

City of Monroe  
Planning Commission Minutes  
September 9, 2020

Present: Chair; Fred Cuthbertson, Commissioners: Tim Eastridge, Linda Fredricks, David Mills, Dan Sheets, Kathy Smith. Not Present: Commissioner John Greydanus  
Audience: Jeanni Cuthbertson  
Staff: Pat Depa, City Planner; Steve Martinenko, Planning Coordinator

**Call to Order:** Chair Cuthbertson called the meeting to order at 6:00 pm.

**Public Comment:** Jeanni Cuthbertson described an ongoing issue with the Elementary School storm water project that empties onto City property (rail easement) and then proceeds to drain through the Cuthbertson's property to Schafer Creek behind their home. This was previously brought to the Commission's attention with the request that it be talked about to arrive at a solution. It is now Fall and the only change is the retention pond is now filled with gravel. She has been told the only way to get any action is to bring a lawsuit against the City but would prefer to work it out amicably. She described how it impacts her property and business with contaminates and again requested assistance from the Commission to move this issue forward.

**Discussion.**

- 1) What did the engineer for the school come up with?
  - a. According to Jeanni, they told her it is not their problem and were in their rights of what they did. They claimed they were allowed by the City to send their storm water onto the easement.
- 2) What did the City do about it?
  - a. Jeanni does not believe anything was followed up with because Rick Hohnbaum was let go.
- 3) Nothing was brought up to the commission about the project. Did Rick Hohnbaum have the authority to approve the project?
  - a. It was determined there was no need to bring up any variances and as a result, no site review was required. Jeanni said that Rick told her the scope of work was not fully brought to his attention.
- 4) Was there a performance bond for the project?
  - a. Unknown

- 5) Why was the pond filled with gravel?
  - a. There was a concern brought up with the potential for drowning.
- 6) Can a swale be dug along the easement to the creek?
  - a. Jeanni said that she believes that would be illegal because the State does not permit parking lot run off into the creek.
- 7) What can the commission do about it?
  - a. Staff mentioned that all City storm water goes to the Long Tom – there is no pre-treatment. Rick Hohnbaum did write to the School about his concerns with drainage into the easement but does not appear a resolution was reached. Staff recommend an investigation into what was actually done including a site visit to the Cuthbertson’s property. The findings will be prepared as a report for the Commission. The Commission agreed this was a good next step and Jeanni commented this meets her expectations as long as it moves forward.

**Approval of Minutes:** Commissioner Mills moved to accept the August 3, 2020 minutes and Commissioner Fredrickson seconded the motion. Motion passed unanimously.

**Staff Report:** None.

## Old Business

**Grant updates.** John Greydanus is not available to give an update on the 1135 and SRTS. Staff gave an overview of discussions about the current status of both grants.

**1135 Grant:** The City signed an agreement to include the Siletz Indian Tribe. This is not only a great way to involve all parties interested in persevering our watershed but also pays for this year’s costs and a credit towards next year. Staff mentioned a concern removing the mill race and how that will affect the City’ ability to draw water from the Long Tom. While there are a couple of options still on the table, the underlying issue will be the City’s ability to draw 350gpm per our permit and still supply water for current and projected capacity.

### Discussion.

1. We’re allowed to draw X amount of water from the Long Tome, correct?
  - a. Staff replied we can draw 350gpm daily but only 350gpm at any given moment. This is more of a capacity issue than a running out of water issue. The City currently use about 10% of what we are allowed to draw. It simply means the plant has to run longer to meet projected demand. As an example, the Red Hills development added about 1 1/2 hours to plant run time this summer. It will be lower in winter but still, this is a significant increase in water usage.

