address the financing for the long-term development of a subdivision. He stated that they could not afford to do full street improvements just for six buildable lots. The commission and Mr. Drake discussed street development plans and housing affordability relating to the proposed partitions. Salot asked about a business plan that would define the development of the streets. Chair Smith asked for any other public comments or questions. Mr. Todd Nystrom inquired about the sizes of the proposed houses. Ms. Ruby Doyle inquired about the development plans. Commissioner Salot moved to continue the hearing until September 5th at 6PM to receive additional information

related to the street access plans and the long-term development plans. Commissioner Eastridge seconded the motion. Ayes-All.

- b. Quasi-judicial Public Hearing---Limited Land Use Review---An application for a Partition to create three buildable lots on Block 39 West of 10th and North of Ash Street File # 2017-11. Chair Smith opened the public hearing at 7:03pm. Commissioner Salot moved to continue the public hearing until 6pm on September 5th. Commissioner Sheets seconded the motion. Ayes-All.

The commission discussed additional information and Tim suggested schematic on their entire long-term plan. Salot suggested that the application should consider the entire details for the development. Chair Smith suggested some visual and drawing of the streets and the commission wanted to see the documented plan for long term and short-term development.

6. LIMITED LAND USE DECISION(S)

- a. Administrative Variance Application-Set back exception for new residence
CA Hohnbaum reminded the commission of the option relating to the administrative variance process. Hohnbaum reviewed the written staff report and presented his recommendation. He encouraged the commission to make a motion and then discuss and deliberate their decision as they deemed appropriate. Stan moved to deny the variance but it died from lack of second. Stan Salot moved to require the applicant to go through a formal variance process. Commissioner Eastridge moved accept the administrative variance with 4 feet on the upland setback and 8 feet for the street side. Commissioner Salot seconded. Ayes: All

7. OLD BUSINESS:

- a. Red Hills Application-Extension Expires August 31, 2017
CA Hohnbaum stated that this business item would be on the next council agenda. Chair Smith moved to recommend to the city council that they deny the extension for the Red Hills application. Vice Chair Salot seconded the motion. Ayes-All.

8. NEW BUSINESS:

- a. Brewpub Applications
CA Hohnbaum stated that the city had received two applications for variances for the proposed project but had not yet received a site design review application. Hohnbaum stated that since the requirement was that the city provide 20 days' notice to all property owners within 250 feet and that the application had not been received yet, he is suggesting that the planning commission meet on September 18th for the purpose of conducting a public hearing and reviewing of the three applications. He also stated that this project does not appear to require city council review.
- b. Main Street Planning Update
CA Hohnbaum shared the work session hosted by the Beautification Committee with the state director of the Oregon Main Street Program on August 16th. He reviewed the report from that event which was included in the Planning Commission Packets and encouraged the commissioners to read, review and consider the recommendations. Hohnbaum also

stated that the City was sending a strong delegation to the state Main Street Conference in Oregon City in October including the Mayor, Chair of the Beautification Committee, two local business owners and a planning commissioner.

c. Visioning and Comp Plan

CA Hohnbaum shared the comp plan update and visioning activities and plans relaying the status of the work products that the planning commission had already accomplished. He shared his recent awareness of the requirement for not only Planning Commission hearings on the draft language for the comp plan but notification to the state 35 days prior to those required hearings.

d. Future Agendas and Planning Dates

CA Hohnbaum shared the information about the training event on September 23rd and asked the commissioners to check their calendars and let him know of their availability. The City will be allotted more seats for this special event which Monroe is hosting and the City would like to see as much opportunity as possible for commissioners and councilors to attend.

e. Other new business: Commission Eastridge brought up roads and standards that seem inconsistent and CA Hohnbaum shared his recent efforts of working with the city engineer addressing those concerns.

9. RECOMMENDATIONS TO COUNCIL: Commission Salot moved to recommend to the council to engage the city engineer in developing the planning and standardization for infrastructure development to occur during the land partition development process prior to the building permit process. Commissioner Eastridge seconded the motion. Ayes-all.

10. ADJOURNMENT: Chair Smith adjourned the meeting at 8:04pm.

Respectfully submitted;

City Recorder Hohnbaum

Approved by Planning Commission Action September 18, 2017.

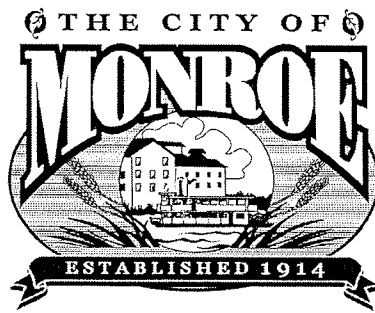
Planning Commission Chair Kathy Smith

Date:

ATTEST:

City Recorder Hohnbaum

Date:



MONROE PLANNING COMMISSION MINUTES

September 5, 2017 COUNCIL CHAMBERS 6pm

1. Call to Order: At 6:02 Stan Salot called the meeting to order and asked Commissioner Cuthbertson to lead the commission and audience in the Pledge of Allegiance.
2. Roll Call: Present was Stan Salot, Tim Eastridge, Dan Sheets, Fred Cuthbertson, Linda Fredricks and David Mills. Also present was Rick Hohnbaum, City Administrator.
3. PUBLIC ITEMS AND COMMENTS: none
4. PUBLIC HEARINGS: Continued
 - a. Quasi-judicial Public Hearing---Limited Land Use Review---An application for a partition to create three buildable lots on Block 43 West of 9th and North of Pine Street File # 2017-10. CA Hohnbaum read an abbreviated version and reminder of the rules for land use public hearings from the City of Monroe Land Use Hearing Script. Recessed hearing from August 24. Vice Chair Salot opened the hearing at 6:05. Vice Chair Salot asked for any public input. There was no public input. VC Salot invited the applicant to speak. The applicant representative stated that they would hard surface the street on 8th street with sidewalks curbs and gutters for the two lots that would be partitioned and developed. The representative stated that for the block 43 street they would agree to a remonstrance waiver agreement and a 20-foot gravel to meet fire standards.

