

MONROE PLANNING COMMISSION

October 8, 2018

6PM

MONROE CITY HALL

COUNCIL CHAMBERS

Commission Members: Kathy Smith, Tim Eastridge, Dan Sheets, Fred Cuthbertson, Linda Fredricks, David Mills, Cary Thayer. Staff: Rick A. Hohnbaum, City Planner

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 September 10, 2018 Planning Commission Meeting
4. PUBLIC HEARINGS
 1. **A PUBLIC HEARING to receive public input for Requested Land Use Action for a Conditional Use Permit at 645 Ash Street**
 2. **A PUBLIC HEARING to receive public input for a request to vacate an alley located between Kelly and Main and 5th and 6th Street**
5. Decision for 645 Ash Street Conditional Use Permit
6. Decision for Recommendation to the City Council for the requested alley vacate
7. Discussion of recent Planning Commission Training Event
8. Future Dates and Planning
9. OTHER BUSINESS
10. ADJOURNMENT OF MEETING

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MONROE CITY PLANNING COMMISSION MINUTES

September 10, 2018

6PM City Council Chambers

1. Call to Order: Chair Smith called the Planning Commission meeting to order at 6:00PM.
2. Pledge of Alliance: Chair Smith led the commission and staff in the Pledge.
3. Roll Call: Present was Kathy Smith, Fred Cuthbertson, Dan Sheets, Linda Fredricks and Tim Eastridge. CA Hohnbaum announced that Commissioner Mills would be unable to attend. City Administrator Hohnbaum, Community Development Coordinators RJ Theofield and Taylor Evans were present. Cam Bishop from Corp of Engineers, Dana Dedrick from the Long Tom Watershed, Shay Peeler, Curtis Peeler, Steve Girard and Carole Girard were present to participate in the meeting. Audience members included Todd Nystrom and Amy Nystrom.
4. Public comments: Shay and Curtis Peeler shared their situation in which they wish to build a home. With a city requirement of a maximum lot size and their desire to build a house where one existed previously from their family ownership of the property, they stated that it was cost prohibitive to install utilities to all the lots that would need to be created in order for them to build on a lot that was less than 14,000 square feet. They stated that they are not looking to develop the property but just replace the location of a residence where one previously existed. CA Hohnbaum rose to share the status of their request and their interests including a couple of considerations relating to the city's code for non-conformance of land use within the City. Hohnbaum stated that he could permit the house based upon the fact that the code exempts residential nonconformance which could be appealed to the planning commission or the Peelers could apply for a conditional use permit to the planning commission and they could review and approve a formal decision for the site plan review for the house to be built. The Planning Commission discussed the options and suggested that a formal decision by the Planning Commission would be in the Peeler's best interest and encouraged them to submit an application for Conditional Land Use Permit in order to move their process forward. The Peelers thanks the commission and staff for their consideration and time and left the meeting.
5. Approval of Minutes: Commissioner Eastridge moved to approve the minutes of August 6 Planning Commission and Parks Committee Joint Work Session, Planning Commission Minutes of August 6th and the Work session with the City Engineer held on August 6th. Commissioner Fredricks seconded the motion. Ayes-All.

6. Public Hearing: A Public Hearing to receive input regarding the request to vacate 125 feet of Corvallis Street.

Chair Smith called the public hearing to order at 6:25PM. Steve Girard rose using the whiteboard and shared the outlay of the properties in the area of their requested street vacation.

Chair Smith called for the staff report. CP Hohnbaum presented the staff report highlighting the consistent communications and planning and conversations which occurred with the applicant even prior to submitting the land use request. CP Hohnbaum shared that copies of the staff report and application were provided to both ODOT and the Monroe Rural Fire Protection District and Monroe Telephone Company for their review and consideration.

Commissioner Fredricks moved to recommend to the City Council with the provision of easement for the utilities to grant the street vacation as requested. Commissioner Cuthbertson seconded the motion. Ayes: All.

