

Toledo City Hall
Council Chambers*
206 N. Main St. Toledo OR
June 12, 2019
7:00 pm

AGENDA

TOLEDO PLANNING COMMISSION

1. CALL TO ORDER
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE APRIL 10, 2019, MINUTES as circulated and reviewed by the Planning Commission.
4. PUBLIC HEARING: Comprehensive Land Use Plan and Zoning Map amendment to rezone a portion of property at 565 NW Aspen Street/2040 NW Elm Street from General Residential to Single-Family Residential (File #PA-1-19/RZ-1-19), requested by Maryan Chambers Estate (Authorized Agent Jim Chambers)
5. PUBLIC HEARING: Minor Partition to create two parcels for property located at 1999 NW Sunset Drive (File #MP-1-19), requested by David and Patricia Timme
6. DISCUSSION ITEMS:
 - a. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. ADJOURNMENT

* The Toledo City Hall Council Chambers is handicapped accessible. Please let the Planning Commission Secretary know if you need any special accommodations to participate in the meeting.

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, Todd Michels, and Robert Duprau. Excused were Cora Warfield and Penny Ryerson.

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

VISITORS: Chad Van Amburg, Mikel Johnson, and Stu Strom

APPROVAL OF THE MARCH 13, 2019, MINUTES:

It was moved and seconded (Learned-Ellis/Duprau) to approve the March 13, 2019, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Warfield and Ryerson.

DECISION ITEM: EXTENSION TO THE DEADLINE DATE FOR A MINOR PARTITION AND VARIANCE APPROVAL (FILE #MP-1-18/VAR-1-18), REQUESTED BY CHAD VAN AMBURG:

CM Martin reported the request is to consider extending the deadline date for an approved land use action. It is not a hearing, as the public hearing was originally held and approved in April, 2018. The original request was for a minor partition and variance to the lot size to develop property at SE Fir Street. Mr. Van Amburg's request for an extension was submitted on March 21, 2019, before the deadline date. Staff submitted a memorandum, included in the packet, reviewing the Planning Commission's authority for the request and relevant code sections to grant an extension.

Chad Van Amburg reported on the delays to begin the work. He was living in Albany and has a contractor from Albany, so it was difficult to coordinate the work from there. He now lives in Toledo and will be able to begin the work soon.

CM Martin reminded Commissioners that the applicant's plan is to develop the second lot to build a new home behind the existing home. The public hearing seemed controversial because of the interpretation for "dwelling" and neighborhood testimony regarding parking in the area. Commissioner Learned-Ellis recalled some of the neighborhood issues were not relevant to the applicant's request, but outside of his control for the requests.

It was moved and seconded (Learned-Ellis/Duprau) that an extension for MP-1-18/VAR-1-18 be granted for one year. The **motion passed** unanimously, noting the absence of Warfield and Ryerson.

DISCUSSION ITEMS: UPDATES AND REPORTS:

Arbor Day/Tree City USA Activities:

Commissioner Learned-Ellis announced there will be a tree dedication to celebrate Arbor Day on April 26th at the small park at NW 5th Street/Hwy 20. Parking is available at Muggly's Bowling.

There is a large, healthy Douglas fir tree at this park, which can be dedicated as the community tree. The Mayor will also participate in the dedication ceremony. The event will be held at either 10 or 11 am, depending on the Mayor's schedule. CM Martin reported the Oregon Forest Industry Council (OFIC) plans to distribute 300 tree seedlings that Weyerhaeuser donated.

CM Martin reported the April 17th City Council meeting will recognize volunteers and Planning Commissioners are welcome to attend. The meeting will also be the Tree City USA presentation and Arbor Day proclamation. Tree seedlings will be available at this Council meeting, so everyone in attendance can leave with a tree. Representatives from Oregon Department of Forestry and OFIC will be at the meeting.

Commissioner Learned-Ellis expressed a desire to hold a bigger Arbor Day event next year, possibly working with the school to plant a tree at Yaquina View Park. CM Martin added that a future event can include tree distribution to youth groups and celebrate the importance of Spruce trees in the area. This year's event raises awareness of the Tree City USA and Arbor Day programs. Commissioners discussed ways to get kids involved and advertising the event.

STAFF COMMENTS:

CM Martin reminded Commissioners to file the Statement of Economic Interest report with the Oregon Government Ethics Commission (OGE) by April 15, 2019. If anyone needs help, contact staff or OGE for assistance.

The next Lincoln County Housing Strategy Implementation Plan meeting will be May 16, 2019, from 4-6 pm in Lincoln City. CM Martin reviewed highlights from the technical assistance committee meeting held yesterday. The consultants conducted several stakeholder interviews, with a couple more to finish. Summaries of the interviews were provided to the committee. The next step will provide recommendations for jurisdictions to consider. However, not all of the recommendations will be applicable to each community. One priority item discussed included re-establishing the housing rehab loan program County-wide. This program provides loans for home improvement projects. CM Martin reviewed the program and possible ways to administer the loans.

Visitor Mikel Johnson encouraged the City to participate in the program again, as he was a recipient of a loan 25 years ago. He was able to participate in the loan program in order to make needed repairs to his home and voiced the benefits of the program. He also suggested that new rehab projects be allowed to provide solar panels or similar energy improvements.

COMMISSIONER COMMENTS:

President Wilkie reported the Midcoast Water Planning Partnership will meet April 23rd at 4 pm in Gleneden Beach.

There being no further business before the Commission, the meeting was adjourned at 7:40 pm.

Secretary

President

TOLEDO PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-7 A as Tax Lots 1102 and 3100.

APPLICATION #: PA-1-19 and RZ-1-19

APPLICANT: Maryan Chambers Estate
Jim Chambers, Authorized Agent

APPLICATION DATE: April 8, 2019

HEARING DATE: Planning Commission – June 12, 2019
City Council – July 3, 2019

REQUEST: The applicant is requesting 1) a Comprehensive Plan map amendment from Residential General (R-G) to Residential Single (R-S) and 2) a zone change from Residential General (R-G) to Residential Single (R-S) for property transferred from Tax Lot 1102 (2040 NW Elm Street) to Tax Lot 3100 (563 NW Aspen Street) in approved Lot Line Adjustment request LLA-1-19.

LOCATION: The subject parcel is located at 2040 NW Elm Street (Tax Lot 1102) and 565 NW Aspen Street (Tax Lot 3100).

LOT SIZE: Tax Lot 1102 is approximately 1.73 acres and Tax Lot 3100 is approximately .29 acres, prior to the approval of LLA-1-19. The approved property line adjustment transfers approximately .29 acres or 12,651 square feet of land from Tax Lot 1102 to Tax Lot 3100.

I. REPORT OF FACTS:

1. Plan Designation: Residential General (R-G) for Tax Lot 1102 and Residential Single (R-S) for Tax Lot 3100
2. Zone Designation: Residential General (R-G) for Tax Lot 1102 and Residential Single (R-S) for Tax Lot 3100
3. Existing Structures: Both properties contain a single family dwelling and garage.
4. Topography: Tax Lots 1102 and 3100 have a gradual downward slope from the west to the east, with some steep areas on both lots.
5. Development Constraints: Slopes and possible access limitations on NW Elm Street.
6. City water: Public water main lines located in NW Aspen Street and NW Elm Street. Both properties are served by City water.
7. City sewer: Public sewer main lines located in NW Aspen Street and NW Elm Street. Both properties are served by City sewer.
8. Notice of Public Hearing: Notices mailed to 30 property owners and 19 public/service agencies on May 23, 2019.
9. Notice Published: PC Hearing: May 29 and June 5, 2019

CC Hearing and Proposed Ordinance: June 26, 2019

Proposed Ordinance Posted: June 20, 2019

10. Comments Received: Public Works Director, Fire Chief, and Police Chief all been sent the application. No comments or concerns were noted by department heads.
11. Attachments to Staff Report: A. Exhibit A - Map showing Parcels after lot line adjustment
B. Application with supporting information
C. Zoning Map
D. Aerial Map
E. Proposed Ordinance

II. APPLICABLE CRITERIA FOR EVALUATING THE COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE WITH STAFF ANALYSIS:

The following comprehensive plan, ordinance standards, and state goals apply to this request. The standards are listed below in regular type. Staff analysis including facts and findings are highlighted below each comprehensive plan and ordinance standard in an italicized font.

1. TMC Section 17.04.050(A-C) — Zoning map, boundaries, designation after annexation and planned developments

- A. The location and boundaries of the zones designated in Section 17.04.040 are established as shown on the map entitled "Comprehensive Plan and Zoning Map of the City of Toledo" dated with the date of adoption and signed by the mayor and city recorder and hereafter referred to as the "zoning map."
- B. The signed copy of the zoning map shall be maintained on file in the office of the city manager and is hereby made a part of this ordinance.
- C. Unless otherwise specified, zone boundaries are lot lines or the center line of streets, alleys, railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty (20) feet. If the adjustment involves a distance of more than twenty (20) feet, the procedure for a zone change shall be followed.

Staff Analysis: Application LLA-1-19 for a lot line adjustment between 2040 NW Elm Street (Tax Lot 1102) and 565 NW Aspen Street (Tax Lot 3100) was approved May 7, 2019. Tax Lot 3100 is designated Single Residential (R-S) and Tax Lot 1102 is designated General Residential (R-G) on the Toledo zoning map and Comprehensive Land Use Plan Map. Adjusting the property boundary splits newly configured Tax Lot 3100 into two zones (R-S and R-G). The adjustment involves a distance over 20 feet, therefore, the applicant must follow the procedure for a zone change. Pursuant to TMC 16.28.040, final approval of LLA-1-19 is subject to final approval of PA-1-19 and RZ-1-19 to rezone the .29 acres of the adjusted boundary.

2. TOLEDO MUNICIPAL CODE (TMC) Section 17.80.040 – Quasi-judicial amendments to maps.

Quasi-judicial map amendments are those map amendments which require discretion in applying existing standards or criteria to a request. The approval authority for quasi-judicial amendments shall follow the type III land use procedure as set forth by ordinance and the

approval authority shall be as follows:

- A. The planning commission shall decide zoning map changes which do not involve comprehensive plan amendments;
- B. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and
- C. The planning commission shall make a recommendation to the city council on a zoning map application which also involves a comprehensive plan map amendment application. The city council shall decide both applications.

Staff Analysis: Based on TMC 17.80.040, the Planning Commission shall make a recommendation to the City Council on this application requesting a zoning map change which also involves a Comprehensive Plan map amendment. The City Council shall decide both applications.

3. TMC Section 17.80.050 – Criteria for quasi-judicial map amendments.

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on the following criteria:

- A. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite for approval;
- B. Demonstration of compliance with all applicable standards and criteria of this code and other applicable implementing ordinances.
- C. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use maps regarding the property which is the subject of the application.

Staff Analysis: The Planning Commission recommendation to approve, approve with conditions or deny is based on the criteria in the Comprehensive Plan, standards and criteria in the code. Additionally, evidence of change in the neighborhood or community exists, in that application LLA-1-19 was reviewed and approved but the new boundary for Tax Lot 3100 would contain two different zone designations (R-S and R-G). There is no evidence of a mistake or inconsistency in the Comprehensive Plan or land use maps regarding the property.

4. TMC Section 17.80.060 – Conditions of approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions necessary to bring an amendment into compliance with an applicable criteria. A legislative decision may be approved or denied.

Staff Analysis: TMC 17.80.060 grants authority for a decision to deny, approve or approve with conditions necessary to bring an amendment into compliance with applicable criteria. Based on the staff report findings, the request meets applicable criteria and conditions of approval have not been recommended.

5. TMC Section 17.12.010 – 17.12.030 – R-G Zone.

TMC Section 17.12.010 – R-G Zone - Purpose.

The purpose of the R-G zone is to encourage economical, higher-density housing in these

designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G.

TMC Section 17.12.020 – R-G Zone - Uses permitted outright.

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.
- D. Accessory dwelling units.
- E. Home occupations which comply with Chapter 17.46
- F. Accessory use structures.
- G. Registered and licensed residential care facility and residential care homes.

TMC Section 17.12.030 – R-G Zone - Conditional uses permitted.

- A. Religious use.
- B. Governmental structure or land use, including but not limited to a public park, playground, fire station, library, or museum.
- C. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, group care center, or medical clinic.
- D. School: nursery, primary, elementary, junior high, or senior high.
- E. Pumping station and utility substation.
- F. Boarding house, bed and breakfast facility, hostel, or residency hotel.
- G. Child day care center.
- H. Manufactured dwellings that do not meet the minimum standards in Section 17.12.040(B).
- I. Professional office use, bakery/catering, art gallery/studio, eating establishment, or other similar type of commercial use in conjunction with the residential use of the property that exceeds the standards for a home occupation.

TMC Section 17.12.030 – R-G Zone - Lot size.

The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

6. TMC Sections 17.08.10 – 17.08.050 – R-S Zone.

TMC Section 17.08.010 – R-S Zone – Purpose.

The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

TMC Section 17.08.020 – R-S Zone – Uses permitted outright.

- A. Single-family dwellings and their accessory uses.
- B. Home occupations which comply with Chapter 17.46
- C. Manufactured dwellings.
- D. Accessory use structures.
- E. Accessory dwelling units.

TMC Section 17.08.030 – R-S Zone – Conditional uses permitted.

- A. Religious use.
- B. Governmental structure or land use including but not limited to a public park, playground, fire station, library, or museum.
- C. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, group care center, residential care facility, residential care home, or medical clinic.
- D. School: nursery, primary, elementary, junior high, or senior high.
- E. Pumping station and utility substation.
- F. Manufactured dwellings that do not meet the minimum standards set in Sections 17.08.090(A)—(B).
- G. Boarding house, bed and breakfast facility, hostel, or residency hotel.
- H. Multifamily dwelling units.
- I. Commercial use in conjunction with a planned development under the Toledo Land Division Ordinance.
- J. Child day care center.

TMC Section 17.08.050 – R-S Zone – Lot size.

The minimum lot area shall be seven thousand (7,000) square feet for an interior lot and seven thousand five hundred (7,500) square feet for a corner lot.

Staff Analysis: The applicant requests a rezone from R-G to R-S for the east portion of Tax Lot 1102, identified on Exhibit A. As provided in LLA-1-19 decision, the minimum lot size for both lots are met. Current uses (single-family home), setbacks, etc. for both properties complies existing zone standards.

7. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(A) – Comprehensive Plan Map Designations:

Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the city determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Low-Density Residential -This designation provides for lower density housing with a focus on single-family housing. This designation shall be implemented through the zoning map's Single-Family Residential (R-S) zone designation.