Chair Smith arrived and served as the presiding officer.

The commission and applicant discussed affordability of housing which Division of State Lands is requiring and the need for housing in order to allow mitigation of the wetlands in the area. The commission and applicant discussed various scenarios for street installation. The applicant shared their future partition plans for four houses off Ash between 8th and 9th. Mrs. Ruby Doyle spoke about her concern of storm water that comes down the hill behind her residence on 9th Street. The applicant stated that the infrastructure being installed may deter storm water flow. Vice Chair Salot led a discussion of the risk management element of the investment of housing and the potential of the development never being completed. The commission discussed the options and the risks for the city and the applicant and the improvements which would be better than the current status of the area for the community. Staff reviewed the proposed conditions of approval when questions were discussed relating to storm water concerns raised by Ms. Doyle. Chief Smith and applicant discussed fire hydrant application locations required and existing. Commission Mills inquired of Fire Chief Smith as to any issue he may have with the

partitions as proposed and he shared his concerns about not allowing parking when the road is only 20 feet wide and that the gravel street needed a turn around. The commission and applicant discussed street widths. Chair Smith closed the public hearing at 7:10. Commissioner Eastridge moved to approve the partition application submitted by Pacific National Development Corporation to create three tax lots on Block 43 with the approval based upon the findings contained within the Staff Report and developed at the public hearing and subject to the Conditions of Approval contained in the Staff Report with one additional condition of approval developed at the public hearing requiring signed remonstrance waivers for the properties facing Tenth Street between Ash and Pine. Commissioner Fredricks seconded the motion. Ayes: All:

- b. Quasi-judicial Public Hearing---Limited Land Use Review---An application for a partition to create three buildable lots on Block 39 West of 8th Street and South of Pine File # 2017-11. Chair Smith opened the public hearing at 7:17pm. CA Hohnbaum read the City of Monroe Planning Script relating to the requirements for all parties and testimony. The applicant shared that they were doing the “full-meal deal” for the street improvements on 8th Street in front of the two proposed new lots to match and connect with the existing hard surface street on 8th Street. Chair Smith closed the public hearing at 7:19. Commissioner Eastridge moved to approve the partition application on Block 39 tax lot 2100 based upon the findings contained in the Staff Report and subject to the Conditions of Approval contained in the staff report. Commissioner Cuthbertson seconded the motion. Ayes: unanimous.

The applicant inquired as to the final conditions and CA Hohnbaum shared the additional condition established by the planning commission for the first public hearing on Block 43. Commissioner Fredricks inquired of the applicant as to their projected timing the applicant indicated that they would be proceeding as soon as possible. The applicant thanked the planning commission for their due diligence and consideration of their applications.

5. ADJOURNMENT: Chair Smith adjourned the meeting at 7:25.

Respectfully submitted;

City Recorder Hohnbaum

Approved by Planning Commission Action September 18, 2017.

Planning Commission Chair Kathy Smith

Date:

ATTEST:

City Recorder Hohnbaum

Date:

CITY OF MONROE LAND USE APPLICATION 17-10

NOTICE OF DECISION

APPLICATION: Partition

REQUEST/PURPOSE: To create three lots from Tax Lot 3200

PROPERTY: In Monroe, west of 9th Street, north of Pine

CORDINATES: T14S R5W Section 28, Pacific Addition Block 43

APPLICANT: Pacific National Development Corporation

APPLICABLE CRITERIA: Monroe Zoning Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017

STAFF CONTACT: Rick Hohnbaum

FILE NUMBER: 2017-10

DATE OF STAFF REPORT: August 18, 2017

DATE OF DECISION: September 5, 2017

i. REQUESTED ACTION:

The applicant, Pacific National Development Corporation (PNDC, Inc.) requested approval to partition one lot into three tax lots. All three lots would exceed 5,500 square feet.

ii. ACTION:

On August 24, 2017 and September 5, 2017, the Monroe Planning Commission reviewed the staff report, conducted a public hearing, reviewed city development codes and requirements.

iii. DECISION:

On September 5, 2017 and the Monroe City Planning Commission unanimously approved the requested land use action application with Conditions of Approval (5) as listed.

iv. CONDITIONS OF APPROVAL

- a. A partition plat shall be prepared by an Oregon land surveyor in accordance with ORS 92 and County Surveyor Plat standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor.
- b. The applicant shall record the approved plat at the County Recorder's Office and provide a copy of the plat to the City Recorder.
- c. That adequate access to meet city standards per city engineer review are met to obtain access to all the lots of the proposed and approved partition. This will include a 20-foot wide gravel street sufficient to support the weight of a 65,000-pound vehicle and no parking signs along the length of the gravel improvements and review and authorization from the Monroe Fire District Chief.
- d. That the applicant meets all city, state and federal rules, ordinances and regulations including but not limited to wetlands, public improvements, erosion control and engineering standards.
- e. That the applicant provides signed waiver of remonstrance agreements to the City of Monroe for infrastructure to meet city standards their properties that face 10th Street located between Pine and Ash Street.

v. REVIEW

Per Monroe Land Use Code Section 2.329 (13):

The City Council shall either:

Confirm the action of the Planning Commission without a public hearing; or
If the council feels further consideration is necessary, it shall hold a public hearing, per the hearings procedures as specified for the Planning Commission.