7. Rick Introduced Taylor Evans, the new RARE Participant for the City of Monroe. Taylor Evans was asked to share a little bit about herself and her background which she provided.
8. Presentations: Corp of Engineers and the Long Tom Watershed presented an update about the process and the alternatives addressing the long term plan for the 1135 Grant and the Long Tom River Plan for the benefit of the City of Monroe. Cam and Dana shared the conversations and the discussions that have taken place and the expectation of the 1135 Grant that could be awarded and the diversity of many processes both planning and implementation of connected projects. Cam and Dana shared a water front project that they are doing in cooperation with the school district to create a more pleasant natural environment immediately behind the high school which would lessen the stagnant water and the insects that affect the sports field next to the river. Cam and Dana shared objectives of all three organization and alternatives including addressing local needs and maintenance of the final product. Dana shared a new "Stakeholder Engagement" Grant that they have an opportunity to share with the City which could be a real resource for funding technical assistance as it relates to our river improvement project as well as increase community engagement. Commissioner Eastridge inquired as to what the next step was as it relates to the information provided to date and Cam shared that sometime there will hopefully be a convergence of the funding and support from the watershed, the funding from COE and the desired outcome determined by the City of Monroe. The staff and commission discussed the diversity of options and the potential elements of the project including potential effectiveness of the alternatives and costs.

9. Development Project Updates: City Planner Hohnbaum shared the various projects and Planning Land Use Decision Files currently being addressed by city staff including the pole barn project on Orchard Street and the 18 2018 planning files opened so far.
10. Broadley Winery Sidewalk Overhanging Project: CA Hohnbaum presented a proposed store front overhang project being planned by the Broadley Winery. Hohnbaum stated that while there is no approval permitting process for the city in regards to this project, they were seeking City input and counsel on their proposed project.
11. Transportation Growth Management Grant Award and Project: RJ Theofield shared the press release outlining the TGM Grant awarded to the City. RJ shared the \$140,000 grant elements and goals and the next step of creating a scope of work for the project. Commissioner Fredricks inquired as to what the deliverables will be for the grant.
12. Other Business: Eastridge inquired about Pacific Addition and CP Hohnbaum provided an update including the upcoming preconstruction meeting scheduled for later that week. The Planning Commission reminded staff that they had voted in opposition to the Pacific Addition 8 house development project.
13. Adjournment: Chair Smith adjourned the meeting at 8:10PM

Minutes approved by Planning Commission action October 1, 2018.

Chair Smith

Date:

ATTEST: _____
Rick Hohnbaum, City Recorder

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.

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



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: [REDACTED]
Email: [REDACTED]
Interest in Property (Owner, Purchaser, Agent, etc.): Owners

Subject Property Information

Street Address: 1045 Ash St. Monroe, OR. 97456
Assessor's Map: [REDACTED] Tax Lot: 14528 DE 02002 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

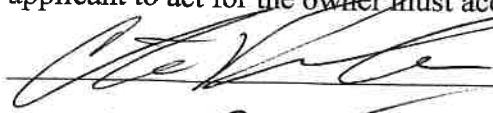

It is the responsibility of the applicant to determine if wetlands are present on the property and to contact the appropriate state and federal permitting agencies prior to applying for a development permit from the City. If hydric soils are present on the property or if the property contains a wetland 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 -