Medium-Density Residential -This designation provides for either lower or higher density housing. This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.

8. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(B) – Zoning Map Designations:

Single-family Residential (R-S) -The purpose of the R-S zone is to preserve areas within

the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

General Residential (R-G) - The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas and the facilities and services which go along with those residences.

9. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 8 – Amendments: Amendments to the comprehensive plan or comprehensive plan map may be filed with the City on appropriate forms provided by the City by any person of legal age. Amendments may also be initiated by the Planning Commission or the City Council. The City Council will be the decision making body. Any change must be consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria. In addition, any applicant must show that circumstances have changed, that there is a public need for the amendment, and that the need cannot reasonably be met by any other method. In instances where an applicant can show that a mistake was made in the original Plan, that showing, along with proven compliance with the Oregon Statewide Planning Goals and Guidelines, will be sufficient to amend the Plan. Amendments to the Glossary section of the Plan may be made based on the criteria that the added definition is consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria.

Staff Analysis: The proposed amendment was requested by Maryan Chambers Estate, by Authorized Agent Jim Chambers, on the appropriate application forms, submitted on April 8, 2019. As evidence provided in this staff report and the application materials, the request is consistent with applicable criteria in the City of Toledo ordinances and Comprehensive Land Use Plan. Further, the request is consistent with the Oregon Statewide Planning Goals and Guidelines. In addition to the plan and ordinance standards, the request meets Toledo Comprehensive Land Use Plan Article 2, Objective because:

- 1. Circumstances have changed, in that LLA-1-19 has been approved, adjusting the property boundary of Tax Lots 1102 and 3100, consisting of two different zone designations for newly configured Tax Lot 3100. Property once identified as TL 1102 is designated General Residential. Property identified as TL 3100 is designated Single Family Residential.*
- 2. There is a public need for the amendment, because it is an inefficient land use planning tool to have a split zone of General Residential and Single-Family Residential on one property. Proposed LLA-1-19 must comply with the TMC 17.04.050, which requires boundary line adjustments over 20 feet to follow the procedures for a rezone. Approximately 12,651 square feet of the new boundary for TL 3100 has been requested for a zone change, in compliance with TMC 17.04.050, otherwise preliminary approval of LLA-1-19 becomes null and void.*
- 3. The need cannot reasonably be met by any other method. The Comprehensive Land Use Plan Map and Zoning Map must both be amended to designate the adjusted boundary area to Single-Family Residential. The rezone procedures are established in TMC 17.80, TMC 19.16, TMC 19.20 and the Toledo Comprehensive Land Use Plan.*
- 4. The applicant provides the following information in the application in support of the*

zone change:

"I would question the existing zoning of RG as to if the parcels and topography that exist today could still meet the anticipated demands of a build out that this zoning allows.

I have requested a lot line adjustment to create a buffer from any development that may or could be allowed. A buffer from noise and lights. After the logging, it was my mother that purchased Tax Lot 1102. The trees that exist today were planted by her. These trees provide for wildlife habitat and shade for an existing drainage. A buffer for RG zoning should be required any time that it borders RS zoning.

The proposed adjustment consists of two parcels. The first parcel is 2,312 Square Feet and provides access to Tax Lot 3100. The second parcel is 10,339 Square Feet. The second parcel due to slope and existing residence does not have any access except through Tax Lot 3100. It would not meet RG zoning due to the limited access. It could not serve any apartment, duplex or townhouse. It could meet RS zoning as it pertains to access.

The Lot Line Adjustment has been approved. I feel that the two proposed parcels from Tax Lot 1102 won't meet the criteria for RG Zoning but would meet the RS Zoning of Tax Lot 3100.

In closing I want the proposed parcels in the lot line adjustment from Tax Lot 1102 to be rezoned to meet the RS zoning of parcel 3100. This is a net reduction from Tax Lot 1102 of 12,671 square feet. My intentions are to leave the adjoining parcels as is for a proposed buffer and to preserve my blackberry picking site."

10. 2000 Toledo Comprehensive Land Use Plan – Article 10, Goal 1 – Housing:
Encourage development of a mixture of housing stock in terms of design, type, cost, and location that meets the housing needs of all Toledo citizens.

Staff Analysis: This application meets housing needs for Toledo residents in terms of type and design, because of the development options allowed within the residential zones.

11. 2000 Toledo Comprehensive Land Use Plan – Article 14, Goal 1 and 3 – Urbanization and Livability:

1. Build Toledo as a small, cost-effective, attractive, livable, and sustainable city by encouraging efficient land use patterns.
3. Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with the comprehensive Plan goals and policies and Toledo's Municipal Code and standards.

Staff Analysis: Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. It is not an efficient land use planning tool to have two different residential zone designations on one parcel of land.

The applicant proposes the rezoned area to provide a natural buffer between the two homes and to retain the trees, originally planted by the applicant's mother. The proposed rezone would not prohibit future development in the area or prohibit expansion of the current uses on the properties.

The application has been under expedient review, while continuing to meet the notification requirements established by the State and Toledo Municipal Code.

12. Oregon Statewide Planning Goals and Guidelines

Oregon's Statewide Planning Goals and Guidelines consist of 19 goals. The planning goals provide a framework for a statewide program of land-use planning. They are state policies on urban and rural land uses, resource management, economic development, urban growth, coastal protection, natural hazards, and citizen involvement that form the elements of a local comprehensive land use plan. Although not all the statewide planning goals apply to the applicant's request to amend the zoning map and Comprehensive Land Use Plan Map, two the goals have direct relevancy: Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning

Goal 1 – Citizen Involvement

The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff Analysis: Notice of the proposed amendments were sent to the Oregon Department of Land Conservation and Development on April 25, 2019. The City of Toledo did not receive any written comments from applicable federal or state agency regarding the applicable statutes or regulations involving the request. Notice of the public hearings were mailed to 30 property owners and government agencies/utility providers on May 23, 2019. The public hearing notice was published in the Newport News-Times on May 29, June 5, and June 26, 2019.

Goal 2 – Land Use Planning

Goal 2, Part III, Guideline E(2) - Minor changes in the plan and implementation measures states, "Minor changes, i.e. those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible."

Goal 2, Part III, Guideline F - Implementation Measures. The following types of measures should be considered for carrying out plans:

...2. Site and Area Specific Implementation Measures:

- (a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.

Goal 2, Part III, Guideline G - Use of Guidelines for the Statewide Planning Goals: Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans

that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

Staff Analysis: The map amendment proposed by the applicant is considered minor in nature. Statewide Planning Goal 2 Guideline F (2)(a) (Implementation Measures) specifically identifies zone changes to be considered a site and area specific implementation measure for carrying out the goals and plans.

III. FURTHER STAFF ANALYSIS:

The Planning Commission is making a recommendation to City Council on City File # RZ-1-19 and City File # PA-1-19. The City Council will make the decision on City File # RZ-1-19 and City File # PA-1-19.

The staff level approval was given to the applicant on the lot line adjustment (City File # LLA-1-19), but approval of the lot line adjustment was conditioned on the final approval of the rezone and Comprehensive Plan map amendment.

The proposed change to the zoning map and Comprehensive Plan map designation of R-S for newly configured portion of Tax Lot 3100 is appropriate, given the requested rezone and Comprehensive Plan map designations are the minimum necessary because of the approval of LLA-1-19.

The applicant's request would be compatible with surrounding land uses. R-S zoning is located directly to the west, east, and north of Tax Lot 3100. R-G zoning is located to the south (remaining portion of Tax Lot 1102), which also contains a single-family home and garage. See Attachment A "Exhibit A" and Attachment C "Zoning Map".

The procedure for amending the Comprehensive Plan and changing the zoning of property is found in TMC Chapter 17.80 titled "Amendments". The purpose of the "Amendment" chapter is to provide standards and procedures for legislative and quasi-judicial amendments to the code and the Comprehensive Land Use Map or Zoning Map. These standards and procedures are referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

In this case, the applicant has indicated the change, which is not a significant zoning and Comprehensive Plan map amendment change. The purpose of both the R-G and R-S Residential Zone Map designations provide for lower density housing which is proposed.

Also, TMC 17.04.050(C) states that, "Unless otherwise specified, zone boundaries are lot lines or the center line of streets, alleys, railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty (20) feet. If the adjustment involves a

distance of more than twenty (20) feet, the procedure for a zone change shall be followed." In this case, the approved lot line adjustment involved more than 20 feet of change.

No zone change could occur without first amending the Comprehensive Plan Map to some other designation within the plan itself. Since the applicant's plans are to provide a buffer between 563 NW Aspen Street and 2040 NW Elm Street and to protect the trees for wildlife habitat and shade for an existing drainage way, the Comprehensive Plan map designation of low-density residential was the most logical option (see Attachment B "Application"). Obtaining the plan amendment approval in conjunction with the requested zone change is vital in demonstrating consistency with the Comprehensive Plan policies in relation to the proposed zone change to Single-family Residential. Evaluating both these land use actions simultaneously helps to satisfy criteria required for a quasi-judicial map amendment as contained in TMC Section 17.80.050(A).

The objective of the Low-Density Residential designation as contained in the Comprehensive Plan is to provide for lower density housing with a focus on single-family housing. This designation shall be implemented through the zoning map's Single-family Residential (R-S) zone designation, which the applicant has proposed.

Beyond the consistency achieved between the zone designation and the Comprehensive Plan map designation, the amendment also serves to fulfill additional goals such as housing, urbanization and livability as outlined in the 2000 Comprehensive Land Use Plan.

IV. FINDINGS:

The applicant is requesting approval of a Comprehensive Plan map and zoning map amendment. Based upon the information received by City staff through May 20, 2019, the requests appears to conform with relevant provisions of the City's plans, ordinances, and Statewide Planning Goals, as described below. The following recommended findings support approval of the requested map changes:

1. Application LLA-1-19 for a lot line adjustment between 2040 NW Elm Street (Tax Lot 1102) and 565 NW Aspen Street (Tax Lot 3100) was approved May 7, 2019. Tax Lot 3100 is designated Single Residential (R-S) and Tax Lot 1102 is designated General Residential (R-G) on the Toledo zoning map and Comprehensive Land Use Plan Map. Adjusting the property boundary splits newly configured Tax Lot 3100 into two zones (R-S and R-G). The adjustment involves a distance over 20 feet, therefore, the applicant must follow the procedure for a zone change. Pursuant to TMC 16.28.040, final approval of LLA-1-19 is subject to final approval of PA-1-19 and RZ-1-19 to rezone the .29 acres of the adjusted boundary.
2. Based on TMC 17.80.040, the Planning Commission shall make a recommendation to the City Council on this application requesting a zoning map change which also involves a Comprehensive Plan map amendment. The City Council shall decide both applications.
3. The Planning Commission recommendation to approve, approve with conditions or deny is based on the criteria in the Comprehensive Plan, standards and criteria in the code. Additionally, evidence of change in the neighborhood or community exists, in that application LLA-1-19 was reviewed and approved but the new boundary for Tax Lot 3100

would contain two different zone designations (R-S and R-G). There is no evidence of a mistake or inconsistency in the Comprehensive Plan or land use maps regarding the property.

4. TMC 17.80.060 grants authority for a decision to deny, approve or approve with conditions necessary to bring an amendment into compliance with applicable criteria. Based on the staff report findings, the request meets applicable criteria and conditions of approval have not been recommended.
5. The applicant requests a rezone from R-G to R-S for the east portion of Tax Lot 1102, identified on Exhibit A. As provided in LLA-1-19 decision, the minimum lot size for both lots are met. Current uses (single-family home), setbacks, etc. for both properties complies existing zone standards.
6. The proposed amendment was requested by Maryan Chambers Estate, by Authorized Agent Jim Chambers, on the appropriate application forms, submitted on April 8, 2019. As evidence provided in this staff report and the application materials, the request is consistent with applicable criteria in the City of Toledo ordinances and Comprehensive Land Use Plan. Further, the request is consistent with the Oregon Statewide Planning Goals and Guidelines. In addition to the plan and ordinance standards, the request meets Toledo Comprehensive Land Use Plan Article 2, Objective because:
 - a. Circumstances have changed, in that LLA-1-19 has been approved, adjusting the property boundary of Tax Lots 1102 and 3100, consisting of two different zone designations for newly configured Tax Lot 3100. Property once identified as TL 1102 is designated General Residential. Property identified as TL 3100 is designated Single Family Residential.
 - b. There is a public need for the amendment, because it is an inefficient land use planning tool to have a split zone of General Residential and Single-Family Residential on one property. Proposed LLA-1-19 must comply with the TMC 17.04.050, which requires boundary line adjustments over 20 feet to follow the procedures for a rezone. Approximately 12,651 square feet of the new boundary for TL 3100 has been requested for a zone change, in compliance with TMC 17.04.050, otherwise preliminary approval of LLA-1-19 becomes null and void.
 - c. The need cannot reasonably be met by any other method. The Comprehensive Land Use Plan Map and Zoning Map must both be amended to designate the adjusted boundary area to Single-Family Residential. The rezone procedures are established in TMC 17.80, TMC 19.16, TMC 19.20 and the Toledo Comprehensive Land Use Plan.
 - d. The applicant provides the following information in the application in support of the zone change:

"I would question the existing zoning of RG as to if the parcels and topography that exist today could still meet the anticipated demands of a build out that this zoning allows.

I have requested a lot line adjustment to create a buffer from any development that may or could be allowed. A buffer from noise and lights. After the logging, it was my mother that purchased Tax Lot 1102. The trees that exist today were planted by her. These trees provide for wildlife

habitat and shade for an existing drainage. A buffer for RG zoning should be required any time that it borders RS zoning.

The proposed adjustment consists of two parcels. The first parcel is 2,312 Square Feet and provides access to Tax Lot 3100. The second parcel is 10,339 Square Feet. The second parcel due to slope and existing residence does not have any access except through Tax Lot 3100. It would not meet RG zoning due to the limited access. It could not serve any apartment, duplex or townhouse. It could meet RS zoning as it pertains to access.

The Lot Line Adjustment has been approved. I feel that the two proposed parcels from Tax Lot 1102 won't meet the criteria for RG Zoning but would meet the RS Zoning of Tax Lot 3100.

In closing I want the proposed parcels in the lot line adjustment from Tax Lot 1102 to be rezoned to meet the RS zoning of parcel 3100. This is a net reduction from Tax Lot 1102 of 12,671 square feet. My intentions are to leave the adjoining parcels as is for a proposed buffer and to preserve my blackberry picking site."

