

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Geoffrey Wilkie. Commissioners present: Anne Learned-Ellis, Bill Hansen, Penny Ryerson, Cora Warfield, and newly appointed Planning Commissioners Todd Michels and Robert Duprau

Staff present: City Manager (CM) Craig Martin, City Attorney (CA) David Robinson, City Recorder Lisa Figueroa, and Secretary Arlene Inukai.

OATH OF OFFICE: Newly appointed Planning Commissioners Michels and Duprau took their oath of office from City Recorder Lisa Figueroa.

VISITORS: John Robinson, Mary Fitzmorris, Kelly Foley, Heather Jukich, Lisa Jukich, Stu Strom, Jon Lawrence, and Jessica Moll.

APPROVAL OF THE JANUARY 9, 2019, MINUTES:

It was moved and seconded (Ryerson/Hansen) to approve the January 9, 2019, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A MULTI-FAMILY DWELLING IN THE COMMERCIAL ZONE (FILE #CU-1-19), FOR PROPERTY LOCATED AT 295 NE BEECH STREET, REQUESTED BY QUALITY PROPERTY INVESTMENTS LLC (JOHN ROBINSON AUTHORIZED AGENT):

President Wilkie opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioners Duprau and Learned-Ellis reported they both conducted site visits. 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 Conditional Use application to allow a multi-family dwelling in the Commercial Zone at 295 NE Beech Street. Minor constraints exist, particularly a sewer main line crosses the property and the irregular lot configuration. Both water and sewer services are available to the property. Public hearing notices were sent to 47 property owners and published on March 6, 2019. Comments from City Departments were included in the staff report, notably, the curb work and fire lane access. One neighboring property owner contacted the City to receive additional information.

CM Martin reviewed criteria and relevant Comprehensive Land Use Plan goals/policies and proposed findings included in the staff report. Based on the analysis, staff finds that the request complies with the plans and policies. The Planning Commission has the authority to impose conditions to help mitigate issues they feel may impact the area.

According to the application materials, the proposal is for a four-plex apartment building, with two-bedroom units, each containing a garage. Additional parking spaces will also be provided at the site. Fence and driveway improvements are also proposed. Today, the applicant submitted a

revised site plan showing a patio space for each unit. In providing the outdoor space, the setback for the back of the building was reduced from 9' (shown in the original plan) to 2'. No variance is necessary, as the zoning code allows a zero setback in the Commercial Zone. A copy of the revised site plan has been provided to Planning Commissioners tonight.

CM Martin recommended a change to proposed Condition of Approval #10, clarifying a revision that the building "complies with all building and fire codes" and removing the requirement for a fire sprinkler system. There are other building options, such as constructing a fire wall, which may not require the installation of a sprinkler system. If the alternative construction methods are approved, a sprinkler system is not necessary. These construction methods should be shown during the building permit plan review period. Removing the requirement for fire sprinklers opens up other options, but regardless, the construction must meet all building and fire codes.

In answer to Commission questions, the exact location of the vacant property was clarified with the aerial map, but identified at the NE Beech Street and NE 2nd Street intersection.

Applicant Testimony: John Robinson of 2500 Del Rio Court, Albany, thanked the Planning Commission members for their time. He reported that he lives in the valley and is a contractor. He was looking at building in this area because he enjoys the coast and wants to help his retirement income. He stated there is a shortage of housing options. He believes the area is well suited for this type of development and would better serve the community. There are nice homes in the neighborhood and there are more residential uses than commercial uses. This property is more suitable for an apartment rather than other commercial uses, such as a machine shop.

Mr. Robinson reviewed the newly revised site plan. He clarified that the building size stays the same, but there was a need for additional vehicle maneuvering space in the front and the desire to provide a 4' covered patio in the back. The 2' setback is to the edge of the patio and the building wall will be 6' from the property line. Each unit will have a privacy wall in order to provide each apartment with a private patio space, rather than a shared patio area. Mr. Robinson reviewed the floor plan and provided the following information:

- Each unit has a garage with a clothes washer and dryer, kitchen and living space on the first floor, and bedrooms on the second floor.
- The two upstairs bedrooms are both considered master suites. This layout is preferred and recommended by many, especially young single people. The layout allows for two, un-related tenants to split the rent, making the apartment more affordable.
- Each unit will be approximately 1,200 square feet.
- Parking is available within the garage and outdoor spaces.
- Quality materials will be used during construction, including hardiplank, composition roof, and the interior would be mid- to high-end design.
- His construction business is called Quality Residential Construction and the property is owned by his investment company called Quality Property Investments. He believes in providing a high quality project and being part of the community.