The Monroe City Council will be conducting a special council meeting on September 11, 2017 for the purpose of confirming the Planning Commission Decision in this requested land use action at 6PM and Monroe City Hall.

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

PUBLIC NOTICE

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

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

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

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

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

2017-~~11~~10

APPLICATION
PARTITION

Property Owner or Contract Purchaser Information

Name: Pacific Northwest Development, Inc. Bus. Phone: 503-990-7003
Address: 3753 Commercial St SE Home Phone: _____
Salem, OR 97302

Other individuals to be notified of this application:

Name	Address
<u>Keith Whisenant</u>	<u>3772 Portland Rd NE, Salem, OR 97301</u>

General Property Information

Assessor's Map & Tax Lot Number: T 14 S, R 5 W, Section(s) 43, Tax Lot(s) 3200
Acreage: 0.76 acres Zoning: urban industrial

Existing Structures: none

Current use(s) of the property: vacant

When was the subject property first described in its current configuration in a separate recorded legal description? Aug 7th 1912 Recorded Document Number: SP 0003-034

Uses of adjacent property (not under the ownership of the applicant):

North of property: vacant

South of property: "

East of property: "

West of property: "

Partitioning Details

1. Please describe the proposed parcels. Identify the size of the parcels; how the proposed parcels will obtain access (by private easement or by public road); the amount of frontage on a public road, if any; existing improvements (i.e. house, shed, well, septic system).

<u>Parcel</u>	<u>Acreage</u>	<u>Access</u>	<u>Frontage</u>	<u>Improvements</u>	<u>Water</u>	<u>Sewer</u>
1)	_____	<u>Public</u>	<u>50'</u>	<u>none</u>	<u>city</u>	<u>city</u>
2)	_____	<u>"</u>	<u>50'</u>	<u>"</u>	<u>"</u>	<u>"</u>
3)	_____	<u>"</u>	<u>200</u>	<u>"</u>	<u>"</u>	<u>"</u>

2. Has the subject parcel been the subject of a previous land partition approved by Benton County? _____
If yes, does this proposal include the creation of a fourth parcel created? _____

The Planning Commission will review the two or three parcels proposed to be created under this request and may pre-approve any future partitions which you may wish to undertake on this property in succeeding years.

Please describe future proposed parcels which you may wish to have the Planning Commission pre-approve:

<u>Parcel</u>	<u>Acreage</u>	<u>Access</u>	<u>Frontage</u>	<u>Improvements</u>	<u>Water</u>	<u>Sewer</u>
4)	_____	_____	_____	_____	_____	_____
5)	_____	_____	_____	_____	_____	_____
6)	_____	_____	_____	_____	_____	_____
7)	_____	_____	_____	_____	_____	_____
8)	_____	_____	_____	_____	_____	_____
9)	_____	_____	_____	_____	_____	_____

3. Will any parcel obtain access by a private easement, any portion of which currently or is proposed to serve more than the subject parcel? no Does the parcel obtaining access by private easement contain more than two times the minimum parcel size? no If either answer is 'yes', a road plan and profile described as Attachment 2 must be submitted with the application.
4. Will any of the proposed parcels contain a "panhandle" access strip? no
If yes, which parcel? NA; length? NA ft. The access portion of the lot must not exceed 750 feet in length, 300 feet in an Urban Growth Boundary.

Water and Septic Requirements

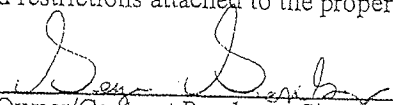
1. Is there an existing well or spring on the proposed parcel(s)? no Please attach a copy of a well log which identifies the rated yield of this water source. A water source yielding at least five gallons per minute per parcel or residence served must be provided for each residence prior to final approval of the partition.
2. Is there an existing septic system on the proposed parcel(s)? no An evaluation by Environmental Health will be required of an existing system unless the system was recently installed or repaired. A site suitability of a vacant parcel intended for residential use will be required prior to final approval in order to determine the suitability of the site for a septic system. Please attach a copy of any septic system records you may have available.

Attachments

1. Sketch Map. Three copies of an accurate scale drawing of the proposal is required. The drawing must contain:
 - a) The entire boundary of the parent parcel and each proposed parcel
 - b) The number and size of each proposed parcel.
 - c) The location of any existing improvements, including buildings, wells, and septic systems.
 - d) The approximate dimensional length of each proposed parcel line.
 - e) The location of any existing easement or proposed easement for a private roadway, utility, or other purpose.
 - f) The location of any proposed public road right-of-way.
 - g) If the request is being review as a series partition, twelve copies of the sketch plan must be submitted. The sketch plan should identify the proposed future parcels with all of the above information and be indicated as future parcels through appropriate notation and the use of a dashed boundary line.
2. A copy of deed(s) covering the subject property and contiguous property in the same ownership.