7. This application meets housing needs for Toledo residents in terms of type and design, because of the development options allowed within the residential zones.
8. Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. It is not an efficient land use planning tool to have two different residential zone designations on one parcel of land.
9. The applicant proposes the rezoned area to provide a natural buffer between the two homes and to retain the trees, originally planted by the applicant's mother. The proposed rezone would not prohibit future development in the area or prohibit expansion of the current uses on the properties.
10. The application has been under expedient review, while continuing to meet the notification requirements established by the State and Toledo Municipal Code.
11. Notice of the proposed amendments were sent to the Oregon Department of Land Conservation and Development on April 25, 2019. The City of Toledo did not receive any written comments from applicable federal or state agency regarding the applicable statutes or regulations involving the request. Notice of the public hearings were mailed to 30 property owners and government agencies/utility providers on May 23, 2019. The public hearing notice was published in the Newport News-Times on May 29, June 5, and June 26, 2019.
12. The map amendment proposed by the applicant is considered minor in nature. Statewide Planning Goal 2 Guideline F (2)(a) (Implementation Measures) specifically identifies zone changes to be considered a site and area specific implementation measure for carrying out the goals and plans.

Staff would direct the Planning Commission to evaluate the applicant's proposal and all testimony presented to them in order to make findings that demonstrate the applicable criteria in the Toledo Municipal Code can be satisfied. The decision of the Planning Commission should be based on the report of facts and analysis contained within the Staff Report, as well as the facts and testimony presented by the applicant and those who support or oppose the request given at the public hearing. Any action on the application should address the applicable criteria as contained in the TMC. The decision of the Planning Commission on City Case File # PA-1-19 and RZ-1-19 is a recommendation to City Council. The decision of the City Council on City Case File # PA-1-19 and RZ-1-197 will become final unless appealed to LUBA.

V. STAFF RECOMMENDATION:

Staff recommends the Planning Commission make the recommendation to the City Council, as required in TMC 17.80.040(C), to approve the requested quasi-judicial Comprehensive Plan map amendment and rezone pursuant to the criteria in TMC Section 17.80.050. Upon receipt of the Planning Commission's recommendation, staff further recommends the City Council decide to approve the Comprehensive Plan map amendment and a corresponding zone change.

PLANNING COMMISSION RECOMMENDATION

PC - PROPOSED MOTION #1 (PA-1-19 AND RZ-1-19):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON JUNE 12, 2019, THE PLANNING COMMISSION DETERMINES THAT THE REQUEST BY MARYAN CHAMBERS ESTATE (AUTHORIZED AGENT JIM CHAMBERS) FOR APPLICATIONS PA-1-19 AND RZ-1-19 FOR AN AMENDMENT TO A ZONING MAP AND A COMPREHENSIVE PLAN MAP AMENDMENT, COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO COMPREHENSIVE LAND USE PLAN, OREGON STATEWIDE PLANNING GOALS, AND TOLEDO MUNICIPAL CODE, CHAPTERS 17.80, 17.12, 17.08, INCLUDING THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE, SECTION 17.80.050. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AND OTHER EVIDENCE IN THE RECORD AS FINDINGS SUPPORTING ITS DECISION AND RECOMMENDS TO THE CITY COUNCIL APPROVAL OF APPLICATION PA-1-19 AND RZ-1-19, AND THE ADOPTION OF THE PROPOSED ORDINANCE, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

CITY COUNCIL DECISIONS

CC- PROPOSED MOTION #1 (PA-1-19 AND RZ-1-19):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE CITY COUNCIL AT THE PUBLIC HEARING ON JULY 3, 2019, THE CITY COUNCIL DETERMINES THAT THE REQUEST BY MARYAN CHAMBERS ESTATE (AUTHORIZED AGENT JIM CHAMBERS) FOR APPLICATIONS PA-1-19 AND RZ-1-19 FOR AN AMENDMENT TO THE ZONING MAP AND A COMPREHENSIVE PLAN MAP AMENDMENT, COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO COMPREHENSIVE LAND USE PLAN, OREGON STATEWIDE PLANNING GOALS, AND TOLEDO MUNICIPAL CODE, CHAPTERS 17.80, 17.12, 17.08, INCLUDING THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE, SECTION 17.80.050. THE CITY COUNCIL HEREBY ADOPTS THE STAFF REPORT AND OTHER EVIDENCE IN THE RECORD AS FINDINGS SUPPORTING ITS DECISION AND APPROVES APPLICATIONS PA-1-17 AND RZ-1-17, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

CC- PROPOSED MOTION #2 (Ord. _____):

TO ADOPT ORDINANCE NO. _____, BY READING BY TITLE ONLY, TWICE:

"AN ORDINANCE AMENDING THE 2000 TOLEDO COMPREHENSIVE LAND USE PLAN AND ZONING MAPS, AS ADOPTED BY ORDINANCE #1285."

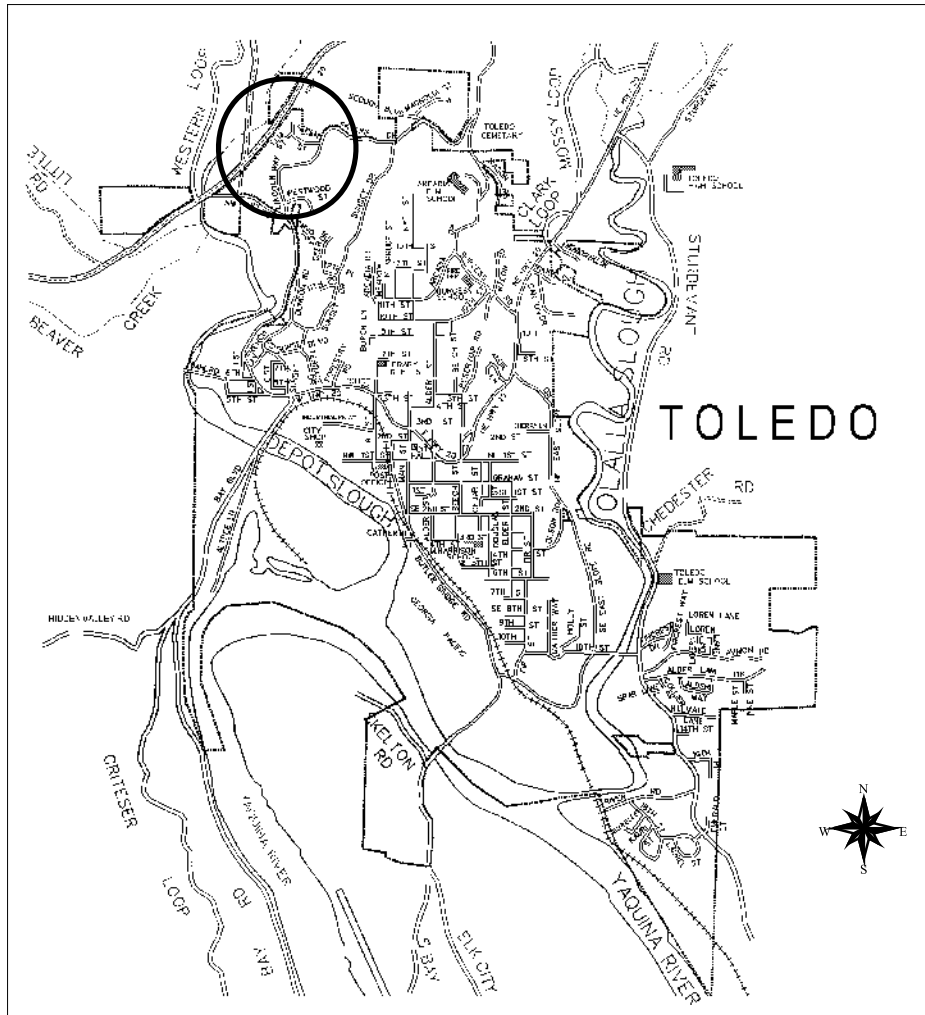
VI. PLANNING COMMISSION ROLE:

The Planning Commission should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the applicable criteria in the Toledo Municipal Code and Comprehensive Plan can be satisfied. The decision of the Planning Commission should be based on the report of facts and analysis contained within the Staff Report, as well as the facts and testimony presented by the applicant and those who support or oppose the request given at the public hearing. Any action on the application should address the applicable criteria as contained in the Toledo Municipal Code. The decision of the Planning Commission on the rezone and Comprehensive Plan Map amendment shall act as a recommendation to the City Council.

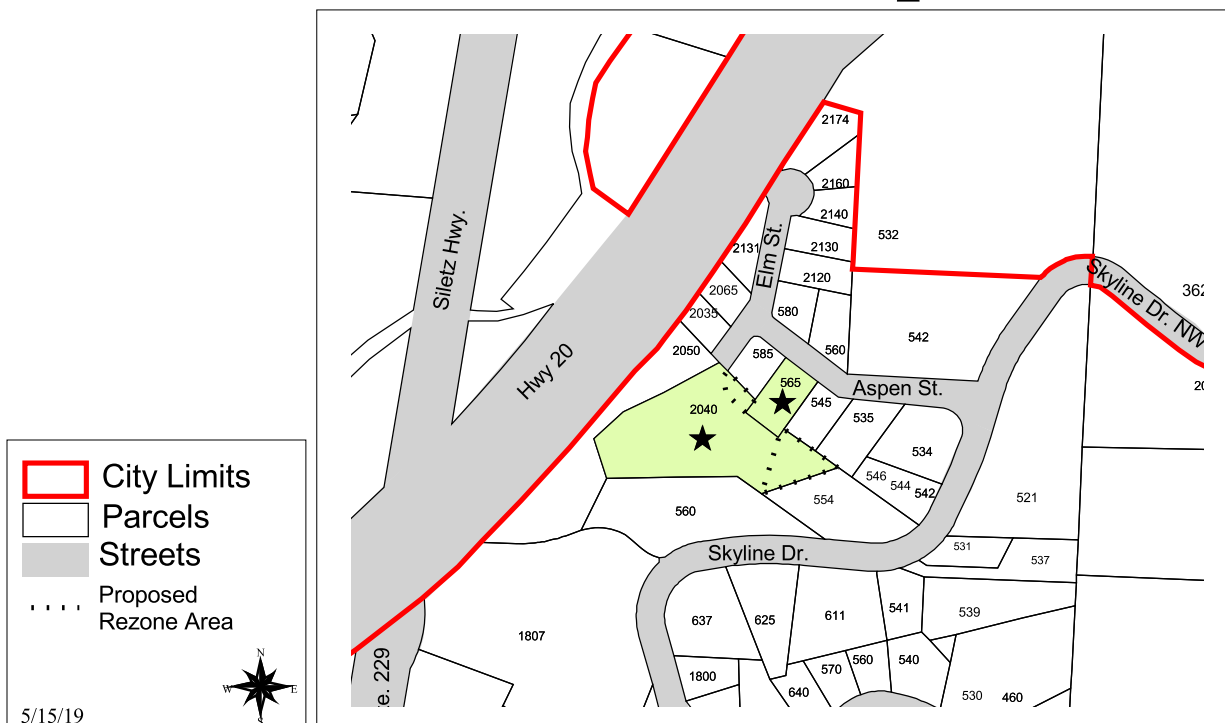
VII. CITY COUNCIL ROLE:

At the public hearing, the City Council should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the pertinent criteria can be satisfied. The recommendation of the Planning Commission is based on the testimony received by the Commission, the facts presented by the applicant, testimony, and the staff report. The decision of the City Council must be based on the testimony received by the Council, the recommendation of the Planning Commission, the facts presented by the applicant and those who support or opposed the request, and the staff report. Any action of the application should address the applicable plans and ordinance criteria. The Council decision on the plan amendment will be final unless appealed.

Location Map



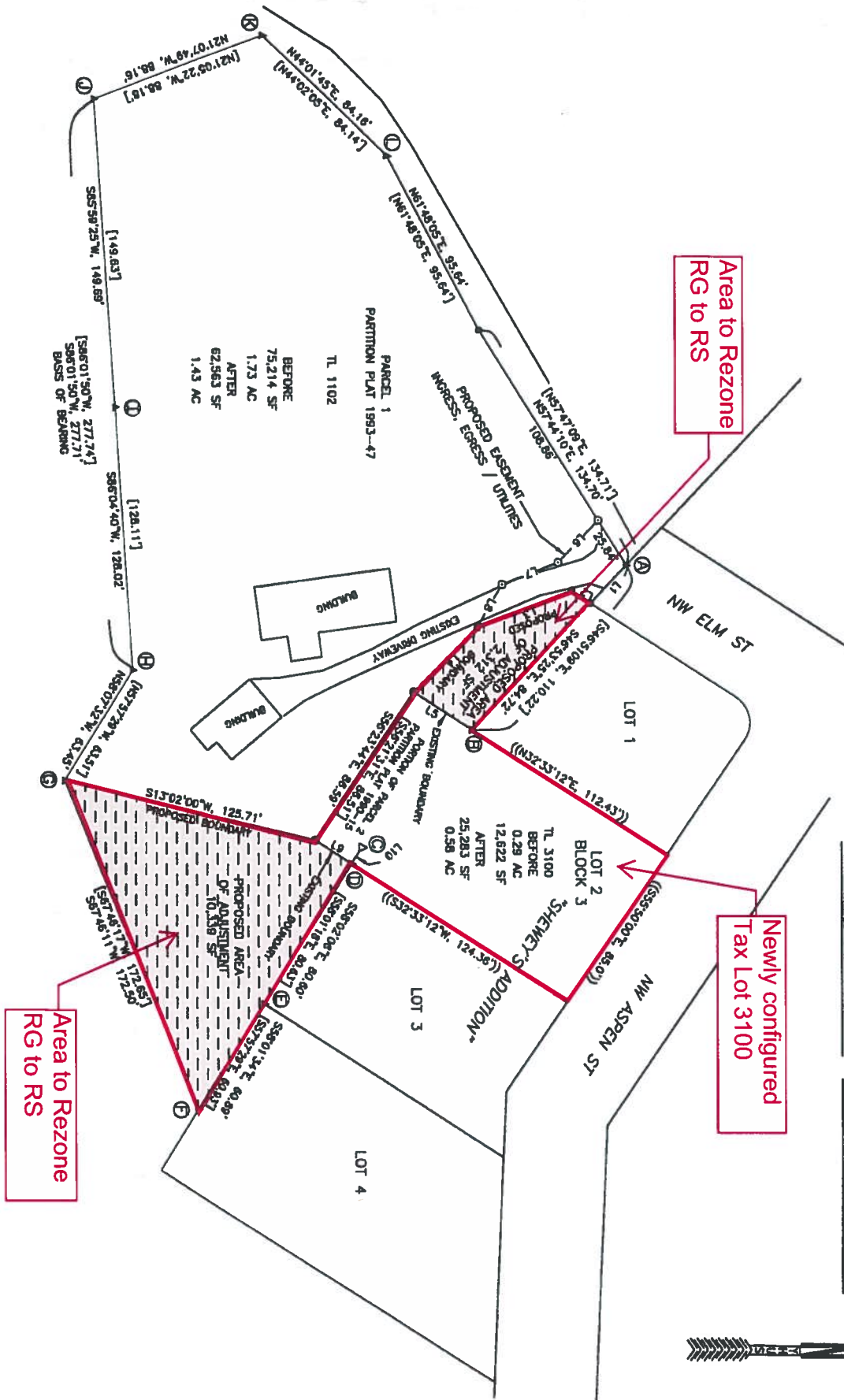
Site Map



ATTACHMENT A

Exhibit A - Map Showing Parcels After Lot Line Adjustment (City of Toledo File #PA-1-19/RZ-1-19)