Mr. Robinson reported he met with the Fire Department early in the process and to find the requirements for access, hydrants, etc. He was not planning to include fire sprinklers within the structure, but rather to construct a 2-hour fire wall. The plans he provided for the conditional use permit do not show the proposed fire wall, as they are not considered construction drawings. When he submits the building permit application, this level of detail is provided and the proposed

fire wall should meet building and fire codes. He asked that the sprinkler requirement be removed at the conditional use permit level, but assured that the plans will meet code requirements during the building permit phase.

Proponent Testimony: Kelly Foley of 6958 Elk City Road, Toledo, asked about the reduced setback and the building now located 2' from the property line. He asked for the apartment setback standards for the General Residential Zone, where multi-family is allowed outright. CM Martin clarified that the Commercial Zone does not have a minimum side or rear yard setback and can go to zero. This would apply for both outright and conditional uses. Mr. Kelly asked about the RG Zone standards and Secretary Inukai reported that multi-family is allowed outright in the RG Zone, with 5' side and rear yard setback standard.

Opponent Testimony: None.

Other Interested Parties: None.

Applicant Rebuttal: None.

Questions by Commission: Commissioner Hansen asked if there are any hazards for the proposed 2' setback. CM Martin stated that it would be for separation and comfort. He added that many commercial areas, such as Main Street, have a zero setback line or even common walls.

Mr. Robinson stated he appreciates the concerns. He tried to meet with all of the neighbors, but was unable to talk to Mr. Foley. He noted that there is separation from Mr. Foley's structures to the proposed apartments, because of Mr. Foley's large back yard.

In answer to questions posed by Commissioners, Mr. Robinson provided the following responses:

- Rental rates will be around \$1,200/month. A review of the Newport rental market showed a need for rental housing. As more housing options become available, the market could drive rental rates to come down. This project and rate would attract the mid-level renter who would leave an entry-level housing unit, opening that unit up for others.
- Parking spaces have been provided for each unit. There is approximately 38' for parking and maneuvering. The sewer line easement prohibits construction over the line, but one can pave or gravel the area. Green space will also be provided.
- A standard stair case will be constructed to meet code standards, but will be wider, at 3.5'.
- ADA review will be performed during the building permit plan review.

CM Martin explained that a full building code review will be performed at another level (building permit phase). The interior layout and rental prices are not criteria for the Conditional Use permit, but rather if the proposed four-plex meets Conditional Use criteria.

Deliberations: The public hearing was closed and the Commission entered into deliberations. CM Martin referred to the Conditional Use criteria included in the staff report and for the Planning Commission to determine if the request meets the criteria. The Planning Commission should make a motion for their decision and can adopt, revise, or write new Facts and Findings. If the Commission requires more information, the public hearing would have to be re-opened and new information submitted into the record.

Commissioner Ryerson stated that the applicant covered everything from the foundation up. Construction will need to comply with fire codes and other standards. She agrees that there is a need for more housing options. Commissioner Learned-Ellis reiterated that Toledo needs more housing and she supports well-built construction. What is affordable to some, may not be affordable to others. She believes the project meets the criteria.

Commissioners reviewed Condition of Approval #10 and recommended that the fire sprinklers be removed and that the construction must be in compliance with the fire and building codes.

It was moved and seconded (Ryerson/Warfield) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on March 13, 2019, the Planning Commission finds that the request by Quality Property Investments LLC (CU-1-19) complies with the criteria identified in Toledo Municipal Code 17.64.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for CU-1-19, and allowing for the correction of typographical and grammatical errors and noting the amendments for Condition 10 for code compliance and the revised site plan.

1. Approval is based upon the submitted application and plan (as amended March 13, 2019), as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. Driveway improvements must be coordinated and approved by the Toledo Public Works Director and Fire Chief.
3. Applicant shall obtain all necessary development permits prior to construction of the building.
4. Stormwater management plan shall be submitted and reviewed within the building permit application process.
5. Landscape plan shall be submitted and reviewed within the building permit application process.
6. City of Toledo sanitary sewer line must be protected during and after construction.
7. New residential cedar fencing shall be installed along the 45' east property line and approximately 100' of the north property line.
8. Applicant shall install and maintain a "Left Turn Only" sign at the property's egress point onto NE Beech Street, in order to restrict improper access onto the one-way street.
9. Applicant shall install and maintain two "No Parking Fire Lane" signs along the driveway, in accordance with the Oregon Fire Code. Sign placement shall be coordinated with the Toledo Fire Chief.
10. Verification of compliance with the requirements in the National Fire Protection Association and/or Oregon Structural Specialty Code standards. The fire department connection location shall be coordinated and approved by the Toledo Fire Department.

11. Authorization of the conditional use shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

The **motion passed** unanimously.