Signature(s)

I hereby certify that I am the legal owner or contract purchaser of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested partitioning would not violate any deed restrictions attached to the property.



Owner/Contract Purchaser Signature

8/9/10

Date

Owner/Contract Purchaser Signature

Date

For Office Use Only

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

File Number Assigned: _____ Planner Assigned: _____

Date Application Deemed Complete: _____

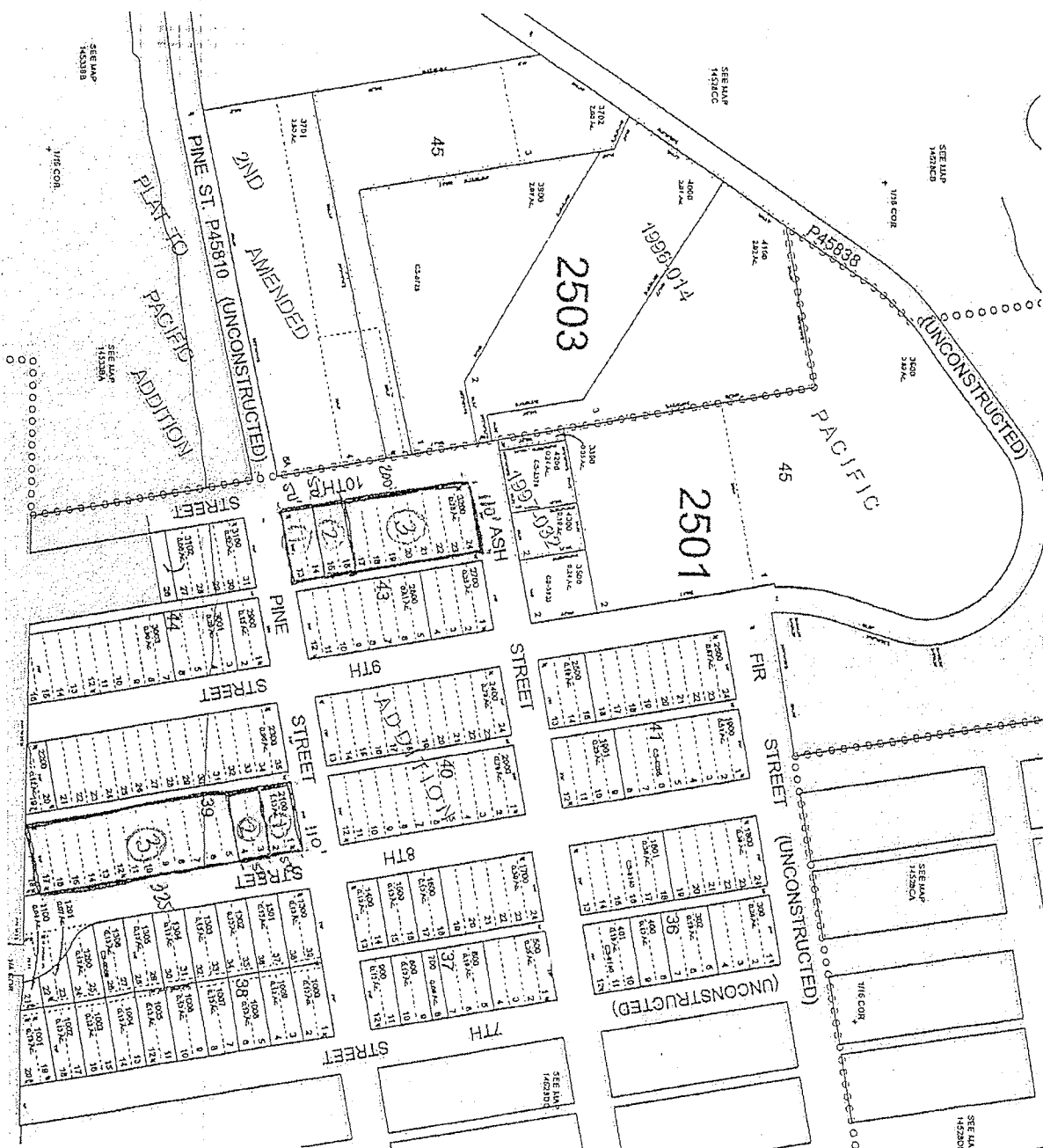
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CITY OF MONROE LAND USE APPLICATION 17-10

APPLICATION: Partition

REQUEST/PURPOSE: To create three lots from Tax Lot 3200

PROPERTY: In Monroe, west of 9th Street, north of Pine

CORDINATES: T14S R5W Section 28, Pacific Addition Block 43

APPLICANT: Pacific National Development Corporation

OWNER OF PROPERTY: Pacific National Development Corporation

ZONING: Residential GRA

APPLICABLE CRITERIA: Monroe Zoning Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017

STAFF CONTACT: Rick Hohnbaum

FILE NUMBER: 2017-10

DATE OF STAFF REPORT: August 18, 2017

I. REQUESTED ACTION:

The applicant, Pacific National Development Corporation (PNDC, Inc.) is requesting approval to partition one lot into three tax lots. All three lots would exceed 5,500 square feet. On August 9th the payment of fee and submittal of formal application was received and accepted by the City.

