

TOLEDO PLANNING COMMISSION MINUTES

A special meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Anne Learned-Ellis. Commissioners present: Geoffrey Wilkie, Penny Ryerson, and Cora Warfield. Excused was Bill Hansen.

Staff present: City Manager (CM) Craig Martin and Secretary Arlene Inukai.

VISITORS: Chad Van Amburg, Robert Chavez, Eunice Chavez, and Ralph Grutzmacher.

APPROVAL OF THE OCTOBER 11, 2017, MINUTES:

It was moved and seconded (Warfield/Ryerson) to approve the October 11, 2017, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Hansen.

PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS (FILE #MP-1-18) AND A VARIANCE TO THE MINIMUM LOT SIZE STANDARDS IN THE GENERAL RESIDENTIAL ZONE (VAR-1-18), FOR PROPERTY LOCATED AT 965 SE FIR STREET, REQUESTED BY CHAD VAN AMBURG:

President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest. President Learned-Ellis reported she conducted a site visit to the area. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CM Martin reviewed the staff report as on file at City Hall. The request is for a minor partition to create two parcels and a variance to the minimum lot size standard. The property is in the General Residential (RG) Zone and served by City water and sewer. Notices were sent to 49 property owners and 19 public/service agencies. Two neighbors contacted City Hall after receiving notice, both requesting additional information and one expressing concerns with the existing on-street parking situation in the area.

CM Martin reviewed the criteria for a minor partition and variance, staff analysis, and the facts/findings/conditions identified in the staff report. Toledo Municipal Code (TMC) 17.12.060 requires the lot size to be 6000 square feet. The property is only 9975 square feet and the applicant proposes two 4987.5 square feet parcels. The two proposed parcels do not meet the standards, therefore, the variance is requested. An existing structure is on proposed Parcel 1, which has two units and the applicant proposes future construction of a new single-family home on Parcel 2. It was noted that sidewalks would not be required along SE 9th Street because it is not classified as a collector street. The proposal is not materially detrimental to the purpose of the code or to other properties in the area. City staff recommends approval of the application.

President Learned-Ellis asked about the street classification and frontage along SE 9th Street, specifically, if the new parcel must take access from a fully developed City street. CM Martin explained that each parcel will have appropriate frontage along a City street, but because 9th Street

is not an arterial or collector street, sidewalks are not required for development. SE 9th Street is not considered a fully developed street, since it only has 18' of right-of-way and is a narrow gravel street. CM Martin reiterated that because of the street classification, the applicant is not compelled to create a fully-developed City street. Commissioner Warfield expressed concerns with the total number of homes currently accessing this portion of SE 9th. President Learned-Ellis added that it is a very narrow street and any off-street parking for the new house would be hazardous. The street is straight and has visibility, but two-cars cannot pass easily. Visitor Robert Chavez noted a lot of people will back into the street to park at their homes. CM Martin confirmed that because of the limited right-of-way width, a fully developed street cannot be built. Commissioner Wilkie inquired about the dashed lines on the map, and it was noted they could represent an old subdivision line or boundary line.

Applicant Testimony: Chad Van Amburg of 777 Fir Crest Drive NW, Albany, reported he purchased the property last year. He did not realize the property went as far back as it did, until he received a letter from Toledo Code Enforcement about garbage in the back area. He cleaned up the property and is finishing up work on the front unit. People had been dumping garbage on the property for quite some time and if a small home is constructed, it will improve the area. A rental home is located in the front and he has looked at several plans for a small home on the back lot. On-site parking will be provided for the new home, since the street is very narrow. He compared his proposal with the development directly across the street, which was split in a similar configuration. There are a lot of small lots in Toledo and the proposed size is very similar to neighboring properties. It is a common size, even though the code requires larger lots at this time. He noted that he recently purchased a small lot on French Avenue. He submitted a possible home plan for the new parcel, but noted that the new construction may change in order to meet setbacks and driveway improvements. He wants to make the home safe for access/egress and may consider smaller house plans. He believes this will improve the area when compared to leaving the back lot vacant and at risk of future dumping.

A concrete parking pad is available for the current home and he would provide an easement that the parking and use of the concrete pad remain available for the existing home. This is a nice option for off-street parking and he would like to retain the use. In response to Commissioner questions, Mr. Van Amburg clarified the existing home would be approximately 20' to the new eastern property line and the area is relatively flat.

Proponent Testimony: None.

Opponent Testimony: Ralph Grutzmacher of 829 SE Fir Street, Toledo, reported he lives up the hill from the property and walks along the site a couple times a day. There is no stormwater management along SE Fir Street and storm run-off goes down the hill at SE 9th Street. The owner at the corner of SE 9th Street had to build a dike to control water. The property has two units and there are four cars parking at the site. Cars park on the concrete pad in back and two spaces along SE Fir Street. Existing residents already experience parking issues in the area.