11-10-7-A TAX LOTS 1102 AND 3100



LINE TABLE

LINE	BEARING	DISTANCE
1	S48°33'25"E	25.43'
2	S33°40'00"W	11.07'
3	S71°40'14"E	48.56'
4	S45°25'02"E	44.23'
5	N47°33'11"E	33.72'
6	S46°53'28"E	28.48'
7	S71°40'14"E	29.39'
8	S60°00'00"E	24.19'
9	N47°33'12"E	21.00'
10	N57°28'48"W	7.07'

LINE	BEARING	DISTANCE
15	N42°33'12"E	33.72'
16	N42°33'12"E	21.00'
17	N57°28'59"W	9.14'

ATTACHMENT B
Application with Supporting Information
(City of Toledo File # PA-1-19/RZ-1-19)

CITY OF TOLEDO
LAND USE APPLICATION

Date APR. 18, 2019

Property Owner MARYAN CHAMBERS ESTATE

Telephone 541-336-3439

Mailing Address 565 NW ASPEN ST

TOLEDO, OH 43201

Authorized Agent JIM CHAMBERS

Telephone 541-336-3439

Property Address 2040 ELM ST., TOLEDO, OH

Property Size 1.73 A

Property Location _____

Assessors Map No. 11-10-07-A0-01102-00

Tax Lot No. 1102

Present Zoning RG

Proposed Change LOT LINE ADJUSTMENT

Comprehensive Plan Designation _____

Current Land Use Residential

Existing Structures (if any) HOUSE and GARAGE

Proposal for which this request is being made (attach additional sheets if needed) Reduce TL 1102 by 12,722 SF and Add to TL 3100, A LOT LINE adjustment. Change ZONING of PARCEL to be TRANSFERRED from TL 1102 to existing PARCEL TL 3100, TO MATCH ZONING of TL 3100. RG to RS

The following must be submitted with this application:

- ☐ Deed description and proof of ownership interest.
- ☐ Site plan drawn to scale which shows property lines, access, existing buildings, other relevant features or conditions, the property's relationship to the surrounding neighborhood, and the location of existing and proposed development.
- ☐ Description of the proposed land use action, including information on how the proposal might impact surrounding property.
- ☐ Supplemental information form (if required).
- ☐ Application fee.

☐ Annexation/Rezone (\$1,100)*	☐ Expedited Land Division (\$1,500)*	☐ Riparian Modification Permit (\$150)
☐ Appeal, Land Use Misc (\$300)*	☐ Lot Line Adjustment (\$100)	☐ Similar Use, Planning Comm (\$225)
☐ Appeal, Type II (\$200)*	☐ Modification of Approval (75% of fee)	☐ Staff Level Exception to TPIRDS (\$25+recording fee)
☐ Appeal, Type III (\$400)*	☐ Partition, Major (\$700+\$20/lot)*	☐ Subdivision (\$700+\$20/lot)*
☐ Code Amendment (\$700)	☐ Partition, Minor (\$400)*	☐ UGB Amendment (\$2,000)
☐ (if requires M56 notice \$700+mailing)	☐ Planned Unit Development (\$700+\$20/unit)*	☐ Vacation (\$500)*
☒ Comp. Plan Amendment (\$700)	☐ Public Hearing, Misc. Permit	☐ Variance, Type I (\$50)*
☐ (if requires M56 notice \$700+mailing)	☐ Replat, Major (\$700+\$20/lot)	☐ Variance, Type II (\$200)*
☐ Code Interpretation, official (\$125)	☐ Replat, Minor (\$400)	☐ Variance, Type III (\$400)*
☐ Conditional Use (\$400)	☐ Restrictive Lot Line Covenant (\$75)	☒ Zone Change (\$700)
☐ Exception to Statewide Goal (\$2,000)		*Supplemental forms are required

If filing multiple Land Use Applications, the most expensive application will be assessed and 75% of each additional land use application when submitted together. If filing multiple Type I permits, staff can waive some fees where overlapping permits do not need significant additional review.

Date Received 4/10/19

Received By al

For Office Use Only

Fee Paid \$1,225.00

City File No. PA-1-19
RZ-1-19

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that I must present sufficient factual evidence to show that this application complies with the Toledo Zoning Ordinance, Comprehensive Plan, and other applicable regulations. This responsibility is independent of any opinions expressed in the Planning Department Staff Report concerning the applicable criteria. I certify that, to the best of my knowledge, all information contained in this application is accurate.

My signature below shows that I have thoroughly discussed this application with the City Planner or the City Manager or designee and I am fully aware of my responsibilities as the applicant.

I understand that the Planning Commission will hold a public hearing for this application.

☐ yes

I understand that the City Council will hold a public hearing for this application.

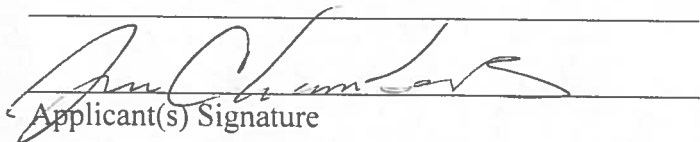
☐ yes

I understand that this is a City of Toledo staff-level decision.

☐ yes

Other _____

☐ yes


Applicant(s) Signature

4-8-2019
Date

Property Owner (if different)

Date

Public Works

1. Is City sewer available? Yes _____ No _____
Where _____

Is the property within City _____ UGB _____
Will a connection have to be constructed? Yes _____ No _____
What size of a line is required _____
2. Is City water available? Yes _____ No _____
Where _____

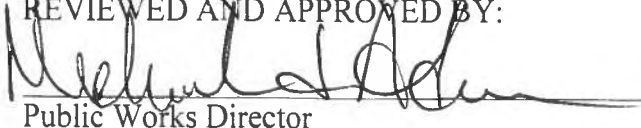
Is the property within City _____ UGB _____
Is the lot accessible to City water? Yes _____ No _____
3. Are there any public works improvements necessary? Yes _____ No _____
If yes, describe _____

4. Is there proper access? Yes _____ No _____
Are there proper easements? Yes _____ No _____

5. Curb cuts and property entrances must be constructed to City specifications. Permit and specifications are available through the Public Works Department.
Are there any special access requirements? Yes _____ No _____
If yes, describe _____
Is a state access permit required? Yes _____ No _____
Is a county permit required? Yes _____ No _____
6. Meter size _____
Estimated installation cost _____
7. Is a plan review by Public Works required? Yes _____ No _____
8. Is this a new parcel, created legally since 11/1/83? Yes _____ No _____
Minor Partition _____ File # _____
Major Partition _____ File # _____
Subdivision _____ File # _____
9. Is this application ready to be approved? Yes ☒ No _____
Explain modifications or revisions needed for the application _____

Comments NO ISSUES/CONCERNS @ THIS TIME. W/ APPLICATION REQUESTED INTO

REVIEWED AND APPROVED BY:


Public Works Director

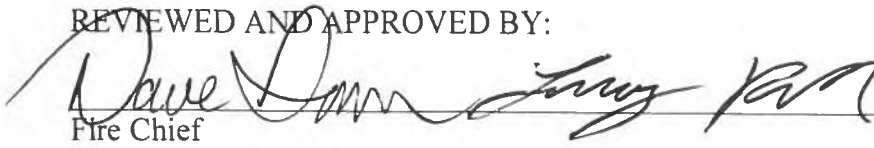
5/21/19
Date

Fire Department

1. Does the proposal meet the safety requirements of the NFC and UFC? Yes _____ No _____
2. Is this application ready to be approved? Yes _____ No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

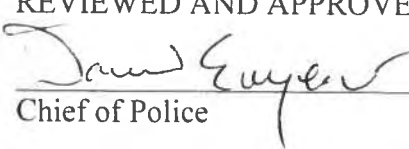
 Date 5/21/19
Fire Chief

Police Department

1. Is this application ready to be approved? Yes X No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

 Date 5/21/19
Chief of Police

Planning Department

1. Is this application ready to be approved? Yes _____ No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

Community Development Coordinator Date

LOT LINE ADJUSTMENT FROM PARCEL 1, PARTITION PLAT 1993-47 (TAX LOT 1102) AND LOT 2, BLOCK 3, SHEWEY'S ADDITION (TAX LOT 3100) AND ZONE CHANGE

When the Shewey's Addition was approved by the City of Toledo in August, 1974 it consisted of 14 tax lots of single family zoning. In 1986, Lot 2, Block 3, (tax Lot 3100) was purchased by Jim and Kay Chambers.

Their new purchase shared a lot line with the current Tax Lot 1102. The owners of the undeveloped 4.79 Acre parcel decided to sell it. There was no interest in the purchase and they then decided to proceed with logging the parcel. This impacted several homes in the area as a buffer was removed. The owners then divided the 4.79 Acres into three parcels with Partition Plat 1990-15. These three parcels were sold and a single residential home with garage were placed on each separate lot. These parcels were impacted when Partition Plat 1993-47 was approved when it once again changed the size of Tax Lot 1102.

I'm not against any of the divisions of the original 4.79 Acres and feel that topography, slopes and drainage impacted the decision in placement of the various homes that exist today. However, the zoning of the parcels never changed. It would be a long discussion if the first Partition Plat addressed the need as to how each parcel created was going to gain access if development had been apartments, townhouses or trailer houses. It appears that almost 2.86 Acres would have contributed to the existing Elm and Aspen Streets that currently provide access to 14 tax lots or 140 trips per day. This on a bad intersection at the Aspen Street and Skyline Road. A single proposed road through the Partition Plat could have divided the traffic between Skyline Road and Elm/Aspen streets. Requirements of Zone RG have been hampered from the acceptance of Partition Plat 1990-15.

I would question the existing zoning of RG as to if the parcels and topography that exist today could still meet the anticipated demands of a build out that this zoning allows.

I have requested a lot line adjustment to create a buffer from any development that may or could be allowed. A buffer from noise and lights. After the logging, it was my mother that purchased Tax Lot 1102. The trees that exist today were planted by her. These trees provide for wildlife habitat and shade for an existing drainage. A buffer for RG zoning should be required any time that it borders RS zoning.

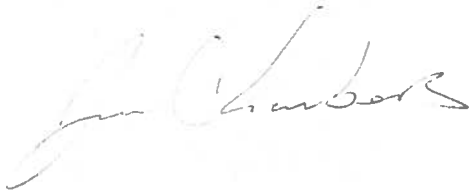
The proposed adjustment consists of two parcels. The first parcel is 2,312 Square Feet and provides access to Tax Lot 3100. The second parcel is 10,339 Square Feet. The second parcel due to slope and existing residence does not have any access except through Tax Lot 3100. It would not meet RG zoning due to the limited access. It could not serve any apartment, duplex or townhouse. It could meet RS zoning as it pertains to access.

The Lot Line Adjustment has been approved. I feel that the two proposed parcels from Tax Lot 1102 won't meet the criteria for RG Zoning but would meet the RS Zoning of Tax Lot 3100.

RECEIVED
CITY OF TOLEDO
DATE 5/16/19
BY *AK*

In closing I want the proposed parcels in the lot line adjustment from Tax Lot 1102 to be rezoned to meet the RS zoning of parcel 3100. This is a net reduction from Tax Lot 1102 of 12,671 square feet. My intentions are to leave the adjoining parcels as is for a proposed buffer and to preserve my blackberry picking site.

I am not familiar with current Oregon Statewide Planning Goals and Guidelines. I do find ORS 92.192 (2), Property Line Adjustment, interesting.

A handwritten signature in cursive script, appearing to read "J. Chambers". The signature is written in dark ink on a light background.

(11-10-7-A TAX LOTS 1102 AND 3100)

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT A PROPOSED PROPERTY LINE ADJUSTMENT AS PER CITY OF TOLEDO PLANNING CASE FILE NUMBER U-1-180. MONUMENTS FROM LINCOLN COUNTY PARTITION PLATS 1890-15 AND 1993-47 AS WELL AS MONUMENTS FROM THE PLAT OF "SHEWEY'S ADDITION" (BOOK 12, PAGE 8) WERE FOUND AND HELD TO CONTROL. THIS SURVEY, THE MONUMENTS AT THE SOUTHERLY BOUNDARY OF LOT 2, BLOCK 3, "SHEWEY'S ADDITION" WERE MISSING AND WERE REMONUMENTED IN THIS SURVEY. THE BOUNDARIES WERE THEN MONUMENTED AS PER MY CLIENTS REQUEST. BEARINGS AS SHOWN ARE BASED ON LINCOLN COUNTY PARTITION PLAT 1993-47 RECORD (RECORD NO. 16) AND (4). THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).