DISCUSSION ITEM: UPDATES AND REPORTS:

Lincoln County Housing Strategy Implementation Plan:

CM Martin reported on the recent housing meeting. The Policy Advisory Committee will meet again in May to look at options that each jurisdiction could use to help with housing issues.

Commissioner Learned-Ellis also attended and she reported that it was a good turnout, with many representatives from Toledo. It was good to hear the concerns. However, she pointed out what the project will not solve, reading from the consultant's project summary page. In addition to the cost of providing a home, there are still added costs, such as transportation/commuting expenses to consider. This is a long, on-going problem. It's a good project, but it's still worrisome that it will not fix the problem. She likes the options to provide in-fill housing, develop smaller lots, and provide loans to repair existing homes. The low-income renter has help and assistance, the high-income options are available, but the medium, mid-range options are limited. Commissioner Ryerson pointed out that Toledo should not be compared to Newport, as there are different amenities (ocean view) and industries (tourism) that create an unfair comparison. Developers and consultants should look at the needs of Toledo citizens, based on the local jobs and economy. Commissioners discussed quality of homes, financial assistance and incentives, and what agencies can do to help new housing development. Commissioner Warfield added that tonight's four-plex project will help the housing situation, but will not solve the problem.

CM Martin reported the next Policy Advisory Committee meeting is scheduled for May. The Technical Advisory Committee will meet on April 9th and again in May. Commissioners noted that communities in Lincoln County have different housing needs and issues, therefore, it is hard to focus on the problem county-wide. Project recommendations would impact each community differently. Commissioner Learned-Ellis pointed out that there are construction concerns for building right on the coast and Toledo has topography issues. Construction costs are higher in the County compared to the valley. The consultants will continue to interview stakeholders and employers on how housing affects their ability to recruit and retain employees.

Arbor Day/Tree City USA Activities:

CM Martin reported that he has access to seedling trees if the Commission would like to have a planting activity. Weyerhaeuser has offered to donate trees for the event. This is Toledo's 25th anniversary for Tree City USA status and there was some conversation about planting a silver fir or silver spruce to acknowledge the milestone. CM Martin may speak to Toledo Elementary if they are interested in participating with an activity.

Commissioner Learned-Ellis suggested Tree Board members begin an inventory and inspection of Main Street trees. In the past, members were assigned a particular City park to view tree conditions and make a recommendation of possible tree activities at area parks. The group could conduct a similar survey for Main Street.

CM Martin reported a State Forestry member will present Toledo with the 25th anniversary award at the April 17, 2019, City Council meeting. Planning Commissioners/Tree Board members are encouraged to attend the meeting. Toledo will celebrate Arbor Day on April 26, 2019. At this time, staff is open to suggestions for an Arbor Day event. Commissioner Warfield referenced the City park tree inspection and recalled the tree at Yaquina View Park came down, but it was not replaced. This park site could be an option for a tree planning project. A lot of work has occurred at Fort Nye Park and another option could be planting a row of trees where the bamboo was recently removed. CM Martin noted that these two parks can be reviewed for consideration.

Commissioners offered to help with the Arbor Day event. A coordination meeting can be held within the next couple of weeks to determine the activities and information will be presented next month. If a tree seedling give-away is held, announcements can be made through the news media and on the City's social media page.

STAFF COMMENTS:

After CM Martin introduced newly appointed Commissioners Michels and Duprau, each provided a brief background and how they each discovered the Planning Commission volunteer opportunity.

Planning Commissioners will soon receive an email from the Oregon Government Ethics Commission (OGEC) to file the Statement of Economic Interest report by April 15th. CM Martin encouraged all to contact City staff or OGEC if there are any problems with filing the report. Commissioner Learned-Ellis voiced that the OGEC staff are helpful and easy to work with, as she has had to contact them in the past.

CM Martin noted there has been some increase in permits and the Planning Commission may meet more often. It will also be interesting to see the housing project recommendations for Toledo.

COMMISSIONER COMMENTS:

Commissioner Hansen announced this is his last meeting, as he is moving out of state at the end of March. CM Martin is sorry to see Commissioner Hansen leave and thanked him for his service.

Commissioner Ryerson reported she has enjoyed working with Commissioner Hansen.

Commissioner Learned-Ellis wished all a good month. She thanked Commissioner Hansen for his work and welcomed Commissioner Duprau and Commissioner Michels to the group.

President Wilkie reported he recently attended the Central Coast GIS meeting and there are a lot of new faces for the area.

Commissioner Warfield announced she will be unable to attend the April 10th Planning Commission meeting, but can attend the April 17th City Council meeting for the tree presentation.

There being no further business before the Commission, the meeting was adjourned at 8:45 pm.

Secretary

President