II. STAFF ACTION:

On August 9, 2017 city staff created a public notice. The public notice was mailed to all property owners within 250 feet. City staff also hand delivered public notice to Monroe Telephone Company and city public works staff for their review. Staff also transmitted by electronic means to PPL and ODOT the same notice.

III. STAFF REPORT:

Finding of Fact 1: The application was deemed complete on August 10, 2017 by city staff review.

- 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 Council established a development policy on May 22, 2017 "to accept previously historically platted, legal, non-conforming lots that contained a minimum of 5000 square feet as "buildable lots."
- Find of Facts 4: The Monroe Planning Commission has previously reviewed the history of the historic non-conforming platted lots and determined and recommended to the City Council "...that a buildable lot that encompassed at least two 25-foot wide lots was acceptable."
- Decision Criteria 1: 2.328 (1) Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.
- This criteria is not met due to the code stating an 8,000 square feet minimum lot size is required in order to develop.
- Decision Criteria 2: 2.328 (2) The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.
- This criteria is met.
- Decision Criteria 3: 2.328 (3) The proposed street plan is in conformance with City standards and provided the most economic, safe and efficient circulation of traffic in relation to the existing City street system and future plans.
- There are no existing City streets adjacent to this proposed partition currently. However, there are significant plans with a potential future subdivision application for the property. As a part of the development of the proposed partition lot will be the cost expectation for street improvements in line with the new construction across the street from the partitioned lot.
- Decision Criteria 4: 2.328 (4) The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.
- There are existing city utilities for both water and wastewater facilities and services available.
- Decision Criteria 5: 2.328 (5) Special site features have been considered and utilized.

There are no special site features considered for this proposed partition.

Decision Criteria 6 2.328 (6) Drainageways are protected and required drainage facilities are provided in conformance with State erosion control regulations.

Recommendation 1: The Planning Commission should conduct a public hearing on August 24, 2017 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 render a decision on the applicant's requested action.

Recommendation 2: Based upon current information consisting of the application, the staff review of the application and no testimony from public or agencies notified as to this proposed action, the planning commission should approve the applicant's request for action.

Recommendation 3: Recommended Conditions of Approval

- a. A partition plat shall be prepared by an Oregon land surveyor in accordance with ORS 92 and County Surveyor Plat standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor.
- b. The applicant shall record the approved plat at the County Recorder's Office and provide a copy of the plat to the City Recorder.
- c. That adequate access to meet city standards per city engineer review are met to obtain access to all the lots of the proposed and approved partition.
- d. That the applicant meets all city, state and federal rules, ordinances and regulations including but not limited to wetlands, public improvements, erosion control and engineering standards.

IV. MOTIONS:

1. APPROVAL: To approve application:

- a. I move that the partition application submitted by Pacific National Development Corporation to create three tax lots on Block 43 tax lot 3200 be approved based upon the findings contained in the Staff Report (and/or developed at the public hearing) and subject to the Conditions of Approval

contained in the Staff Report (and/or Conditions of Approval developed at the public hearing).

2. DENIAL: To deny the application:

- a. I move that the partition application submitted by Pacific National Development Corporation to create three tax lots on Block 43 tax lot 3200 be denied based upon the findings contained in the Staff Report (and/or developed at the public hearing) and subject to the Conditions of Approval contained in the Staff Report (and/or Conditions of Approval developed at the public hearing).

CITY OF MONROE LAND USE APPLICATION 17-11

NOTICE OF DECISION

APPLICATION: Partition

REQUEST/PURPOSE: To create three lots from Tax Lot 2100

PROPERTY: In Monroe, west of 9th Street, north of Pine

CORDINATES: T14S R5W Section 28, Pacific Addition Block 39

APPLICANT: Pacific National Development Corporation

APPLICABLE CRITERIA: Monroe Zoning Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017

STAFF CONTACT: Rick Hohnbaum

FILE NUMBER: 2017-11

DATE OF STAFF REPORT: August 18, 2017

DATE OF DECISION: September 5, 2017

i. REQUESTED ACTION:

The applicant, Pacific National Development Corporation (PNDC, Inc.) requested approval to partition one lot into three tax lots. All three lots would exceed 5,500 square feet.

ii. ACTION:

On August 24, 2017 and September 5, 2017, the Monroe Planning Commission reviewed the staff report, conducted a public hearing, reviewed city development codes and requirements.

iii. DECISION:

On September 5, 2017 and the Monroe City Planning Commission unanimously approved the requested land use action application with Conditions of Approval (4) as listed.

iv. CONDITIONS OF APPROVAL

- a. A partition plat shall be prepared by an Oregon land surveyor in accordance with ORS 92 and County Surveyor Plat standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor.
- b. The applicant shall record the approved plat at the County Recorder's Office and provide a copy of the plat to the City Recorder.
- c. That adequate access to meet city standards per city engineer review are met to obtain access to all the lots of the proposed and approved partition. This will include but is not limited to complete hard surface half street, sidewalks, curbs and gutter to match up with the existing hard surface street in front of all lots on 8th Street being developed.
- d. That the applicant meets all city, state and federal rules, ordinances and regulations including but not limited to wetlands, public improvements, erosion control and engineering standards.

v. REVIEW

Per Monroe Land Use Code Section 2.329 (13):

The City Council shall either:

Confirm the action of the Planning Commission without a public hearing; or
If the council feels further consideration is necessary, it shall hold a public hearing, per the hearings procedures as specified for the Planning Commission.