2. How many homes in Red Hills does this represent?
  - a. About 12 homes at present. Staff understanding is that almost all the lots are sold and most have active building in progress.
3. With the potential for a 100 home-plus development at the brickyard, can the City produce enough water to meet that need?
  - a. Staff replied we can produce it but would have to add another shift. There is still a lot of water plant maintenance that needs to be accomplished in order to bring the plant back into specs.
4. Will this hinder the ability of the City to say “yes” to new development?
  - a. This is a discussion Staff had this week in terms of what is required in order to accommodate growth. First, we need to properly maintain what we have. Another part is adding infrastructure to accommodate the new demand. We need to ensure that we can maintain both existing and added infrastructure before the City approves new growth.
5. Will SDC’s cover the cost of some of the upgrades?
  - a. Only if the upgrades are necessary to accommodate growth such as adding infrastructure that would increase capacity to meet the new demands. SDC’s are typically not used for routine maintenance – things that should be done as a matter of best practice to keep the current infrastructure in good repair.
6. Wouldn’t the developer pay for some of the costs?
  - a. Staff would expect the developer to be responsible for connecting their development to the City’s infrastructure. As an example, this might mean a lift station to get waste from the development over to the City sewer line. Another issue is whether the City infrastructure is sufficient to handle the new demand. The line at 3<sup>rd</sup> and Oak for example is an 8-inch concrete line installed in 1916 and runs behind the high school to the lift station. The condition is unknown and from observation has a great deal of I&I (Inflow and Infiltration). It should be replaced but how to pay for it? These are issues that will need to be discussed and agreed to before development can start.
7. Our use of the long Tom is predicated on our search for other water sources. If the state decided to revoke our water right that would be pretty scary.
  - a. Staff mentioned we have wells that can be pressed into service and with pre-treatment might also help with our current issue of high dissolved organic compounds that are naturally in the river and react with the chlorine disinfectant to produce regulated by-products we have to deal with.
8. Can the City purchase or lease land to obtain water rights for another well?
  - a. Yes, but costly to the City. Jeannie Cuthbertson mentioned the Corp of Engineers is in the process of offering water shares we can purchase that would satisfy the

June through October permit requirement. This is anticipated to be at a lower cost than the current practice of purchasing storage capacity from Fern Ridge.

9. What about our waste lagoons?
  - a. These will also have to be looked at in terms of capacity. The original lagoons may need to be dredged and aeration added just to meet anticipated demand and regulatory requirements. If we cannot meet the waste removal requirements, the City might have to add a different kind of system such as an anaerobic digester.

**SRTS Grant:** Staff mentioned the grant paperwork was just signed by Acting Mayor Billings. This was for the crossing and the portion from the end of 6<sup>th</sup> to the School. The section between the crossing and the end of 6<sup>th</sup> has an option of moving the path more towards Ellsworth's property. John Greydanus mentioned that Brian Ellsworth was considering donating gravel for the path along the easement and the City should check back with Mr. Ellsworth.

#### **Discussion.**

1. Why is it important to use the easement along the east side of 6<sup>th</sup> street?
  - a. This is for a future 6<sup>th</sup> street improvement to connect Orchard with Dragon and the School. This would be for buses and emergency vehicles. There are currently no funds earmarked for extending the street.
2. Why wasn't the path on the west side, toward the Dillard's property?
  - a. Because the crossing is on the east side so only one street has to be crossed. The path would cross over at the end of 6<sup>th</sup> street.

## **New Business**

**Brickyard Development:** Pat Depa, City Planner, stated the annexation is complete and opens the door for the brickyard development to move forward. Pat is working on the zoning changes with the developers. In addition to the zone change, there will also need a comprehensive plan map change. Pat emphasized he wants to make sure the developer is aware of the infrastructure improvements that will need to be made and how it will be paid for such as negotiating improvement costs using SDC credits.

#### **Discussion.**

1. Commissioner Cuthbertson commented the City needs to make sure all of this is ironed out before moving ahead with development including requiring performance bonds and covering City engineering costs.
2. What about the Reiling Lawsuit?

- a. Discussion whether this was about a 60-foot easement or lot size. Staff was asked to look into it and clarify what this was about.
3. Is Reiling Avenue public or private?
  - a. David Mills offered to check his information and report to the group.

**Red Hills Customer Complaints and Issues:** Staff reported the owner at 450 S 10<sup>th</sup> street came to Council and stated that water was under her home. On a site visit, there was water in her crawlspace but there was no water being used in the home (meter wasn't moving) and no irrigation was on. It appeared the water was coming up through the ground rather than going in from the stem wall. After discussion with John Rivera, the MonteVista Homes project manager, Mr. Rivera said he will put in a drain system to move water from under the house out to the storm sewers. Additional observations from MonroeTel technicians also validated there may be water under the surface due to water in their utility vaults.