Location -

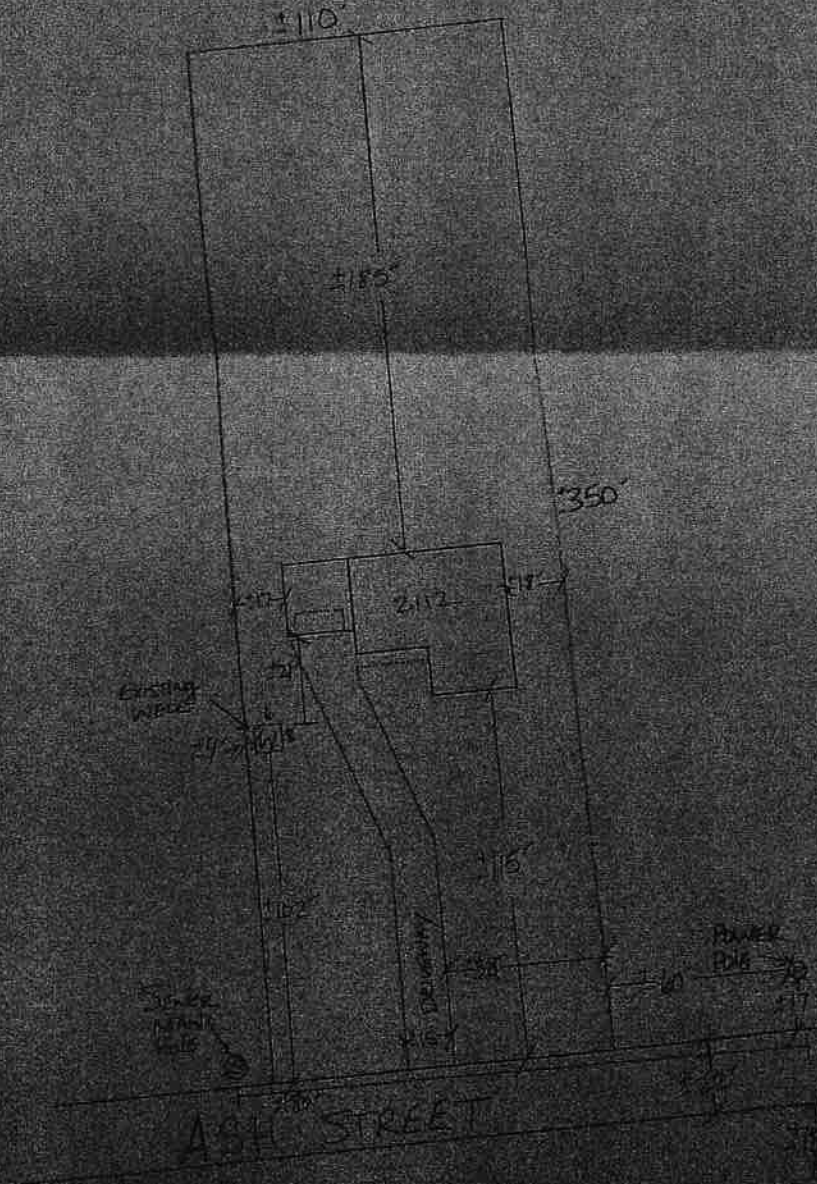
645 Ash Street

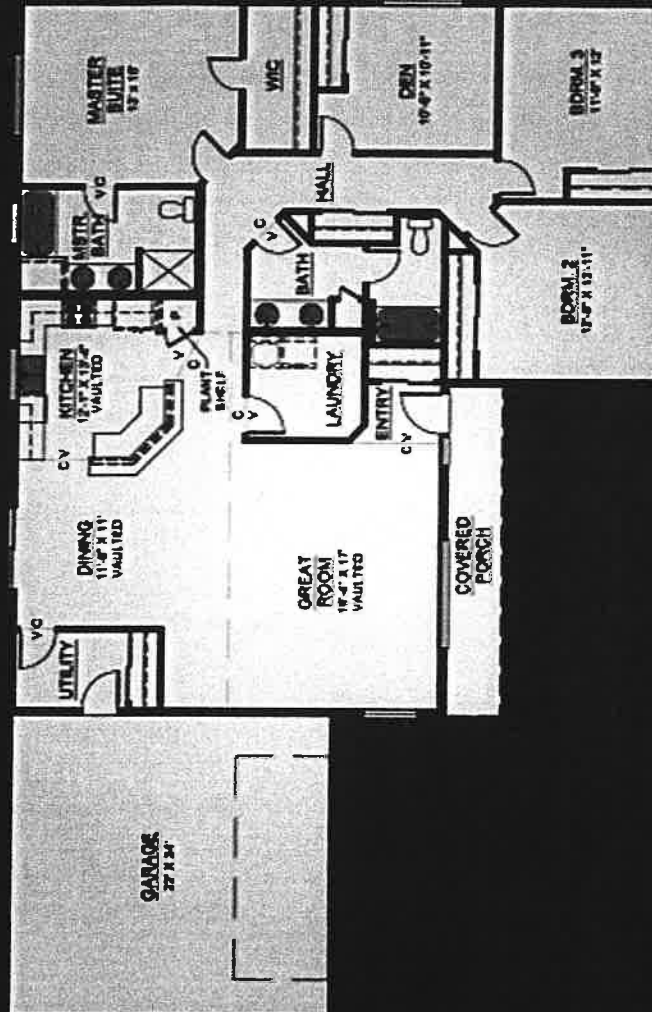
Monroe, OR 97456

Tax Lot #

14528DC02000

1" = 30'





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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.

VACATION APPLICATION

Date submitted OCTOBER 8, 2018
Property proposed for vacation 14S - 05W - 33
(Township-Range Section Tax Lot)

PRELIMINARY
APPLICATION

1. City Street _____
(name) (number 5-digit)
2. Public Road ALLEY BETWEEN 99W & 6TH ST., SOUTH OF KELLY ST.
(name) (number 4-digit)
3. Subdivision Road _____ ORS 92.234(4)
(name)
4. Public Easement _____
(deed reference number or subdivision)
5. Public Property _____
(deed reference number)
6. Other _____

\$300.00 FEE SUBMITTED WITH APPLICATION AND PETITION, PER ORS 92.234(4), ORS 271.110(3), AND MLDO 2.040(2).

IN ACCORDANCE WITH ORS 271.110(3), THIS FEE INITIATES THE VACATION PROCEEDING. IT DOES NOT INCLUDE THE COST PROVISION IN ORS 271.150 THAT REQUIRES THE COMPENSATION OF ANY COSTS RESULTING FROM THE APPROVED VACATION.

Applicant Name TODD NYSTROM

Address _____

Telephone Number _____
(Home) (Work)

PETITION PROCEDURES

Any person filing a petition under this section shall include the following in the petition:

1. A description of the property proposed to be vacated;
2. A statement of the reasons for requesting the vacation;
3. The names and addresses of all persons holding any recorded interest in the property proposed to be vacated;
4. The names and addresses (including township-range-section and tax lot) of all persons owning any improvements constructed on public property proposed to be vacated. Improvements may include buildings, street, sidewalks, sewer, utilities, fences and any other permanent structures not listed.
5. The names and addresses (including township-range-section and tax lot) of all persons owning any real property abutting public property proposed to be vacated;
6. Signatures, acknowledged by a notary public or either owners of 60 percent of the land abutting the property proposed to be vacated OR 60 percent of the owners of land abutting the property to be vacated; and
7. If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision.

ALL SIGNATURES REQUIRE THE ACKNOWLEDGMENT OF A NOTARY PUBLIC. A PETITION CANNOT BE INITIATED IF THE REQUIRED SIGNATURES HAVE NOT BEEN NOTARIZED.