Ⓐ	FOUND: 5/8" IRON ROD, 0.5" BELOW GRADE (PP 1990-15)
Ⓑ	FOUND: 5/8" IRON ROD, 1.1" BELOW GRADE ("SHEWLEY'S ADDITION")
Ⓒ	FOUND: 5/8" IRON ROD, 0.5" BELOW GRADE (PP 1990-15)
Ⓓ	FOUND: 1/2" IRON ROD, 0.3" BELOW GRADE ("SHEWLEY'S ADDITION")
Ⓔ	FOUND: 1/2" IRON ROD, 0.2" BELOW GRADE ("SHEWLEY'S ADDITION")
Ⓕ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 0.5" BELOW GRADE (PP 1993-47)
Ⓖ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 1.0" ABOVE GRADE (PP 1993-47)
Ⓗ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 0.4" BELOW GRADE (PP 1990-15)
Ⓘ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 0.5" BELOW GRADE (PP 1990-15)
Ⓣ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 0.1" BELOW GRADE (PP 1990-15)
Ⓚ	FOUND: BENT 5/8" IRON ROD, 0.1" BELOW GRADE (PP 1993-47)
Ⓛ	FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "LOUIS LS 1908", 0.5" BELOW GRADE (PP 1993-47)

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NTHS SURVEYING"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- × RECORD INFORMATION, AS NOTED
- ⊙ CALCULATED POSITION ONLY
-]] RECORD INFORMATION: PARTITION PLAT 1993-47
-]] RECORD INFORMATION: "SHEWEY'S ADDITION"



	NYHUS SURVEYING INC. GARY NYHUS / STEVEN NYHUS / ERIC NYHUS PROFESSIONAL LAND SURVEYORS P.O. BOX 206 740 E. THISSELL RD. TIDENWATER, ORE 97390 (541) 528-3234 (541) 528-3234		CHECKED BY: CKN DRAWN BY: CAM DATE: 3-1-2019 SCALE: 1" = 40' PROJECT: 18044
	DRAWN BY: CM MAPPING - GREG MORRIS - (541) 528-7082 / 3AMBA		

ATTACHMENT D

Aerial Map

(City of Toledo File # PA-1-19/RZ-1-19)

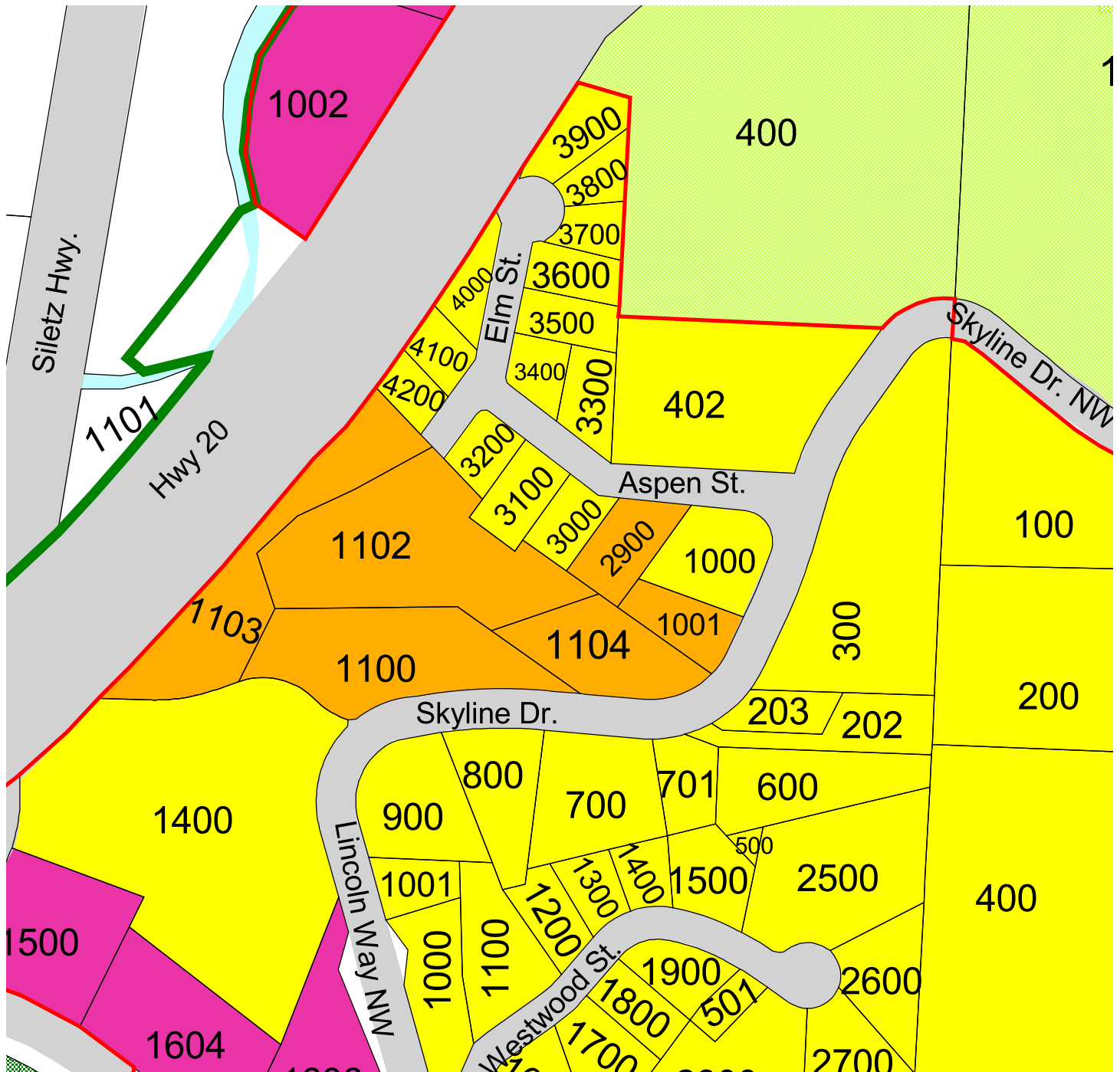


Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability. Printed 06/05/2019

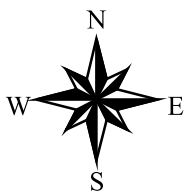
ATTACHMENT C

Zoning Map

(City of Toledo File # PA-1-19/RZ-1-19)



200 0 200 400 Feet



- City Limits
- UGB
- Parcels
- Streets
- Comprehensive Plan
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Outside UGB
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density Residential
- UGB Natural Resources
- UGB Public Lands
- UGB Water Dependent
- Waterways

ATTACHMENT E
Proposed Ordinance
(City of Toledo File # PA-1-19/RZ-1-19)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE 2000 TOLEDO COMPREHENSIVE LAND USE
PLAN AND ZONING MAPS, AS ADOPTED BY ORDINANCE #1285**

WHEREAS, on March 12, 2019, a lot line adjustment request was submitted to modify the property boundary lines for Tax Lots 1102 and 3100 of Lincoln County Assessor's Map 11-10-7 A (Local File # LLA-1-19); and

WHEREAS, Tax Lot 1102 on Lincoln County Assessor's Map 11-10-7 A is identified as General Residential on the Toledo Comprehensive Land Use Plan Map and Zoning Map and Tax Lot 3100 of Lincoln County Assessor's Map 11-10-7 A is identified as Single-Family Residential on the Toledo Comprehensive Land Use Plan Map and Zoning Map; and

WHEREAS, Condition of Approval #6 for LLA-1-19 requires the newly configured Tax Lots 1102 and 3100 to each consist of one zone designation; and

WHEREAS, on April 8, 2019, the property owner of Tax Lot 3100 on Lincoln County Assessor's Map 11-10-7 A initiated a request for a comprehensive plan map amendment for the newly configured Tax Lot 3100, as marked on Exhibit A to this ordinance, to be designated Residential Single and a zone change for the new portion of Tax Lot 3100 to be rezoned from General Residential to Single-Family Residential (Local File # PA-1-19/RZ-1-19); and

WHEREAS, the City Council held a public hearing on July 3, 2019, and based on the facts before the City Council including the recommendation of the Planning Commission, the minutes of the Planning Commission hearing held on June 12, 2019, the staff report, and other testimony presented before the City Council, the City Council adopted facts and findings and determined that the proposed amendment to the City of Toledo Comprehensive Land Use Plan and Zoning Maps comply with the requirements of the Oregon Statewide Planning Goals, the Toledo Comprehensive Land Use Plan and related documents, and Toledo Municipal Code Section 17.80.050;

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1: The property transferred to Tax Lot 3100 on Lincoln County Assessor's Map 11-10-7 A, as identified on Exhibit A to this ordinance, is designated Residential Single on the Comprehensive Land Use Plan Map and identified as Single-Family Residential on the Toledo Zoning Map.

APPROVED AND ADOPTED by the
City Council of the City of Toledo,
Lincoln County, Oregon, on
the _____ day of _____, 2019.

APPROVED by the Mayor for the
City of Toledo, Oregon, on this
this _____ day of _____, 2019.

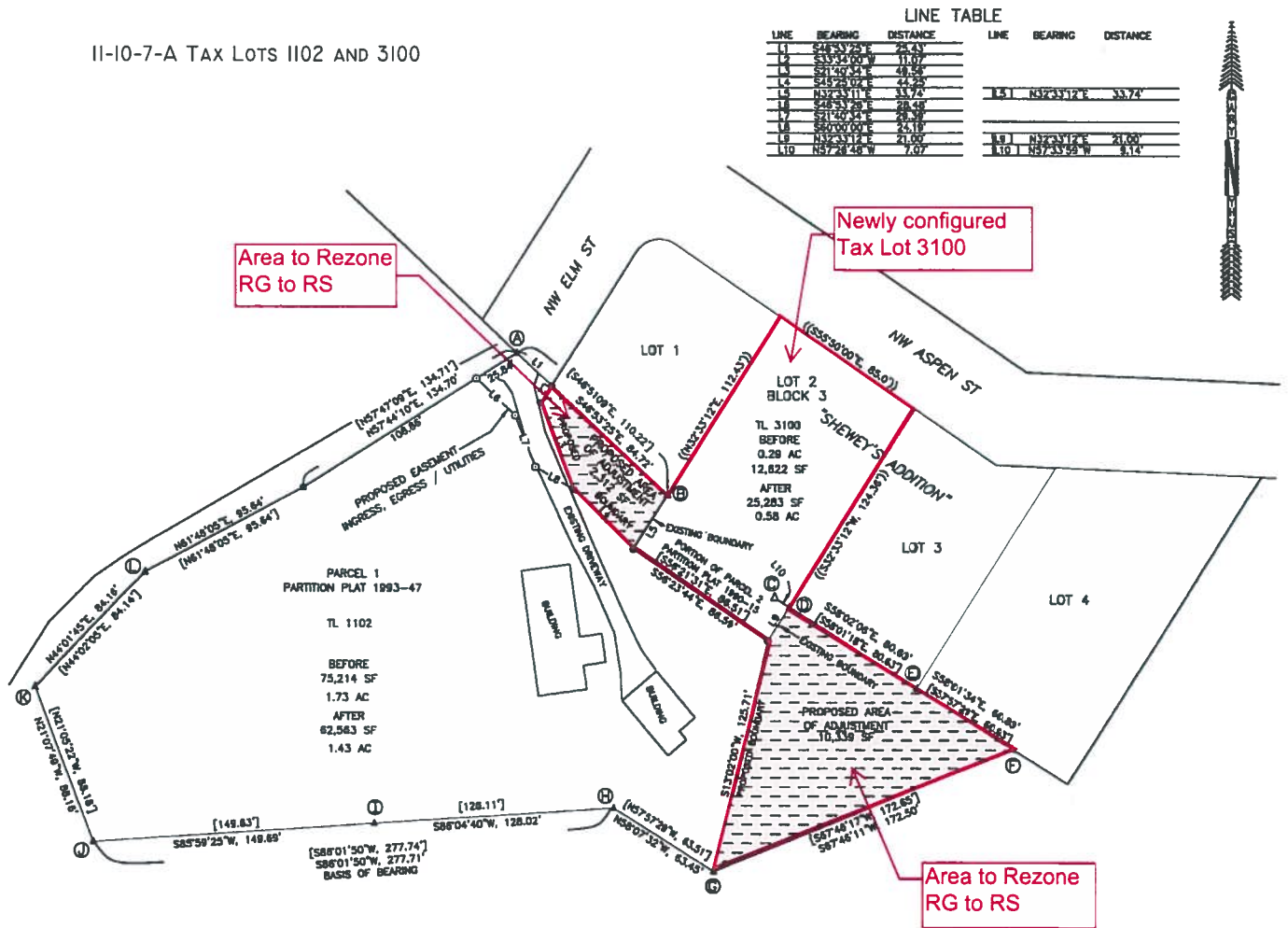
ATTEST:

APPROVED:

Ordinance No. _____
July 3, 2019
Page 1

Exhibit A

11-10-7-A TAX LOTS 1102 AND 3100



City of Toledo File No. PA-1-19/RZ-1-19

Ordinance No. _____
 July 3, 2019
 Page 2

TOLEDO PLANNING COMMISSION STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-7 AD as Tax Lot 200 (1999 NW Sunset Drive)

APPLICATION #: MP-1-19

APPLICANT: David and Patricia Timme

APPLICATION DATE: May 8, 2019

HEARING DATE: Planning Commission – June 12, 2019

REQUEST: The applicants are requesting a minor partition to create two parcels, as marked on the attached Exhibit A of this staff report.

LOCATION: The subject property is located at 1999 NW Sunset Drive, near the southwest corner of the NW Sunset Drive/NW Skyline Drive intersection.

LOT SIZE: The property is approximately 181,851 square feet. Proposed Parcel 1 would be 35,931 square feet and proposed Parcel 2 would be 145,920 square feet.

I. REPORT OF FACTS:

1. Plan Designation: Residential Single (R-S)
2. Zone Designation: Residential Single (R-S)
3. Existing Structures: Single-family dwelling and garage
4. Topography: Proposed Parcel 1 slopes upward, towards the northeast and above street grade. Proposed Parcel 2 generally slopes downward, towards the southwest area, and below existing structures and the street grade.
5. Development Constraints: Topography.
6. City water: Public water main line is located in NW Sunset Drive
7. City sewer: Public sewer main line is located near the southwest corner of the property.
8. Notice of Public Hearing: Notices mailed to 25 property owners and 19 public/service agencies on May 23, 2019.
9. Notice Published: May 29, 2019, and June 5, 2019
10. Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed the application and recommend approval.
11. Attachments to Staff Report:
 - A. Proposed Partition Plan
 - B. Application
 - C. Zoning Map
 - D. Aerial Map

II. APPLICABLE CRITERIA FOR EVALUATING THE MINOR PARTITION AND STAFF ANALYSIS:

The following Comprehensive Land Use Plan and ordinance standards apply to this request. The standards are listed below in regular type. Staff analysis including facts and findings are highlighted below each Comprehensive Plan and ordinance standard in an italicized font.

1. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(A) – Comprehensive Plan Map Designations:

Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the city determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

...

Low-Density Residential - This designation provides for lower density housing with a focus on single-family housing. This designation shall be implemented through the zoning map's Single-Family Residential (R-S) zone designation.

2. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(B) – Zoning Map Designations:

...

Single-family Residential (R-S) - The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

3. TMC Sections 17.08.010 – 17.08.060 – R-S Zone.

TMC 17.08.010 Purpose.

The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

TMC 17.08.020 Uses Permitted Outright.

In the R-S Zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.08.090.

- A. Single-family dwellings* and their accessory uses
- B. Home occupations which comply with Chapter 17.46
- C. Manufactured dwellings.*
- D. Accessory use structures.*
- E. Accessory dwelling units.*
- F. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

TMC 17.08.030 Conditional Uses Permitted.