The Monroe City Council will be conducting a special council meeting on September 11, 2017 for the purpose of confirming the Planning Commission Decision in this requested land use action at 6PM and Monroe City Hall.

NATURE OF APPLICATION:	An application for a Partition to create three buildable lots from one existing tax lot.
APPLICABLE CRITERIA:	<i>Monroe Zoning Ordinance</i> Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017
PROPERTY LOCATION:	In Monroe, west of 10TH and north of Ash. (T14S R5W, Pacific Addition Block 39)
PROPERTY OWNER:	Pacific National Development Corporation
ZONE DESIGNATION:	Residential
STAFF CONTACT:	Rick Hohnbaum
FILE NUMBER:	17-11

PUBLIC NOTICE

The applicant, Pacific National Development Corporation (PNDC, Inc.) is requesting approval to partition half of Block 39 into three lots. The total of combined historically platted lots would be approximately 5,500 square feet.

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

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

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

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

2017-~~11~~ 11

APPLICATION PARTITION

Property Owner or Contract Purchaser Information

Name: Pacific Northwest Development, Inc. Bus. Phone: 503-990-7003
503-851-1030
Address: 3753 Comm'l St. S.E. Home Phone: _____
Salem, OR 97302

Other individuals to be notified of this application:

<u>Name</u>	<u>Address</u>
<u>Keith Whisenant</u>	<u>3772 Portland Rd NE, Salem, OR 97301</u>

General Property Information

Assessor's Map & Tax Lot Number: T 14 S, R 5 W; Section(s) 39, Tax Lot(s) 2500
Acreage: 1.13 acres Zoning: Urban industrial

Existing Structures: none

Current use(s) of the property: vacant

When was the subject property first described in its current configuration in a separate recorded legal description? Aug 7th, 1912 Recorded Document Number: SP0003-034

Uses of adjacent property (not under the ownership of the applicant):

North of property: vacant

South of property: vacant

East of property: Residential

West of property: vacant

Partitioning Details

1. Please describe the proposed parcels. Identify the size of the parcels; how the proposed parcels will obtain access (by private easement or by public road); the amount of frontage on a public road, if any; existing improvements (i.e. house, shed, well, septic system).

<u>Parcel</u>	<u>Acreage</u>	<u>Access</u>	<u>Frontage</u>	<u>Improvements</u>	<u>Water</u>	<u>Sewer</u>
1)	50' x 110'	Public Rd.	50'	none	city	city
2)	50' x 110'	"	"	"	"	"
3)	325' x 110'	"	325'	"	"	"

2. Has the subject parcel been the subject of a previous land partition approved by Benton County? no
If yes, does this proposal include the creation of a fourth parcel created? _____

The Planning Commission will review the two or three parcels proposed to be created under this request and may pre-approve any future partitions which you may wish to undertake on this property in succeeding years.

Please describe future proposed parcels which you may wish to have the Planning Commission pre-approve:

<u>Parcel</u>	<u>Acreage</u>	<u>Access</u>	<u>Frontage</u>	<u>Improvements</u>	<u>Water</u>	<u>Sewer</u>
4)	_____	_____	_____	_____	_____	_____
5)	_____	_____	_____	_____	_____	_____
6)	_____	_____	_____	_____	_____	_____
7)	_____	_____	_____	_____	_____	_____
8)	_____	_____	_____	_____	_____	_____
9)	_____	_____	_____	_____	_____	_____

3. Will any parcel obtain access by a private easement, any portion of which currently or is proposed to serve more than the subject parcel? no Does the parcel obtaining access by private easement contain more than two times the minimum parcel size? no If either answer is 'yes', a road plan and profile described as Attachment 2 must be submitted with the application.

4. Will any of the proposed parcels contain a "panhandle" access strip? no
If yes, which parcel? NA; length? NA ft. The access portion of the lot must not exceed 750 feet in length, 300 feet in an Urban Growth Boundary.

Water and Septic Requirements

1. Is there an existing well or spring on the proposed parcel(s)? no Please attach a copy of a well log which identifies the rated yield of this water source. A water source yielding at least five gallons per minute per parcel or residence served must be provided for each residence prior to final approval of the partition.
2. Is there an existing septic system on the proposed parcel(s)? no An evaluation by Environmental Health will be required of an existing system unless the system was recently installed or repaired. A site suitability of a vacant parcel intended for residential use will be required prior to final approval in order to determine the suitability of the site for a septic system. Please attach a copy of any septic system records you may have available.

Attachments

1. Sketch Map. Three copies of an accurate scale drawing of the proposal is required. The drawing must contain:
 - a) The entire boundary of the parent parcel and each proposed parcel
 - b) The number and size of each proposed parcel.
 - c) The location of any existing improvements, including buildings, wells, and septic systems.
 - d) The approximate dimensional length of each proposed parcel line.
 - e) The location of any existing easement or proposed easement for a private roadway, utility, or other purpose.
 - f) The location of any proposed public road right-of-way.
 - g) If the request is being review as a series partition, twelve copies of the sketch plan must be submitted. The sketch plan should identify the proposed future parcels with all of the above information and be indicated as future parcels through appropriate notation and the use of a dashed boundary line.
2. A copy of deed(s) covering the subject property and contiguous property in the same ownership.