LOCATED IN THE NE 1/4 OF SECTION 33 OF TOWNSHIP 14 SOUTH,
RANGE 5 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF MONROE, BENTON COUNTY, OREGON

KELLY STREET (R/W=60')

S85°13'04"W 120.64'

14.00'

S05°22'03"E 119.67'

N05°22'03"W 119.65'

14.00'

N85°10'39"E 120.45'

POINT OF BEGINNING

N85°10'39"E 119.61'

LOT 8

LOT 7

LOT 6

LOT 1

LOT 2

LOT 3

US HIGHWAY 99W
(R/W VARIES)

PARTITION PARCEL 1
PLAT 2017-014



BRIAN S. SAILOR, P.L.S.
COLE SURVEYING, LLC
245 NE CONIFER BLVD.
CORVALLIS, OREGON 97330
(541) 257-1019



Exhibit "A"

Description for Alleyway Vacation

Beginning at a 5/8 inch iron rod located at the Southwest corner Parcel 1 of Benton County Partition Plat 2017-014 and the Southwest corner of Lot 2 Block 4 of the "Original Town of Monroe" located in the Northeast Quarter of Section 33, Township 14 South, Range 5 West of the Willamette Meridian, City of Monroe, Benton County, Oregon; thence North 5°22'03" East 119.65 feet along the West line of Lots 1 and 2, Block 4 of said "Original Town of Monroe" to the South right of way line of Kelly Street; thence South 85°13'04" West 14.00 feet along said South right of way line to the Northeast corner of Lot 8 Block 4 of said "Original Town of Monroe"; thence South 5°22'03" East 119.67 feet along the East line of Lots 7 and 8, Block 4 of said "Original Town of Monroe" to the Southeast corner of said Lot 7; thence North 85°10'39" East 14.00 feet to the point of beginning.

The Basis of Bearings for the above described centerline is from the above mentioned "Benton County Partition Plat 2017-014

PETITION TO VACATE

**BEFORE THE CITY COUNCIL
FOR THE STATE OF OREGON, FOR THE CITY OF MONROE**

In the Matter of the Vacation of)
_____)
_____)
Monroe, Oregon)

PRELIMINARY
PETITION

I, TODD NYSTROM

_____, petition the City Council of Monroe, Oregon, to vacate
_____, more particularly described as follows:

[Legal description should follow as closely as possible the original description of the road/property as it was established.] SEE ATTACHED EXHIBIT 'A'

2.

The particular circumstances that justify granting a vacation of the described property are: [i.e., how the property is currently being used, condition of the property, reasons for requesting the vacation]

THIS PORTION OF PUBLIC ALLEY IS STRADDLED BY PRIVATE PROPERTY COMPRISING LONGTIMBER BREWING BUILDING AND VEHICLE PARKING. VACATION WILL YIELD 3. PEDESTRIAN SAFETY

Names and addresses of ALL persons holding any record interest in the property proposed to be vacated:

<u>Name and Address</u>	<u>Tax Lot Number and Deed Reference</u>
<u>CITY OF MONROE</u>	

4.

Names and addresses of all persons owning any improvements constructed on public property proposed to be vacated.

<u>Name and Address</u>	<u>Tax Lot Number and Deed Reference</u>
<u>TODD NYSTROM</u>	
<u>MONROE TELEPHONE</u>	
<u>PACIFIC POWER</u>	

PRELIMINARY
PETITION

5.

Names and Addresses of all persons owning any real property abutting public property proposed to be vacated: [Any property on either side of a public roadway from the property proposed to be vacated is also considered to be abutting property.]

<u>Name and Address</u>	<u>Tax Lot Number and Deed Reference</u>
TOD NYSTROM,	14533AB 4901 + 14533AB 8100
JERRY CROWSON,	14533AB 4900

6.

<u>Petitioner's Signature</u>	<u>Tax Lot</u>

STATE OF OREGON)
COUNTY OF BENTON)

ss

Personally appeared the above named _____ and
acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: _____
Notary Public of Oregon

My commission expires: _____

Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the City Council, and that an order be entered vacating the property more particularly described above.

Dated this _____ day of _____, 19 ____.