- A. Religious use.
- B. Governmental structure or land use including but not limited to a public park, playground, fire station, library, or museum.
- C. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, group care center, residential care facility, residential care home, or medical clinic.
- D. School: nursery, primary, elementary, junior high, or senior high.
- E. Pumping station and utility substation.
- F. Manufactured dwellings that do not meet the minimum standards set in Sections 17.08.090(A)—(B).
- G. Boarding house, bed and breakfast facility, hostel, or residency hotel.
- H. Multifamily dwelling units.
- I. Commercial use in conjunction with a planned development under the Toledo Land Division Ordinance.
- J. Child day care center.*

...

TMC 17.08.050 Lot size.

The minimum lot area shall be seven thousand (7,000) square feet for an interior lot and seven thousand five hundred (7,500) square feet for a corner lot.

Staff Analysis: The subject property is 181,851 square feet. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being 35,931 square feet and proposed Parcel 2 being 145,920 square feet. The proposal meets the minimum lot size standard for the R-S Zone as it is over 7,000 square feet and not a corner lot.

4. **2000 Toledo Comprehensive Land Use Plan – Article 10, Goal 1 and Objective 10 – Housing:**

- 1. Encourage development of a mixture of housing stock in terms of design, type, cost, and location that meets the housing needs of all Toledo citizens.

...

- 10. Encourage residential development on vacant or redevelopable lots in areas already serviced or where services can be economically provided.

Staff Analysis: The existing structure at 1999 NW Sunset Drive is a single-family home. Future development of proposed Parcel 2 must comply with TMC 17.08 (Single-Family Residential Zone) standards. The R-S Zone allows various residential uses, specifically, single-family homes (both site built and manufactured) and accessory dwelling units are allowed outright. Multifamily dwellings units are permitted through a conditional use process. This request meets additional housing needs for Toledo residents in terms of type, creating an additional location for housing, and developing in an area where public service already exists.

5. **2000 Toledo Comprehensive Land Use Plan – Article 14, Goals 1 and 3, and Objectives 1, 5, and 6 – Urbanization and Livability:**

- 1. Build Toledo as a small, cost-effective, attractive, livable, and sustainable city by encouraging efficient land use patterns.

...

3. Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with the Comprehensive Plan goals and policies and Toledo's Municipal Code and standards.

Objective:

1. Encourage urban level development which is properly serviced with public facilities to locate within the city limits.
5. Encourage compact development and the use of already serviced vacant and underdeveloped land through effective zoning, land division, and development standards and through the prioritization of public expenditures for municipal services.
6. Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and the extension of public services but are also designed around the natural features and constraints of Toledo's topography and environmentally sensitive areas.

Staff Analysis: Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code and standards.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

6. TMC Sections 16.04.020 – 16.04.050 – General Provisions.

TMC 16.04.020 - Purpose.

The purpose of this title is to prescribe standards and procedures for minor and major partitions and subdivisions of land and planned development within the city of Toledo and to aid in the implementation of the Toledo Comprehensive Land Use Plan.

TMC 16.04.050 (A) Conformity to the Comprehensive Plan.

Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, transportation system plan, and all applicable ordinances and design standards of the city. Traffic facilities (including streets, pedestrian paths and bicycle paths), community and neighborhood facilities and recreational areas should be placed in approximately the same locations designated by the comprehensive plan and transportation system plan.

Staff Analysis: Based upon the information received by City staff through May 30, 2019, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.

TMC 16.04.050 (B) Access.

The partitioning and subdividing of land shall provide each lot or parcel, by means of a fully developed city street, satisfactory vehicular access to an existing street pursuant to Chapter 16.06 of this Code. The city street for the entire length which is adjacent to the parcel or lot which is being partitioned or subdivided must be a fully developed city street unless an exception is granted as per the following standards and procedures:

1. Partitions and subdivision of land that require the creation of a public street to serve the proposed lots shall comply with the requirements of the adopted street standards and shall include the public dedication of the required right-of-way in the adopted street standards, except as varied under Section 16.30;
2. Partitions and subdivision of land with frontage along an existing city, county, or state street or that are accessed via an existing city, county, or state street shall be required to make such improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. If the required improvements are roughly proportional to the impacts created by the proposed development, but the planning commission determines that because of the existing street conditions, topography, or other similar factor that requiring the improvements to be completed prior to platting the property is an inefficient method of obtaining the improvements, the planning commission can allow the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.

Staff Analysis: Proposed Parcels 1 and 2 would have adequate frontage along NW Sunset Drive. The installation of 5 foot wide sidewalks along NW Sunset Drive is not required at this time, because, 1) NW Sunset Drive is not a collector street and 2) the impacts created by the proposal are not proportional to the creation of a fully developed street.

TMC 16.04.050 (C) Relation to the Adjoining Street System.

Major partitions and subdivisions shall provide for the continuation of the city streets existing in the adjoining neighborhood and for the proper street extensions when the adjoining properties are divided or developed. If the city adopts a plan for the neighborhood or area of which the partition or subdivision is a part, the partition or subdivision shall conform to such neighborhood or area plan. If the topographical conditions make such continuation or conformity impractical, adjustments or variances may be approved under Section 16.30.

Staff Analysis: This is an application for a minor partition and not a major partition or subdivision. No new streets are required or proposed by the minor partition request.

TMC 16.04.050 (D) Density.

...

4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

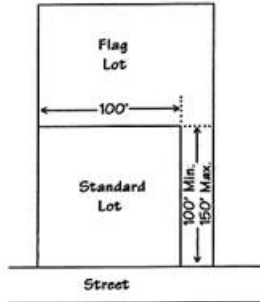
Staff Analysis: Because of the configuration of proposed Parcels 1 and 2, both parcels could potentially be partitioned in the future. The current request does not preclude the efficient division of land in the future, as there is sufficient area, street frontage, etc. to consider additional development.

TMC 16.04.050 (E). Lots, Parcels, Topography, or Past Development Patterns.

1. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone;
2. Lots and parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd-shaped tract, existing street layout, or existing topography

makes such a lot or parcel unavoidable;

3. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible;
4. Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.



5. The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance;
6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one;
7. Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage;
8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.

Staff Analysis: TMC 16.04.050 (E)(1) provides that each of the two parcels shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty (20) feet in the R-S zone. The proposal will provide 20 feet of frontage for both parcels.

Staff Analysis: TMC 16.04.050 (E)(2) provides that parcels with double frontage shall not be permitted unless an odd-shaped tract, existing street layout, or existing topography makes such a parcel unavoidable. The request does not propose a parcel with double frontage.

Staff Analysis: TMC 16.04.050 (E)(3) provides that each side line be as close to perpendicular to the adjacent street line as possible. The proposed property line will be near perpendicular to NW Sunset Drive.

Staff Analysis: TMC 16.04.050 (E)(4)(5) and (7) do not apply, as a flag lot configuration is not proposed.

Staff Analysis: TMC 16.04.050 (E)(6) provides that lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one. As drawn on the proposed map, both parcels will not exceed a depth to width ratio of three and one-half to one.

Staff Analysis: TMC 16.04.050 (E)(8) provides that existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development. Staff does not believe that the impact of the proposed development justifies requiring the applicant to provide an easement for a drainage way to the City.

TMC 16.04.050 (F) All parcels and lots in partitions and subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the public works director that water will be available from the nearest point of supply; and
2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted on the proposed partition or subdivision.

TMC 16.04.050 (G) All parcels and lots in partitions and subdivisions shall be served by a public sewer system unless in possession of a sewer exception stipulated in writing by the public works director and city council (Public Improvement Requirements and Design Standards). No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the director of public works that sewage service will be available at the nearest point of collection;
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition.

Staff Analysis: The Public Works Director reviewed the proposed partition and indicated that water and sewer are currently available to both parcels. The public water line is located in the Sunset Drive right-of-way and the public sewer line is located on Tax Lot 200. When Parcel 2 is developed, separate utility connections to water and sewer will be required. The applicant should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines to Parcel 1 that may cross proposed Parcel 2.

IMPROVEMENTS

7. TMC Sections 16.08.040 Improvements.

- A. The applicant shall improve or agree to improve lands dedicated for roads, alleys, pedestrian or bicycle ways, drainage channels, private easements for access, and other rights-of-way or public open space as condition preceding the acceptance and approval of the partition.
- B. Prior to final approval of the partition, the applicant shall either install all required improvements to city standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the city manager an agreement between the applicant and the city specifying the period within which all the required improvements and repairs shall be completed. The agreement shall provide that if all of the required work is not completed within the time specified, the city may complete the work and recover the full cost and expense from the applicant. If the applicant so requests, the planning commission may grant not more than one extension of time for a period not to exceed one year to complete the required improvements.

Staff Analysis: Driveway, utility, and street development specifications are currently contained in the Public Works Infrastructure Design Standards Manual and are not part of TMC Title 16 at this time. Prior to final approval of the partition, the applicant shall either install all required improvements to City standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the City Manager an agreement between the applicant and the City specifying the period within which all the required improvements and repairs shall be completed.

EVALUATION CRITERIA

8. TMC 16.08.070 Criteria for evaluation.

In reviewing applications for minor and major partitions, all of the following criteria shall be met before the planning commission may approve the proposed partition:

- A. The division of land complies with applicable ordinances and public improvement design standards adopted by the city;
- B. The applicant has filed all the necessary information required by the land division Title 16;
- C. If the application is for a minor partition, the division of land will not constitute a major partition or a subdivision pursuant to the definitions in this title;
- D. If the application is for a major partition, the division of land will not constitute a subdivision and the street design has received approval from the director of public works;
- E. The applicant has demonstrated that each lot will be served with city sewer and water and that the city has the capacity to provide those services;
- F. The infrastructure designs have received approval from the public works department and if a bond is required to be posted for any infrastructure improvements, the applicant has agreed in writing to do so;
- G. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards;
- H. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County estuary management plan.
- I. The division of land will not result in any newly created parcels or lots which are entirely zoned for natural resources or which become one hundred (100) percent un-developable due to splitting off the buildable land unless owned, created, or proposed to be used by a public utility.

Staff Analysis: The proposed minor partition does not involve the development or extension of any streets and will create parcels that are served by City water and sewer service. The division of land complies with applicable ordinances and public improvement design standards adopted by the City. The division of land will not constitute a major partition or a subdivision pursuant to the definitions in Title 16. The division of land has received approval from the Public Works Director. Each lot will be served with City sewer and water and the City has the capacity to provide those services. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so. The applicant should demonstrate that adequate precautions have been taken to prevent damage or injury resulting from natural hazards. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County Estuary Management Plan. The division of land will not result in any newly created parcels or lots which are entirely zoned for Natural Resources or which become one hundred (100) percent un-developable due to splitting off the buildable land.

Staff Analysis: The City Public Works Director, Police and Fire Chief have all reviewed the application and have indicated their approval in relation to their respective departments. The request should not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.

FURTHER STAFF ANALYSIS:

The current owner, David and Patricia Timme, submitted the application for a minor partition to create two lots. The applicant's request would be compatible with surrounding land uses. The Single-Residential Zone is located directly to the north, south, west and east of the property. The City limit boundary is along NW Skyline Drive, to the north, and identified as Low-Density Residential on the Comprehensive Land Use Plan Map. See Attachment C - Zoning Map.

The objective of the Low-Density Residential designation, as contained in the Comprehensive Plan, is to provide for lower density housing with a focus on single-family housing. The request provides additional housing development, in an area already served by public infrastructure, and on an otherwise underdeveloped lot.

The City Public Works Department has been advised of the proposal and has indicated that both water and sewer services would be available to newly created Parcel 2. The dwelling located on Proposed Parcel 1 is currently served with both water and sewer services.

III. FACTS AND FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 181,851 square feet in size into two parcels. Based upon the information received by City staff through May 30, 2019, the minor partition appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the requested partition:

1. Lincoln County Assessor's Map 11-10-7 AD Tax Lot 200 appears to be a lawfully created unit of land and, according to the Lincoln County Assessors records, the existing home at 1999 NW Sunset Drive was built in 1990.
2. The subject property is 181,851 square feet. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being 35,931 square feet and proposed Parcel 2 being 145,920 square feet. The proposal meets the minimum lot size standard for the R-S Zone as it is over 7,000 square feet and not a corner lot.
3. The existing structure at 1999 NW Sunset Drive is a single-family home. Future development of proposed Parcel 2 must comply with TMC 17.08 (Single-Family Residential Zone) standards. The R-S Zone allows various residential uses, specifically, single-family homes (both site built and manufactured) and accessory dwelling units are allowed outright. Multifamily dwellings units are permitted through a conditional use process. This request meets additional housing needs for Toledo residents in terms of type, creating an additional location for housing, and developing in an area where public service already exists.

4. Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code and standards.
5. Based upon the information received by City staff through May 30, 2019, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.
6. Proposed Parcels 1 and 2 would have adequate frontage along NW Sunset Drive. The installation of 5 foot wide sidewalks along NW Sunset Drive is not required at this time, because, 1) NW Sunset Drive is not a collector street and 2) the impacts created by the proposal are not proportional to the creation of a fully developed street.
7. This is an application for a minor partition and not a major partition or subdivision. No new streets are required or proposed by the minor partition request.
8. Because of the configuration of proposed Parcels 1 and 2, both parcels could potentially be partitioned in the future. The current request does not preclude the efficient division of land in the future, as there is sufficient area, street frontage, etc. to consider additional development.
9. The request meets TMC 16.04.050(E)(1-8), as provided below:
 - a. TMC 16.04.050 (E)(1) provides that each of the two parcels shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty (20) feet in the R-S zone. The proposal will provide 20 feet of frontage for both parcels.
 - b. TMC 16.04.050 (E)(2) provides that parcels with double frontage shall not be permitted unless an odd-shaped tract, existing street layout, or existing topography makes such a parcel unavoidable. The request does not propose a parcel with double frontage.
 - c. TMC 16.04.050 (E)(3) provides that each side line be as close to perpendicular to the adjacent street line as possible. The proposed property line will be near perpendicular to NW Sunset Drive.
 - d. TMC 16.04.050 (E)(4)(5) and (7) do not apply, as a flag lot configuration is not proposed.
 - e. TMC 16.04.050 (E)(6) provides that lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one. As drawn on the proposed map, both parcels will not exceed a depth to width ratio of three and one-half to one.
 - f. TMC 16.04.050 (E)(8) provides that existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development. Staff does not believe that the impact of the proposed development justifies requiring the applicant to provide an easement for a drainage way to the City.
10. The Public Works Director reviewed the proposed partition and indicated that water and sewer are currently available to both parcels. The public water line is located in the Sunset Drive right-of-way and the public sewer line is located on Tax Lot 200. When Parcel 2 is developed, separate utility connections to water and sewer will be required. The applicant

should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines to Parcel 1 that may cross proposed Parcel 2.