Mr. Grutzmacher noted conflicting policies to consider, one being to increase the housing stock and the other is the number of units per acre. When developing 6000 square foot lots, seven units can be created per acre. With a variance, development goes to about ten units per acre. Mr. Grutzmacher referred to TMC 17.12.060, which requires 6000 square feet, plus 1800 square feet per dwelling unit, for a total of 7800 square feet for two units. The proposal creates two 4987.5

square feet lots, but Parcel 1 would need to be calculated on the 7800 square feet standard (83% of 7800 square feet requires 6474 square feet). Mr. Grutzmacher stated that the Planning Commission does not have the authority to grant a variance based on the square footage standard.

President Learned-Ellis reviewed the minimum lot size and dwelling unit definition. CM Martin explained that the additional 1200 square foot requirement is if the owner places another dwelling unit on the parcel, rather than pre-existing lots.

The Planning Commission reviewed the terms and interpretation of the code section and asked if they would create a non-conforming use for the parcel. CM Martin stated that the second lot can be created, based on the variance criteria. Commissioner Learned-Ellis stated she is open to the interpretation of the definition. Commissioner Warfield added that the existing lot has one house, which is only one building on the site, but it is used for two dwelling units. Commissioner Wilkie pointed out that the applicant could already place a third dwelling unit at the site, based on the square footage, without having to partition the property.

Mr. Van Amburg clarified that he can place another unit on the back of the property, but it would affect his ability to sell the property in the future. It would be ideal to have a separate lot and have separate ownership, even though the area could work to place a new dwelling unit.

Commissioners asked if another variance request should be considered for the size standard or process. Commissioners also asked for an interpretation to the code section and suggested a continuance of the public hearing.

Mr. Grutzmacher stated that the lot with the existing structure must be 7800 square feet and the variance allows a reduction by 83%. He noted that the sidewalks are not well maintained and are in poor condition in front of the home. The sidewalk does not appear to be built properly. He requested a condition that the sidewalk be repaired and/or replaced.

Eunice and Robert Chavez of 972 SE Fir Street, Toledo, expressed concerns with parking in the neighborhood. Mrs. Chavez used the white board to illustrate the existing parking problem in the area and existing sidewalk condition. She noted that SE Fir Street is narrow in that particular area, but then widens to the north. When vehicles park on SE Fir Street, it makes the street very narrow and vehicles have been hit. Also, she experiences people parking in front of her mailbox, preventing mail delivery. She suggested the mailboxes be moved to the south part of the block, towards the intersection of 9th Street, then paint the curb to keep vehicles clear of the mailboxes. The area has experienced three water line breaks and utility vehicles have blocked the street during the repair project. She also noted during one of the water line breaks, run-off was so severe, it affected a neighboring house foundation. Drainage is a problem in the area and cars speed along this stretch of SE Fir Street. She clarified that she does not have a problem with a new home placed along SE 9th Street, but parking in the neighborhood is a problem that should be addressed.

Commissioner Warfield asked if one side of SE Fir Street could be identified for no-parking, which could make the travel lanes safer. Mr. Chavez confirmed that this area is narrow and when cars park along the street, it affects mail delivery. Mrs. Chavez added that the current tenants happen to have a lot of cars, which may not always be the case. She also noted that SE 9th Street may need to have a gutter system.

Mr. Van Amburg reported he has a property manager but he was unaware of the parking issue and does not know how many vehicles a tenant will have. On-street parking is considered City parking, and he does not have control for usage of on-street parking. However, he is aware that mailboxes and garbage cans must be accessible and he has asked the tenants to avoid those locations.

President Learned-Ellis reported it is good to hear the information from the neighbors. Commissioners discussed continuing the hearing. CM Martin noted that there are several important issues, but they may not be relevant to the decision. The square footage requirement will need to be determined and the Planning Commission can address sidewalk and drainage concerns. However, substandard sidewalks can also be a code enforcement issue. Property owners are responsible for maintaining the sidewalk adjacent to their property.

Mrs. Chavez again stressed the speeding problem in the area and Mr. Chavez reported the buses traveling in the area cause hazards for the oncoming travel lane. CM Martin considered a review of establishing parking restrictions in the area and the Police Department can respond to the traffic speeds. He will talk with the Police Chief about the problem and may look at posting speed signs in the area.

Other Interested Parties: None.

Applicant Rebuttal: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Ryerson stated she would like to continue the hearing in order to get an interpretation. President Learned-Ellis offered some dates and times where all participants would be available.

