Toledo City Hall
Council Chambers
October 14, 2020

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:03 pm by President Anne Learned-Ellis. Commissioners present: Todd Michels, Cora Warfield, Geoffrey Wilkie, Robert Duprau, and newly appointed Commissioner Terri Neimann.

Staff present: Contract Planner (CP) Justin Peterson, City Manager Judy Richter, City Attorney (CA) David Robinson, and Secretary Arlene Inukai.

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER TERRI NEIMANN:
CP Peterson introduced Commissioner Neimann, who was just appointed by the City Council to fill a vacant Planning Commissioner position. Commissioner Neimann stated she has had a home in Toledo for 36 years with time spit between Tillamook County and Toledo. She teaches at Oregon Coast Community College and is real estate agent. She also mentioned that her and Commissioner Warfield attended school together. All welcomed Commissioner Neimann to the Planning Commission.

VISITORS: David and Tami Howard

APPROVAL OF THE AUGUST 12, 2020, MINUTES:
It was moved and seconded (Warfield/Learned-Ellis) to approve the August 12, 2020, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS AND VARIANCE TO THE MAXIMUM FLAG INTERIOR FLAG LOT REQUIREMENT, FOR PROPERTY LOCATED AT 1606 NW SPRUCE STREET (FILE #MP-1-20/VAR-2-20), REQUESTED BY DAVID AND TAMI HOWARD:
President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. Commissioners Neimann and Learned-Ellis stated they each conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He reported the request is for a minor partition to create two parcels and variance to the partition standards for 1606 NW Spruce Street. The property is approximately .82 acres. Proposed Parcel 1 would be approximately 25,800 square feet and proposed Parcel 2 would be 9,900 square feet. Proposed Parcel 1 would be a flag lot configuration. The property is located in the Single-Family Residential (RS) Zone. One home is on the property, on proposed Parcel 1. The site is relatively flat, with some slopes on the northwest corner. Access to the property is from N Nye Street. City water and sewer services are available from Nye Street. The existing home is currently served with City water and sewer. Public Works, Fire and Police Departments all reviewed and approved the proposal. Notice of the public hearing were sent to 39 property owners and public agencies. Staff received one call from the neighbor asking for information and if there would be any impacts to their driveway access.

CP Peterson reviewed the partition criteria, RS Zone standards, and Public Infrastructure Design Standards. The partition request meets the lot size standards in the RS Zone. When the property is

developed, new driveway improvements will need to conform with the design standards. Sidewalk installation has been waived because N. Nye Street is not a collector street and there are no sidewalks within 500' of the site. CP Peterson continued review of the minor partition criteria and proposed findings for each standard.

The flag lot standards limits the interior line to a maximum of 100'. The applicants' proposal is approximately 178', therefore, the applicants are requesting a variance to the flag lot standards to allow a 178' flag lot configuration. The variance criteria and findings were reviewed for Commissioners.

Staff recommends approval with the acceptance of the recommended conditions of approval. CP Peterson reviewed the recommended conditions of approval. A new driveway serving Parcel 2 would need a culvert installed at N. Nye Street. Because there is a waterway mapped on the site, the applicant should contact Department of State Lands for a wetland determination when they are ready to develop Parcel 2.

Applicant Testimony: David Howard of 1134 SE River Road, Toledo, reported he did not have additional information to add to CP Peterson's presentation. He was available to answer questions.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Duprau questioned that if the request meets the criteria and addresses impacts for a new driveway and flag lot configuration, why wouldn't the Commission support the request? CP Peterson reiterated that the partition and variance requests meet criteria.

Deliberations: The public hearing was closed and the Commission entered into deliberations.

It was moved and seconded (Neimann/Duprau) to approve the request based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on October 14, 2020, the Planning Commission finds that the request by Mr. And Mrs. Howard (MP-1-20/VAR-2-20) complies with the criteria identified in Toledo Municipal Code, Titles 16 and 17, including the criteria identified in Toledo Municipal Code, Section 16.08.070 and 16.30.070. The Planning Commission hereby adopts the staff report as findings, as well as the following conditions of approval for MP-1-20/VAR-2-20, 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, plan and drawings submitted and included in Exhibit A of this 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. 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.

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. 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.
6. All standards and requirements in the Infrastructure Design Standards Manual, TMC Chapter 16 and 17 are met, as to both parcels marked on Exhibit A.
7. Prior to development, the applicant shall obtain any necessary permits from the Department of State Lands and/or any applicable federal permits.

The **motion passed** unanimously.

DISCUSSION ITEMS: LEAGUE OF OREGON CITIES' LAND DEVELOPMENT CODE UPDATE GRANT:

CP Peterson reported the grant application has been completed and submitted. The City should hear a reply at the end of the month. The proposal includes updates to the residential code standards, Housing Chapter of the Comprehensive Land Use Plan, and Buildable Lands Inventory. The City asked for $5,000 to assist with the project.

DISCUSSION ITEMS: RESIDENTIAL CODE UPDATES:

CP Peterson provided a PowerPoint presentation for potential residential code updates. The presentation could be posted on the City's website. The following suggestions were reviewed and discussed:

- A duplex could be allowed outright in the Singled-Family Residential Zone if it meets certain standards, i.e. minimum lot size or corner lots.
- Cottage cluster can be added to the code, also providing standards for this type of development.
- Setback standards could be reduced, but there may be an option to increase the standard based on the height of the building.
- The Commercial Zone residential dwelling unit language needs to be updated.
- Residential use may be allowed outright in the upper floors of the Main Street Overlay District. Parking standards should be established, as there could be conflicts within the mixed-use district. Commissioners asked for a plan to address parking if residential will be allowed outright in the downtown neighborhood.
- Fence standards were brought up at the City Council worksession. If a fence is over 6' in height, it will need a building permit. A fence can be constructed on the property line. If setback standards are adjusted, there could be safety concerns for ingress/egress between homes. They do not want to create problems for Fire, Life, Safety standards for access. This issue can be further reviewed with the Fire Department.

The City has a Buildable Lands Inventory (BLI) from 2000. Staff will begin to develop a scope of work and cost estimate to update the BLI. The process is pretty straight forward for calculations and

exclusions, but it could take over six months to complete the project. A Housing Needs Analysis uses more discretion. Both studies will take time and requires public participation.

Commissioners discussed options for tiny houses and developing small lots. If the RS Zone reduces the minimum home size to 850 square feet, this could allow smaller homes to be developed. President Learned-Ellis stressed the need to clearly define 'tiny home'. For example, should they be on a foundation or movable? Commissioners discussed building code standards and existing projects located in Cannon Beach, South Beach, and Waldport.

DISCUSSION ITEMS: RESCHEDULE NOVEMBER 11, 2020 PLANNING COMMISSION MEETING:
Because the regularly scheduled Planning Commission meeting in November falls on a holiday, Secretary Inukai asked if Commissioners had a preferred date to reschedule the meeting. After discussion, the meeting will be rescheduled for Thursday, November 12, 2020, at 7:00 pm.

Commissioners also discussed the option of holding in-person meetings, now that Lincoln County is in Phase 2. There would still be an option to attend the meeting electronically and protocol would be followed for safety. It was the full consensus of members to begin in-person meetings again.

DISCUSSION ITEM: UPDATES AND REPORTS:
CP Peterson noted that the building permit update will be provided at the next meeting.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS:
President Learned-Ellis welcomed Commissioner Neimann to the Planning Commission.

There being no further business before the Commission, the meeting was adjourned at 8:10 pm.

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Secretary President