11. Driveway, utility, and street development specifications are currently contained in the Public Works Infrastructure Design Standards Manual and are not part of TMC Title 16 at this time. Prior to final approval of the partition, the applicant shall either install all required improvements to City standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the City Manager an agreement between the applicant and the City specifying the period within which all the required improvements and repairs shall be completed.
12. The proposed minor partition does not involve the development or extension of any streets and will create parcels that are served by City water and sewer service. The division of land complies with applicable ordinances and public improvement design standards adopted by the City. The division of land will not constitute a major partition or a subdivision pursuant to the definitions in Title 16. The division of land has received approval from the Public Works Director. Each lot will be served with City sewer and water and the City has the capacity to provide those services. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so. The applicant should demonstrate that adequate precautions have been taken to prevent damage or injury resulting from natural hazards. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County Estuary Management Plan. The division of land will not result in any newly created parcels or lots which are entirely zoned for Natural Resources or which become one hundred (100) percent undevelopable due to splitting off the buildable land.

The City Public Works Director, Police and Fire Chief have all reviewed the application and have indicated their approval in relation to their respective departments. The request should not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.

13. NW Sunset Drive is a 20' wide paved street without curbs or sidewalks
14. One new access point onto NW Sunset Drive has been created at some point in the past for access to the lower area of the property. This access point should be utilized for future development of Parcel 2, and should be reviewed for code compliance when development occurs on Parcel 2. With the proposed lot dimensions, off-street parking should be achievable for future development of Parcel 2. Parcel 1 currently meets parking standards the residential use.
15. A City sewer main line is located near the southern property line of proposed Parcel 2. The sewer line easement area should be noted on the partition plat and protected from damage. Any private sewer laterals crossing proposed Parcel 2 should be identified and easements recorded.
16. City water is located in the NW Sunset Drive right-of-way and available for new development of Parcel 2. Private water service lines and other utility lines should be identified and easements recorded if existing utilities for Parcel 1 cross Parcel 2.

17. Notification to 25 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of May 30, 2019, no comments have been received.

IV. STAFF RECOMMENDATION:

Based on the staff report, testimony received, and analysis of the applicable code and land use planning goals, staff recommends the Planning Commission approve the minor partition, pursuant to the criteria in TMC Section 16.08.070.

Staff recommends approval of the request, subject to the following conditions:

1. Partitioning of the property shall be in compliance with the proposed partition plan as described in the application and drawing submitted and included in Exhibit A of the staff report.
2. The applicant shall provide a final minor partition plat, prepared by a registered surveyor and meeting the plat standards of the City of Toledo, and including an approval signature line for the City Manager's signature. The applicant shall submit the final plat to the Lincoln County Surveyor for review, and to the City of Toledo to review for compliance with conditions of approval prior to recording. The applicant shall record the approved final plat with the Lincoln County Surveyor. A copy of the recorded plat shall be submitted by the applicant to the City of Toledo.
3. Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development of Parcel 2 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.
4. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed parcels for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.
5. In accordance with TMC Chapter 16, the final partition plat shall be recorded within one year from the effective date of the Planning Commission approval. One extension of time, not to exceed one year, may be granted to complete the partition if an application for an extension of time is made in writing prior to the expiration date.

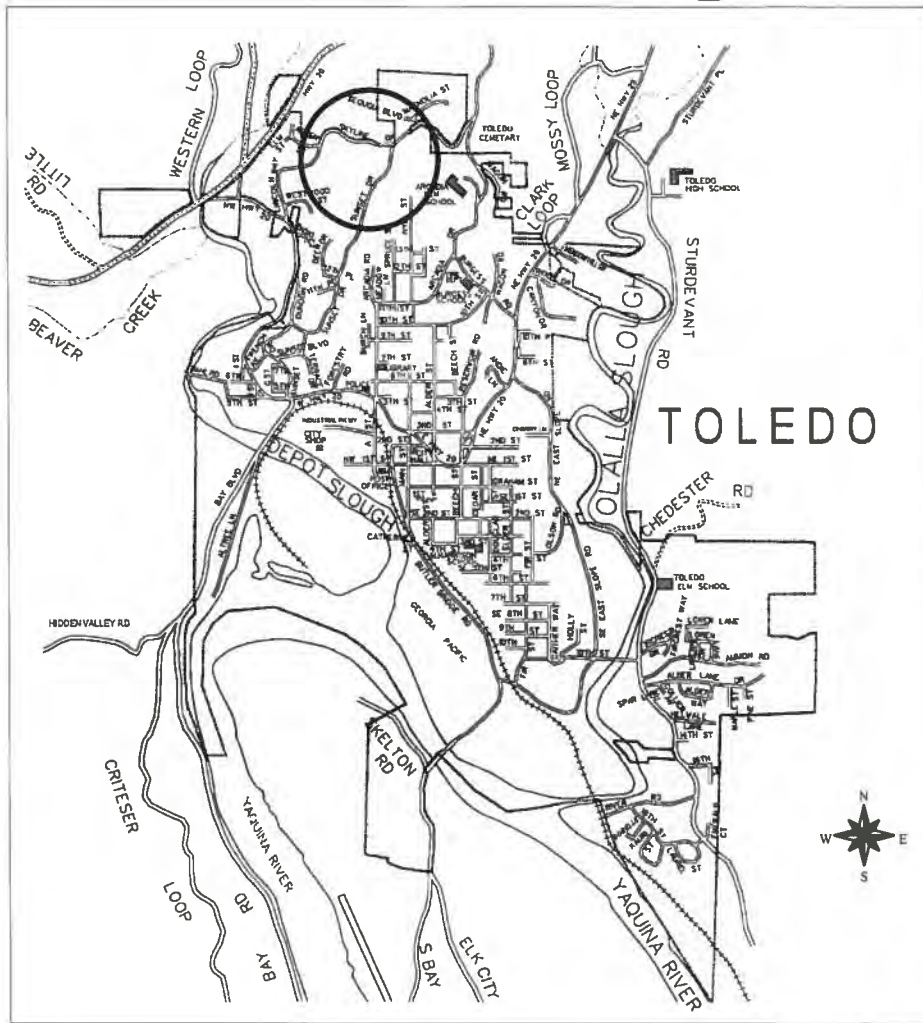
PROPOSED MOTION (MP-1-19):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON JUNE 12, 2019, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY PATRICIA AND DAVID TIMME (MP-1-19) COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE TITLE 16, INCLUDING THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE SECTION 16.08.070. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AS FINDINGS, AS WELL AS THE PROPOSED CONDITIONS OF APPROVAL FOR MP-1-19, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

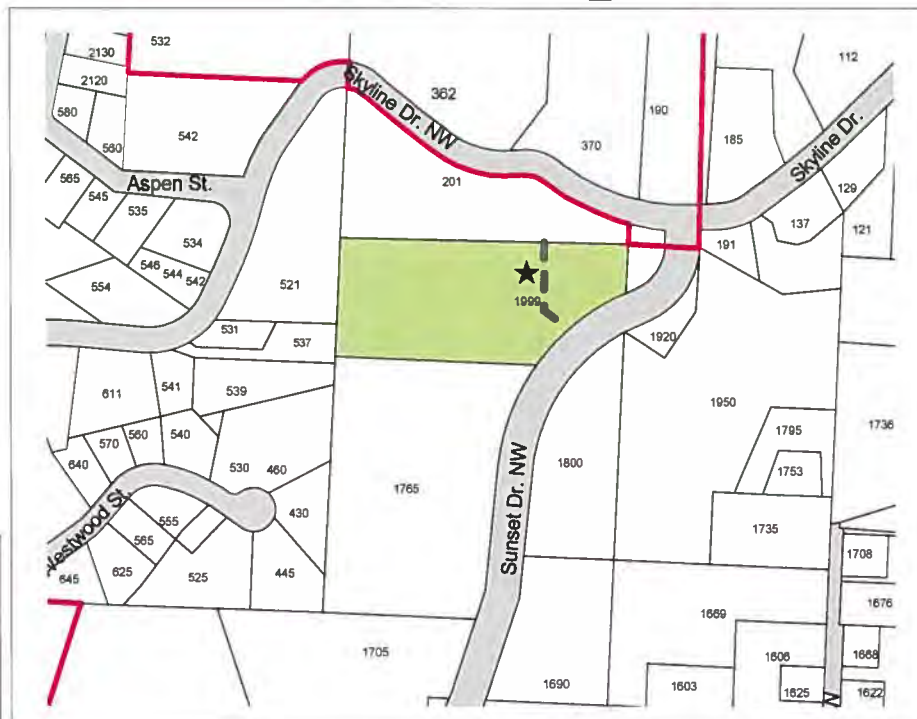
V. PLANNING COMMISSION ROLE:

The Planning Commission should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the applicable criteria in the Toledo Municipal Code and Comprehensive Plan can be satisfied. The decision of the Planning Commission should be based on the report of facts and analysis contained within the Staff Report, as well as the facts and testimony presented by the applicant and those who support or oppose the request given at the public hearing. Any action on the application should address the applicable criteria as contained in the Toledo Municipal Code. The decision of the Planning Commission shall be final unless appealed to the City Council.

Location Map



Site Map



- City Limits
- Parcels
- Streets

5/23/19



ATTACHMENT A

Proposed Partition Plan

(City of Toledo File # MP-1-19)

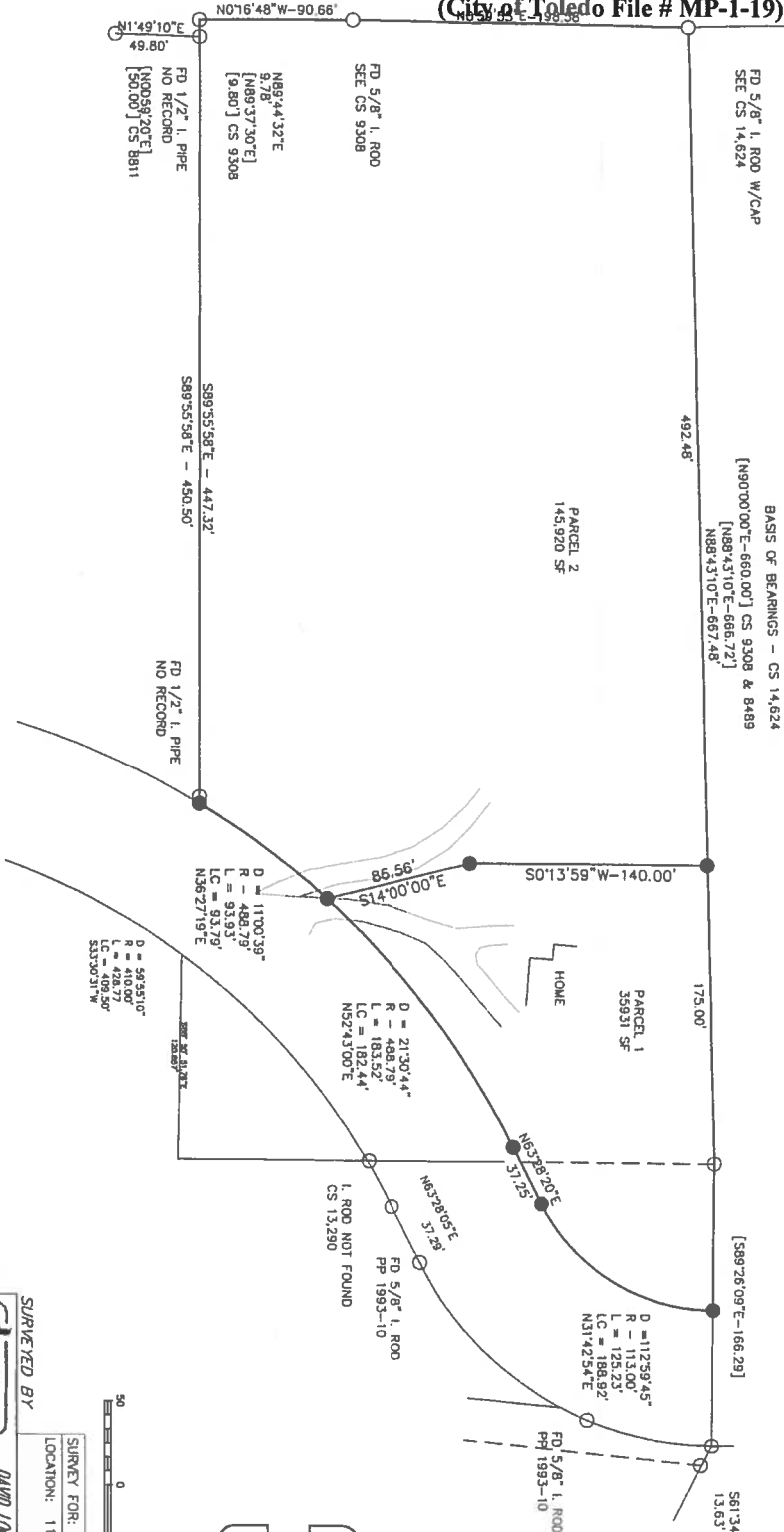
SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO MARK THE BOUNDARIES OF 11-10-07-AD-00200 AND DIVIDE IT INTO TWO NEW PARCELS. THE MONUMENTS WERE LOCATED AS SHOWN. THE MONUMENTS ON THE SOUTH LINE ARE 3" I. IRON PIPES. THESE IRON PIPES WERE USED ARE THE LINE MARKERS ACCEPTED IN CS 8811. THEREFORE USED THEN AGAIN IN MY SURVEY. THE WEST LINE WAS MARKED IN CS 8489, AND AGAIN IN CS 13969. THE NORTH LINE WAS SET IN CS 14624. THE NORTH LINE WAS MARKED AS AN OFFSET TO THE EAST LINE AS SHOWN IN PP 1993-10. A 3000 GPT-3000 ONE SECOND TOTAL STATION WAS USED WITH DATA COLLECTION IN THIS SURVEY.