It was moved and seconded (Learned-Ellis/Wilkie) to continue the public hearing to April 2, 2018, at 6:30 pm at Toledo City Hall. The **motion passed** unanimously, noting the absence of Hansen.

Mrs. Chavez reported she has lived across the street from this property for 14 years and she's seen previous renters trash the property and dump the camper behind the home. She asked that the site be closely monitored so the site continues to stay clean. Mr. Chavez added that the debris and vegetation has been a fire hazard in the summer.

CM Martin reported he will work with the City Attorney and see how the code section has been interpreted in the past. He will have the attorney review and have an updated staff report for the next meeting. Commissioners discussed the definition of dwelling unit and non-conforming use.

President Learned-Ellis would like to see the location of the existing sewer line and if any stormwater drainage improvements will be necessary. CM Martin clarified that the language in the staff report for drainage disturbance refers to work occurring at the time of construction, not for the partition plat review. Sidewalk repairs can be addressed by the minor partition decision or code enforcement. CM Martin explained there was a water main line break along SE Fir Street and the small berm along SE Fir Street was not large enough to direct all of the run-off and water flowed

down SE 9th Street. He will review TMC 16.04.050, dealing with the fully-developed City street standard.

DISCUSSION ITEM: UPDATES AND REPORTS:

Tree Board: Commissioners reviewed the annual tree plan and President Learned-Ellis may be into City Hall to discuss tree activities.

Oregon Government Ethics Report: CM Martin reminded Planning Commissioners to watch for announcements to file the Government Ethics Commission-Statement of Economic Interest report and to contact staff if anyone has problems filing the report.

Planning Commission Status: CM Martin announced Commissioner Jeff Quigley will be resigning from the Commission because he is moving out of state. Five Planning Commissioners remain and four members make a quorum. An announcement for the vacancies will soon be ready to post. Commissioner Warfield suggested an article in the City newsletter, which features a Commissioner and highlights their work on the Planning Commission. This provides a personal touch and why they find the Planning Commission work interesting.

At an earlier Planning Commission meeting, Commissioner Wilkie suggested reducing the number of members from seven to five. President Learned-Ellis liked the idea of fewer people, but asked if they can still make decisions with a smaller group. Or, if membership stays at seven, could the number for a quorum change? There needs to be a resurgence in the community to bring people back to the committees.

City Planner Recruitment: CP Martin reported he has not had success in filling the part-time City Planner position. City Attorney/City Planner Mike Adams is on military assignment until September, and maybe longer. There will be a request in the budget to have a full-time City Planner position for the new budget year. There are a lot of planning issues and long-range planning projects to address. President Learned-Ellis stated the need to move forward with vacant rental dwellings and affordable housing review.

Code Enforcement Program: Code enforcement duties were contracted out for some time and when Trish Miller retired in November, the contract was not renewed. The Police Department provided the service until the new contract was signed with TCB Management earlier this month. TCB provides community security and policing service. The contract authorizes one person to be assigned to Toledo, providing 16 hours a week for code enforcement service.

Toledo Pool Transfer: The pool operations transferred to the Greater Toledo Pool Recreation District on March 1, 2018. The facility is still in transition and the District is working on separating several services from the building, such as communications.

New Police Department Building: The City hopes to get a seismic upgrade grant in the next budget cycle, prior to any remodel work. If structural improvements are needed, it would be coordinated within the seismic upgrade project. A police building is considered an essential facility and requires the highest level of seismic upgrades. The building will house the police department and has the potential for multi-purpose use in the downstairs area, such as serving as the municipal court. Holding requirements are pretty extensive if a hold last longer than four hours. With the county jail located so close, it is quicker to process people at the courthouse and

officers are only gone about two hours.

FEMA Floodplain Maps: The comment period has ended for review of the preliminary maps. The State will soon send out ordinance requirements for the floodplain program. The City is still waiting for the information.

Planning Department Statistics: President Learned-Ellis stated it is interesting to see the permit figures and activity. She pointed out three site-built home applications were approved in 2017 and one grazing permit was issued.

STAFF COMMENTS:

CM Martin invited Commissioners to the Economic Development Alliance Collaboration meeting on March 20th and the video "Ebb and Flow-Life on the Yaquina" presentation on March 30 at the Maritime Museum.

COMMISSIONER COMMENTS:

Commissioner Wilkie asked about the future of the current police station, once the department moves to the new location. CM Martin stated it could be placed on the market. There has already been interest in the building, but it would not be available for 2-4 years in order for the new building to undergo renovations.

Commissioner Wilkie asked if a City Councilor could be a back-up member of the Planning Commission. CM Martin noted a Councilor could not, because the City Council is the appellant body to the Planning Commission and they would hear appeals from the Planning Commission.

There being no further business before the Commission, the meeting was adjourned at 8:20 pm.

Secretary

President