

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: Cora Warfield, Penny Ryerson, Todd Michels, and Robert Duprau. Excused was Anne Learned-Ellis.

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

VISITORS: Jim Chambers, Patricia Timme, Lisa Phipps, Brian Timme, Alex Martin, and Sheryle Martin

Lisa Phipps introduced herself to the Planning Commission. Ms. Phipps serves as the North Coast Representative for the Department of Land Conservation and Development (DLCD). She started with DLCD one year ago and has already met with City staff. Most recently, she has been working with the City and Lincoln County on the housing strategy project. Ms. Phipps offered training opportunities, which could cover a range of topics from planning goals, planning commissioner training, or for a specific issue affecting Toledo. Commissioners welcomed Ms. Phipps and confirmed that training courses would be beneficial.

APPROVAL OF THE APRIL 10, 2019, MINUTES:

It was moved and seconded (Ryerson/Michels) to approve the April 10, 2019, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Learned-Ellis.

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):

President Wilkie opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CM Martin reviewed the staff report as on file at City Hall. The request is for a Comprehensive Land Use Plan Map amendment and a zoning map change. Upon review of the request, the Planning Commission should make a recommendation to the City Council for approval, approval with conditions, or denial. The City Council has the final decision for this request.

CM Martin explained that the applicant submitted a request for a lot line adjustment between 2040 NW Elm Street (Tax Lot 1102) and 565 NW Aspen Street (Tax Lot 3100), which was approved on May 7, 2019. Tax Lot 3100 is designated Single-Family Residential (RS) and Tax Lot 1102 is General Residential (RG). The lot line adjustment allowed for the transfer of approximately .29

acres from Tax Lot 1102 to Tax Lot 3100. Therefore, newly configured Tax Lot 3100 would contain two different zone designations (RS and RG). A stipulation of the lot line adjustment was for the newly transferred portion to Tax Lot 3100 to complete a map amendment and zone change, based on the Toledo Municipal Code standards. According to the code, when a boundary line is changed by more than 20' involving another zone designation, an application must follow the rezone procedures. If the boundary change is less than 20', the rezone request would not be required.

CM Martin reviewed the criteria, staff analysis, and proposed findings listed in the staff report. Any decision shall be based on findings and how the application complies with the criteria. Staff recommends approval, because the request is consistent with the Comprehensive Land Use Plan Goals and Objectives, Toledo Municipal Code, and Oregon Statewide Planning Goals. Neighborhood circumstances have changed, due to the approved lot line adjustment and there is a public need because of the split zone for Tax Lot 3100. The request will meet housing goals, since both residential zones allow various housing options. According to the Oregon Statewide Planning Goals, zone changes are minor in nature because they are site specific and considered implementation measures for carrying out the goals and plans. CM Martin read an excerpt from the applicant's letter supporting the request, focusing on the history of the area, topography, potential development of Tax Lot 1102, and the desire to provide a buffer between the two properties. Because of the difficulty to develop the transferred area, the applicant requested the RS Zone designation, which matches the existing zone at Tax Lot 3100.

Notice of the public hearing went out to surrounding property owners, public agencies, DLCD, and published in the newspaper. No comments have been submitted.

Staff recommends approval of the request and drafted findings supporting approval. The Planning Commission should evaluate the proposal and testimony before taking action on the two requests (Comprehensive Plan Map amendment and zone change). The Planning Commission decision will be a recommendation to the City Council.

Applicant Testimony: Jim Chambers of 565 NW Aspen Street, Toledo, reported he has wanted to make this request for a long time and he should have applied before his mother passed. The property is now in an estate and he and his sisters all agree upon the change. The area transferred in the lot line adjustment application provides some privacy and a buffer from noise and light from Tax Lot 1102. The RG Zone allows 21 dwelling units per acre, so there is great potential for redevelopment at Tax Lot 1102.

Mr. Chambers reviewed the history of Tax Lot 1102, including original development strategies, logging activities, and eventual dividing and selling the properties for residences. The 1.43 acre property has the potential for future development, which will add to the traffic on Aspen Street and Skyline Drive. His request provides some privacy and natural vegetation to remain, protecting his property from future impacts.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Applicant Rebuttal: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners reviewed the exact location of the proposed zone change, based on the map in the staff report. Commissioner Duprau asked for clarification on why the applicant is making this specific request and the applicant's future plans for the rezone area.

Based on the request for new information from the applicant, the Commission re-opened the public hearing to allow the applicant to respond.

Questions by Commissioners: Mr. Chambers answered Commissioner Duprau's inquiry, reporting that the area transferred to him in the lot line adjustment application would be used as an expanded backyard and blackberry patch. He has been using this area for years, because he had an agreement with his mother, who owned Tax Lot 1102. The terrain varies and there is vegetation at the site. Also, there is a drainage system in the general area which collects stormwater from the Skyline Drive area. The area provides a buffer between the two properties, but could also be used for a future garage site for 565 NW Aspen Street. Mr. Chambers noted that the transferred area would not meet criteria for a new lot, because it does not meet street standards. There are options for future residential development of Tax Lot 1102 and this area provides a buffer between the properties. His property at Tax Lot 3100 is currently in the RS Zone, therefore, he requested the same zone designation for the newly transferred area.