PRELIMINARY PARTITION PLAN FOR DAVID & PATRICIA TIMME IN THE SE 1/4 OF THE NE 1/4 OF SECTION 7 TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM IN TOLEDO, LINCOLN COUNTY, OREGON

CS. # _____
FILED _____
LINCOLN COUNTY SURVEYOR

LEGEND
○ FOUND SURVEY MONUMENT AS SHOWN
● SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLUS 1908"
□ CALCULATED POSITION ONLY
— RECORD DATA
— PROPERTY DEED BOUNDARY



SURVEYED BY

DAVID LOOMIS SURVEYING

DAVID A. LOOMIS, LS 1908 =
459 PIONEER MOUNTAIN LOOP
TOLEDO, OR, 97361
541.336.2994 - 541.270.2928
FAX: 541.336.2994

CHECKED BY: DAL
DRAWN BY: DAL
SCALE: 1" = 50'
DATE: MAY 2019
NO. D119-043

SURVEY FOR: DAVID & PATRICIA TIMME
LOCATION: 11-10-07-AD-00200

REGISTERED
PROFESSIONAL
LAND SURVEYOR
DAVID A. LOOMIS
JULY 1, 2021
RENEWAL DATE:
JANUARY 1, 2021

ATTACHMENT B

Application
(City of Toledo File # MP-1-19)

CITY OF TOLEDO LAND USE APPLICATION

Date _____

Property Owner DAVID & PATRICIA TIMME Telephone _____

Mailing Address 1999 NW SUNSET DR.
TOLEDO OH 43691

Authorized Agent _____ Telephone _____

Property Address 1999 NW SUNSET DR. Property Size _____

Property Location _____

Assessors Map No. 11-10-07-AD-00200 Tax Lot No. 200

Present Zoning _____ Proposed Change PARTITION

Comprehensive Plan Designation _____

Current Land Use _____

Existing Structures (if any) 1 RESIDENCE

Proposal for which this request is being made (attach additional sheets if needed) DIVIDING EXISTING TRACT INTO 2 PARCELS

The following must be submitted with this application:

- ☐ Deed description and proof of ownership interest.
- ☐ Site plan drawn to scale which shows property lines, access, existing buildings, other relevant features or conditions, the property's relationship to the surrounding neighborhood, and the location of existing and proposed development.
- ☐ Description of the proposed land use action, including information on how the proposal might impact surrounding property.
- ☐ Supplemental information form (if required).
- ☐ Application fee.

☐ Annexation/Rezone (\$1,100)*	☐ Expedited Land Division (\$1,500)*	☐ Riparian Modification Permit (\$150)
☐ Appeal, Land Use Misc (\$300)*	☐ Lot Line Adjustment (\$100)	☐ Similar Use, Planning Comm (\$225)
☐ Appeal, Type II (\$200)*	☐ Modification of Approval (75% of fee)	☐ Staff Level Exception to TPIRDS (\$25+recording fee)
☐ Appeal, Type III (\$400)*	☐ Partition, Major (\$700+\$20/lot)*	☐ Subdivision (\$700+\$20/lot)*
☐ Code Amendment (\$700)	☒ Partition, Minor (\$400)*	☐ UGB Amendment (\$2,000)
☐ (if requires M56 notice \$700+mailing)	☐ Planned Unit Development (\$700+\$20/unit)*	☐ Vacation (\$500)*
☐ Comp. Plan Amendment (\$700)	☐ Public Hearing, Misc. Permit	☐ Variance, Type I (\$50)*
☐ (if requires M56 notice \$700+mailing)	☐ Replat, Major (\$700+\$20/lot)	☐ Variance, Type II (\$200)*
☐ Code Interpretation, official (\$125)	☐ Replat, Minor (\$400)	☐ Variance, Type III (\$400)*
☐ Conditional Use (\$400)	☐ Restrictive Lot Line Covenant (\$75)	☐ Zone Change (\$700)
☐ Exception to Statewide Goal (\$2,000)		

*Supplemental forms are required

If filing multiple Land Use Applications, the most expensive application will be assessed and 75% of each additional land use application when submitted together. If filing multiple Type I permits, staff can waive some fees where overlapping permits do not need significant additional review.

Date Received 3/8/19 Received By ai For Office Use Only Fee Paid \$ 400 City File # MP-1-19

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that I must present sufficient factual evidence to show that this application complies with the Toledo Zoning Ordinance, Comprehensive Plan, and other applicable regulations. This responsibility is independent of any opinions expressed in the Planning Department Staff Report concerning the applicable criteria. I certify that, to the best of my knowledge, all information contained in this application is accurate.

My signature below shows that I have thoroughly discussed this application with the City Planner or the City Manager or designee and I am fully aware of my responsibilities as the applicant.

I understand that the Planning Commission will hold a public hearing for this application.

☐ yes

I understand that the City Council will hold a public hearing for this application.

☐ yes

I understand that this is a City of Toledo staff-level decision.

☐ yes

Other _____

☐ yes

Applicant(s) Signature

Date

Patricia Timme
Property Owner (if different)

5-7-19
Date

Public Works

1. Is City sewer available? Yes___ No___
Where _____
Is the property within City___ UGB___
Will a connection have to be constructed? Yes___ No___
What size of a line is required _____
2. Is City water available? Yes___ No___
Where _____
Is the property within City___ UGB___
Is the lot accessible to City water? Yes___ No___
3. Are there any public works improvements necessary? Yes___ No___
If yes, describe _____

4. Is there proper access? Yes___ No___
Are there proper easements? Yes___ No___

- Curb cuts and property entrances must be constructed to City specifications. Permit and specifications are available through the Public Works Department.
5. Are there any special access requirements? Yes___ No___
If yes, describe _____
Is a state access permit required? Yes___ No___
Is a county permit required? Yes___ No___
6. Meter size _____
Estimated installation cost _____
7. Is a plan review by Public Works required? Yes___ No___
8. Is this a new parcel, created legally since 11/1/83? Yes___ No___
Minor Partition _____ File # _____
Major Partition _____ File # _____
Subdivision _____ File # _____
9. Is this application ready to be approved? Yes ☒ No___
Explain modifications or revisions needed for the application _____

Comments NO issues/concerns with what is being requested @ this time

REVIEWED AND APPROVED BY:

Mahmud I. Aden
Public Works Director

5/24/19
Date

Fire Department

1. Does the proposal meet the safety requirements of the NFC and UFC? Yes _____ No _____
2. Is this application ready to be approved? Yes ☒ No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

Paul V. [Signature] Fire Chief [Signature] Date 5/21/19

Police Department

1. Is this application ready to be approved? Yes ☒ No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

David [Signature] Chief of Police 5/21/19 Date

Planning Department

1. Is this application ready to be approved? Yes _____ No _____
Explain modifications or revisions needed for the application _____

Comments _____

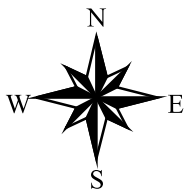
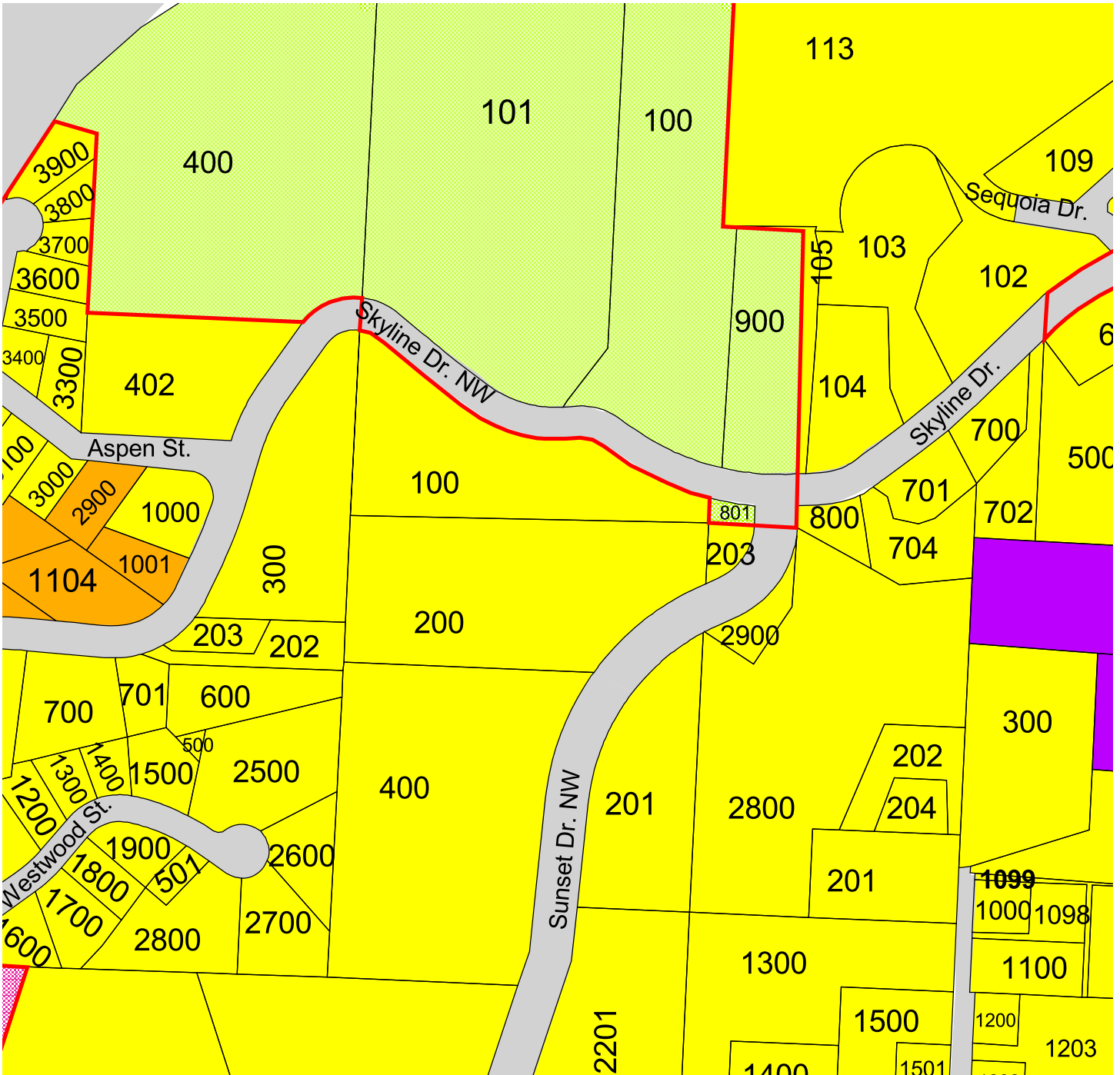
REVIEWED AND APPROVED BY:

Community Development Coordinator _____ Date _____

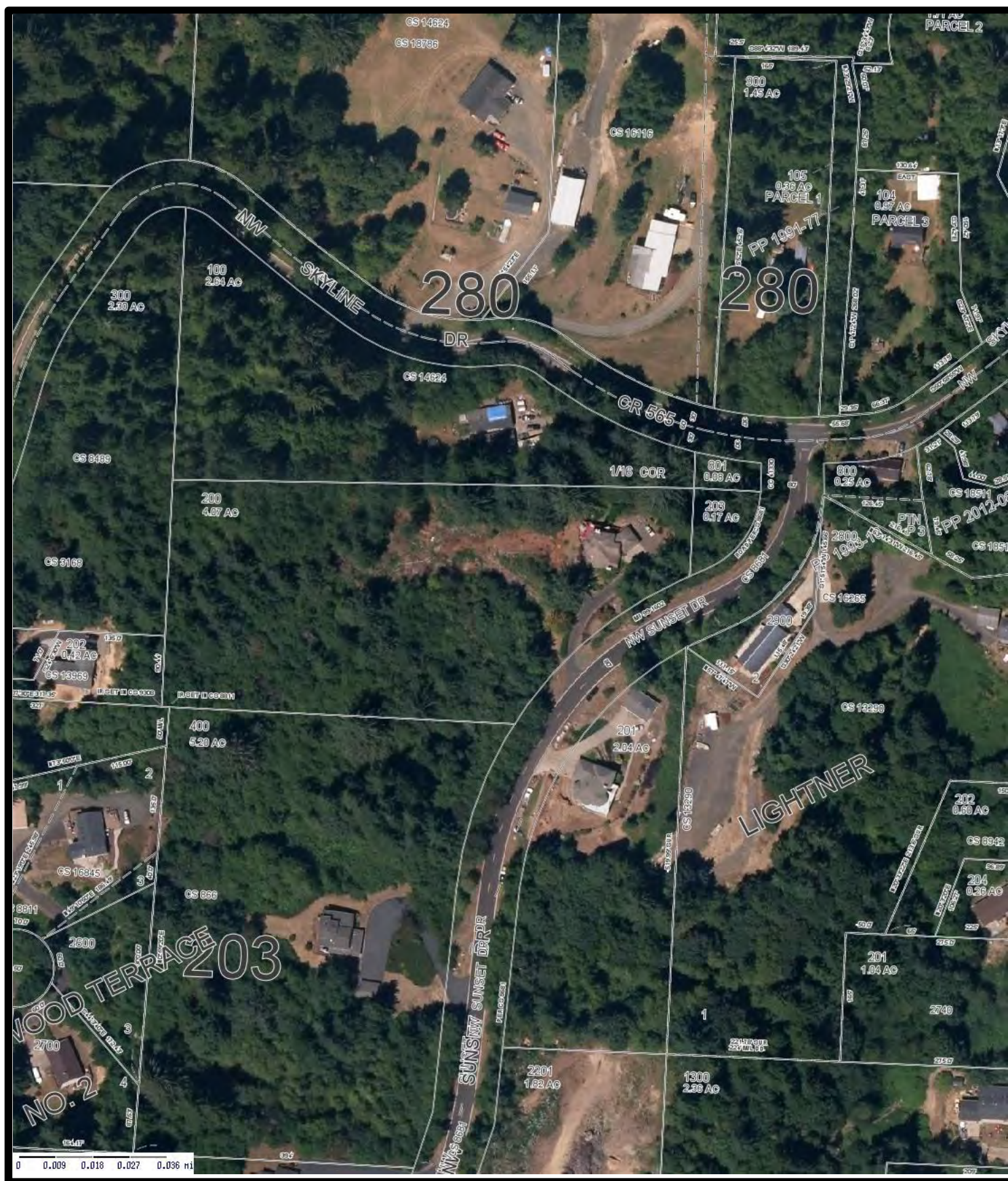
ATTACHMENT C

Zoning Map

(City of Toledo File # MP-1-19)



-  City Limits
 UGB
 Parcels
 Streets
 Comprehensive Plan
 Commercial
 Industrial
 Light Industrial
 Natural Resources
 Public Lands
 Residential General
 Residential Single
 Water Dependent
 Outside UGB
 UGB Commercial
 UGB Industrial
 UGB Low Density Residential
 UGB Medium Density Residential
 UGB Natural Resources
 UGB Public Lands
 UGB Water Dependent
 Waterways



Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability. Printed 06/05/2019