2018 Planning Files to Date:

18-01-Peeler Partition

18-02 Pecorilla Site Plan

18-03 Pecorilla Lot Line

18-04 Elementary School Project

18-05 149 S. 7th on allowable uses in zone

18-06 Dollar General Store

18-07 Demo Permit 870 Main

18-08 Demo Permit Elementary School

18-09 Minard Buildable Lot Size determination

18-10 Girard Lot Line Adjustment

18-11 Accessory Units MLUDC Amendment

18-12 305 N. 7TH Addition to house

18-13 Demo Permit 410 Main Street

18-14 Request for Property Vacation (Street Vacation)

18-15 Request to sign Location Report for DMV for Dealership 540 Main

18-16 Broadley Overhangs inquiry

18-17 North Star Surveying Project

18-18 Minard SDC's Determination

18-19 Signage Permit for Long Timber Brew Pub

18-20 Peeler Conditional Use Application

18-21 Brew Pub Alley Vacate

Section 2.900 VACATIONS

Where it is determined that a proposed Vacation shall not be injurious to the City or abutting properties, it may be appropriate to vacate all or parts of a public right-of-way, easements or other public places. This section states the procedures and criteria to permit the vacation of public lands not needed for municipal purposes, where it is consistent with the community land use policies and goals. Ownership of vacated territory may revert to the original property or proportionally to the adjoining properties and become a part thereof, unless specified otherwise by the City Council. The City may also sell vacated property with preference given to adjoining property owners.

- (1) **Vacation Application.** An application for a Vacation may be initiated by the City Council or by petition of adjoining or area land owners in accordance with ORS 271.080. A request by a property owner for a Vacation shall be accomplished by filing an application with the City using forms prescribed in Section 2.130. Applicants shall set forth a description of the area proposed to be vacated and shall submit a map showing the same area and shall state the purpose and justification for the proposed vacation.
- (2) **Consent of Affected Property Owners.** At the time the application is submitted, the Applicant shall submit a letter or letters of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, affected property owners shall be defined as:
 - (a) All abutting property owners, and
 - (b) Owners of not less than two-thirds in area of the real property affected thereby.Consent of the owners of the required amount of property shall be submitted in writing and duly acknowledged by the City prior to the scheduling of a public hearing for the requested Vacation.
- (3) **Decision Criteria.** A Vacation request may be approved if the review body finds that the applicant has shown that all of the following review criteria are met:
 - (a) The proposed Vacation is consistent with any official street plan, transportation plan or public facility plan.
 - (b) The proposed Vacation will not adversely impact adjacent areas or the land use plan of the City.
 - (c) The proposed Vacation will not have a negative effect on access between public rights-of-way, existing or future properties, public facilities or utilities.
 - (d) The proposed Vacation will not have a negative effect on traffic circulation or emergency service protection.

- (e) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
 - (f) The proposed Vacation will not have an adverse impact on economy of the area.
 - (g) The public interest, present and future, will be best served by approval of the proposed Vacation.
- (4) **Decision Process.** The procedure for taking action on a Vacation request may be one of the following:
- (a) Upon the filing of a complete application for a Vacation, the City Council shall set a public hearing to review the matter for no less than 30 days after such filing.
 - (b) Zoning of Vacated Right-of-Way. Except as otherwise provided within the vacation ordinance or where the official City zoning map is not clear as to the zoning of vacated right-of-way, the zoning of each parcel of vacated territory shall be the same as the adjoining property to which the ownership of the vacated unit of land reverts.
 - (c) Vacations initiated by an applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510 as supplemented by the provisions of ORS Chapter 271. State law defines the affected area and mandates notice requirements as follows:
 - 1. The City shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for three consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in four of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
 - 2. Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
 - 3. The city shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city shall hold the sum so obtained until the actual cost has

been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

- (d) The City Council may approve, deny or approve with standards or conditions to attain compliance with this Code and State Statutes.
 - (e) Conditions of Approval. The City may attach conditions to the approval of a Vacation request to ensure that the proposal will conform to the review criteria and may require purchase of the vacated property by the acquiring party.
- (5) A written record of the findings and action of the Planning Commission on the Application shall be maintained by the City in a Record File as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Variance as specified in Section 3.600, Decision.