Staff then mentioned another set of complaints from the residents on Orchard Street that adjoin the northeast and east side of the development. They are concerned about drainage from the development onto their property. On inspection, the grading is about 14 inches higher than the original ground level on the east end and slopes towards our utility easement on the north side along lots 26 and 27. There is concern that the original grade has been disturbed and the water is now being diverted onto private property. They should have an engineer show us the original grade and the modified grade for the development.

Last, Staff reported that Santiam Paving is requesting a 19-foot extension for some of their phase II lots. The request is to help with the lot setback for the builder. Staff mentioned that without understanding more about the land, grading and drainage, it would not be prudent to move ahead with the request until more information was gathered.

#### **Discussion.**

1. Commissioner Cuthbertson mentioned there was some information presented at another meeting that the issues were due to grading and that no one really checked the grading when the lots were prepared by the builders. For instance, the 10<sup>th</sup> street homes are on level ground that is two feet lower than the field that adjoins these home's backyards. Commissioner Cuthbertson also restated that this is why we should require a performance bond on new construction and developments.
2. Pat Depa discussed that he is concerned enough with the issues on Phase I engineering that Phase II should have additional considerations such as performance bonds and an engineering fee set aside so the City is assured the issues will be handled without additional cost to the City. Mr. Depa stated the City is currently paying Branch engineering to look at the approaches for each home being built. This should be paid for

by the developer. Commissioner Cuthbertson reiterated we need to make sure the developer foots the cost for engineering, not the City.

3. Who is responsible for the Red Hills water issues?
  - a. Staff commented that neither the Engineering firm, Santiam, or MonteVista probably anticipated it but after all, this is wetlands and should have been expected. Ultimately, the home owners will have to go to MonteVista and in turn will have to work with Santiam to resolve any issues. There is consensus that Branch Engineering should have been more involved and informed the City of potential issues with building in this area due to the wetlands.
4. Is the City locked into a contract with Branch Engineering?
  - a. Uncertain. Staff will look into this and report back. Commissioner Cuthbertson commented that the City has been put on notice of an issue and should be looking into the problems with the Developer and Branch engineering so they can be rectified sooner than later.
5. What is the process to select a new engineering firm?
  - a. Pat Depa suggested an RFP and that would need to be approved by Council if this was for the Engineer of Record. The City does not require an RFP for consultations.
6. What the relationship between the City and Santiam? How might they react if a moratorium on construction happened so the issues could be dealt with?
  - a. The Commission felt it was more important to understand and resolve the issues than move ahead, especially since property owners that adjoin the development already came before the commission with a lawyer and warned of these issues. Staff will check with Santiam and find out more about the problems, tell us how their grading plan works and see if something was missed. The Commission agreed Monroe cannot be so enamored with growth that it simply allows unchecked development.
7. Commissioner Cuthbertson asked whether a work session was needed to work out these details.
  - a. Staff affirmed this was a good idea and would start to develop a list of action items as a good first step for the Commission to work from.

**System Development Charges (SDC's):** The Commission commented the suggested SDC fees from the SDS methodology study are very high and as a result would prevent any new homes from being built. The fee structure currently in place was derived from the average SDC costs of neighboring jurisdictions.


**Discussion.**

1. Staff commented the methodology is required by the state if the City is going to charge SDC fees. The SDC methodology is based on the real costs of improving Monroe infrastructure to accommodate growth and is taken directly from our master plans.
  - a. Staff suggested it may be worthwhile to ask Civil West on how the cost items in the methodology can be looked at to ensure they truly represent the items required for adding homes to our existing infrastructure. Pat Depa also mentioned that some of items in the methodology might be deferred until a grant or other funding became available. This would still identify the needed improvements and at the same time lower the actually SDC fee charged.

**Other Business:** None

**Adjournment:** Chair Cuthbertson adjourned the Planning Commission meeting at 7:36 pm.

Minutes approved by Planning Commission action on October 5, 2020

  
VICE Chair Fred Cuthbertson  
DAW SHEETS

10/5/2020  
Date

Submitted By:

  
Steve Martinenko, Planning Coordinator