Deliberations: The public hearing was closed again and the Commission entered into deliberations. Commissioner Duprau voiced that the request makes sense and meets criteria. CM Martin provided edits to the recommended motion, specifically, correcting the hearing date.

It was moved and seconded (Warfield/Ryerson) that 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.

The **motion passed** unanimously, noting the absence of Learned-Ellis.

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:

President Wilkie opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. President Wilkie stated that he

viewed the property in the past, but not recently. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CM Martin reviewed the staff report as on file at City Hall. The request is for a minor partition to create two parcels on existing land. The existing 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. The property is in the Single-Family Residential (RS) Zone and there are no zoning issues for the proposal. There are some topographical constraints, but the property contains a flat area for development. City water and sewer services are available to the property. Public hearing notices were sent to property owners and published in the newspaper. The Planning Commission has the authority for this decision, but it can be appealed.

CM Martin reviewed minor partition criteria and noted that the proposal meets the code standards. The property contains an existing home and garage at 1999 NW Sunset Drive. Development of the new lot must conform with the RS Zone standards. The proposal provides adequate frontage for access. Because Sunset Drive is not a collector street, sidewalks are not required. The impacts are not proportional to require a fully developed street.

CM Martin read the proposed facts and findings presented in the staff report. City water is located in NW Sunset Drive and the sewer line is immediately south of Tax Lot 200, available to serve the new parcel. The application was reviewed by Toledo Public Works, Police, and Fire Departments and all recommend approval of the request. One neighbor requested information on the location of the sewer connection for the new construction, but did not express any opinion on the partition request. Commissioner Ryerson noted that the new lot is a good size, but asked if it could be further divided. CM Martin clarified that the new lot could be developed in the future, following this same process. He answered Commissioner Warfield's question, stating that access is available to NW Sunset Drive and the newly proposed lot has approximately 94' of frontage along the street.

Applicant Testimony: Pat Timme of 1999 NW Sunset Drive, Toledo, reported there is a steep canyon on the property, which could not be used for development. Brian Timme of 1560 N. Nye Street, Toledo, clarified that there is a flat area suitable for a future homesite, avoiding the canyon. An area was recently cleared for a new home and shop. If the property is partitioned in the future, access may need an alternate option, possibly from the southwest.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Applicant Rebuttal: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners reviewed the proposed conditions, topography, and permits for future construction. The developer must obtain the necessary permits and meet utility line installation standards.

It was moved and seconded (Ryerson/Michels) that 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 following conditions of approval for MP-1-19, and allowing for the correction of typographical and grammatical errors.

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.

The **motion passed** unanimously, noting the absence of Learned-Ellis.

Commissioner Ryerson complimented both applications and thanked staff for the information, explanation of the standards, and presentation. CM Martin thanked Secretary Inukai for preparing the staff reports.

DISCUSSION ITEMS: UPDATES AND REPORTS:

CM Martin reported that FEMA's floodplain maps have been finalized and the City will soon need to adopt the new maps and flood hazard ordinance to stay in compliance with the flood insurance program. There could be a slight impact for properties and several properties were added or

removed from the maps. The State provided outreach materials for newly affected property owners. Ms. Phipps announced that a workshop will be held for insurance agents. CM Martin added that the maps can be viewed online.

STAFF COMMENTS:

CM Martin suggested a combined Planning Commissioner and City Council training opportunity if Ms. Phipps is available at a future meeting date.

COMMISSIONER COMMENTS:

Commissioner Warfield asked about the different types of Planning Commission decisions and authority. CM Martin noted that there are quasi-judicial decisions and legislative decisions. The Planning Commission has the authority to decide on a quasi-judicial request, such as a minor partition. The Planning Commission makes a recommendation on legislative decisions, which the City Council must decide. Legislative decisions, such as a rezone or Comprehensive Plan amendment sets standards or City-wide policies. The group discussed various hearing processes.

Commissioner Ryerson reported that during a past flood event, her bridge was taken out. Because it is a private driveway, FEMA would not cover the cost for repair. She also encouraged Planning Commission training opportunities in the near future.

Commissioner Duprau noted that the Comprehensive Plan is called the "2020 Vision for Toledo" and asked if the document needs to be updated. CM Martin replied that it should be updated to serve the community for several more years, but based on Toledo's population, the State does not require the update.

Commissioner Duprau also asked for an update on the pedestrian bridge project. CM Martin reported that the project would typically be considered a parks project, rather than a Planning Commission duty, but Planning Commissioners have expressed interest in seeing the project completed. There are funds for the Olalla Slough pedestrian bridge crossing and trail. Facilities projects are under the direction of the Public Works Director, however, tomorrow is the last day for Public Works Director Mike Adams, who is leaving the City for the private sector. CM Martin suggested that when the City Planner returns, this project can be assigned to the Planner.

President Wilkie asked about the revised flood maps and the Planning Commission's role. CM Martin suggested community outreach. Ms. Phipps noted that the time period is too limited, but there could be long-term conversations if there are areas that continually suffer losses that could be a consideration for buyout.

There being no further business before the Commission, the meeting was adjourned at 8:40 pm.

Secretary

President