Signature(s)

I hereby certify that I am the legal owner or contract purchaser of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested partitioning would not violate any deed restrictions attached to the property.

Don D. Dyer
Owner/Contract Purchaser Signature

8/9/17
Date

Owner/Contract Purchaser Signature

Date

For Office Use Only

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

File Number Assigned: _____ Planner Assigned: _____

Date Application Deemed Complete: _____

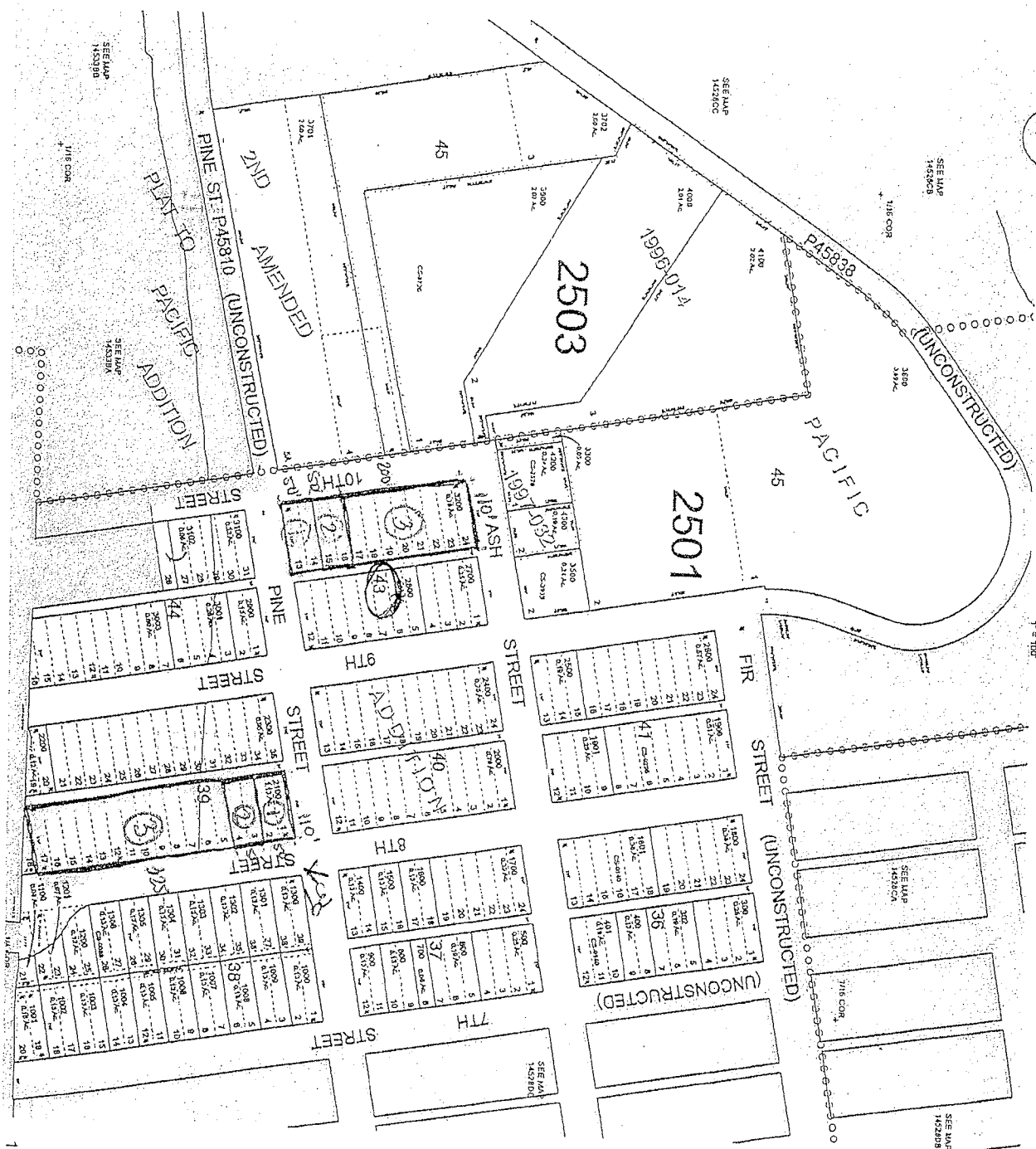
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.E. 1/4 S.W. 1/4 SEC. 28 T. 14S. R. 5W. W.M.
BENTON COUNTY
1" = 100'

0 25 100 Feet

14528CD

REV. 01/04/01
CANCELED:
100 THRU 200
2001
3000
3400
3400
3400
3197



14528CD

CITY OF MONROE LAND USE APPLICATION 17-11

APPLICATION: Partition

REQUEST/PURPOSE: To create three lots from Tax Lot 2100

PROPERTY: In Monroe, west of 10th Street, north of Ash

CORDINATES: T14S R5W Section 28, Pacific Addition Block 39

APPLICANT: Pacific National Development Corporation

OWNER OF PROPERTY: Pacific National Development Corporation

ZONING: Residential GRA

APPLICABLE CRITERIA: Monroe Zoning Sections 2.320, 2.328, 2.329, City Council Minutes of May 22, 2017

STAFF CONTACT: Rick Hohnbaum

FILE NUMBER: 2017-11

DATE OF STAFF REPORT: August 18, 2017

I. REQUESTED ACTION:

The applicant, Pacific National Development Corporation (PNDC, Inc.) is requesting approval to partition one lot into three tax lots. All three lots would exceed 5,500 square feet. On August 9th the payment of fee and submittal of formal application was received and accepted by the City.

II. STAFF ACTION:

On August 9, 2017 city staff created a public notice. The public notice was mailed to all property owners within 250 feet. City staff also hand delivered public notice to Monroe Telephone Company and city public works staff for their review. Staff also transmitted by electronic means to PPL and ODOT the same notice.

III. STAFF REPORT:

Finding of Fact 1: The application was deemed complete on August 10, 2017 by city staff review.

- 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 Council established a development policy on May 22, 2017 "to accept previously historically platted, legal, non-conforming lots that contained a minimum of 5000 square feet as "buildable lots."
- Find of Facts 4: The Monroe Planning Commission has previously reviewed the history of the historic non-conforming platted lots and determined and recommended to the City Council "...that a buildable lot that encompassed at least two 25-foot wide lots was acceptable."
- Decision Criteria 1: 2.328 (1) Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.
- This criteria is not met due to the code stating an 8,000 square feet minimum lot size is required in order to develop.
- Decision Criteria 2: 2.328 (2) The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.
- This criteria is met.
- Decision Criteria 3: 2.328 (3) The proposed street plan is in conformance with City standards and provided the most economic, safe and efficient circulation of traffic in relation to the existing City street system and future plans.
- There are no existing City streets adjacent to this proposed partition currently. However, there are significant plans with a potential future subdivision application for the property. As a part of the development of the proposed partition lot will be the cost expectation for street improvements in line with the new construction across the street from the partitioned lot.
- Decision Criteria 4: 2.328 (4) The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.
- There are existing city utilities for both water and wastewater facilities and services available.
- Decision Criteria 5: 2.328 (5) Special site features have been considered and utilized.

There are no special site features considered for this proposed partition.

Decision Criteria 6 2.328 (6) Drainageways are protected and required drainage facilities are provided in conformance with State erosion control regulations.

Recommendation 1: The Planning Commission should conduct a public hearing on August 24, 2017 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 render a decision on the applicant's requested action.

Recommendation 2: Based upon current information consisting of the application, the staff review of the application and no testimony from public or agencies notified as to this proposed action, the planning commission should approve the applicant's request for action.

Recommendation 3: Recommended Conditions of Approval

- a. A partition plat shall be prepared by an Oregon land surveyor in accordance with ORS 92 and County Surveyor Plat standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor.
- b. The applicant shall record the approved plat at the County Recorder's Office and provide a copy of the plat to the City Recorder.
- c. That adequate access to meet city standards per city engineer review are met to obtain access to all the lots of the proposed and approved partition.
- d. That the applicant meets all city, state and federal rules, ordinances and regulations including but not limited to wetlands, public improvements, erosion control and engineering standards.

IV. MOTIONS:

1. APPROVAL: To approve application:

- a. I move that the partition application submitted by Pacific National Development Corporation to create three tax lots on Block ~~39~~ tax lot ~~34~~ 00 be approved based upon the findings contained in the Staff Report (and/or developed at the public hearing) and subject to the Conditions of Approval

contained in the Staff Report (and/or Conditions of Approval developed at the public hearing).

2. DENIAL: To deny the application:

- a. I move that the partition application submitted by Pacific National Development Corporation to create three tax lots on Block ~~39~~ tax lot ~~22~~100 be denied based upon the findings contained in the Staff Report (and/or developed at the public hearing) and subject to the Conditions of Approval contained in the Staff Report (and/or Conditions of Approval developed at the public hearing).

ORDINANCE NO. 17-500

An Ordinance Amending Code of Monroe Chapter 92.17 NUISANCES AFFECTING PUBLIC SAFETY to address dumping on public property and setting a penalty

WHEREAS, the MONROE Ordinance Committee has unanimously declared that the dumping of material on city owned property is an immediate and urgent matter affecting public safety and is recommending City Council resolution of ongoing danger for the community; and

WHEREAS, the MONROE City Council has been made aware of dumping of material on city owned property and the hazards involved from said dumping; and

WHEREAS, the City Council held a public hearing on August 28, 2017, on the proposed ordinance, and public notice of said meeting was posted and the public was offered the opportunity to testify; and

WHEREAS, on August 28, 2017 the city council approved the first reading of the ordinance on a 5-1 vote; and

WHEREAS, on September 11, 2017 the city council in a publicly advertised and posted meeting conducted the second reading and the adoption of ordinance;

NOW THEREFORE, THE CITY OF MONROE ORDAINS AS FOLLOWS:

Section 1. 92.17 (I) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, containers or litter or other debris in any ditch, stream, storm drain, river, or retention basin that regularly or periodically carries surface water runoff.

Section 2. 92.17 (J) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, containers or litter or other debris on publicly owned property.

Section 3. 92.17 (K) PENALTY Any and every violation of Chapter 92.17 is punishable by a fine of not more than \$500 per incident and costs for removal of any and all debris from said property and location.

Section 4. This Ordinance becomes effective in 30 days immediately upon passage and signing by presiding officer of the governing body.

PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON THIS 11th DAY OF SEPTEMBER, 2017.

Paul Canter, Mayor

ATTEST:

Rick A. Hohnbaum, City Recorder