

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:01 pm by President Anne Learned-Ellis. Commissioners present: Ricky Dyson, Terri Neimann, Jonathan Mix and Ruthanne Morris. Excused was Cora Warfield. It was noted that Robert Duprau was recently appointed to fill the vacancy on the City Council, now leaving one vacant position on the Planning Commission.

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

VISITORS: Kelly Foley, Chuck Lerwick, Jeff Hausmann

APPROVAL OF THE APRIL 14, 2021, MINUTES:

Commissioner Dyson moved to approve the April 14, 2021, minutes as circulated and reviewed by the Planning Commission.

Discussion: Commissioner Mix noted the following corrections to the minutes: 1) Page 7, 'Commissioner Comments' section to change "expert" to "professional", 2) Page 7, 'Commissioner Comments' paragraph to correct "May 1st is national Wildfire Preparedness Day", and 3) Page 8, Paragraph 1, change "fire purposes" to "fire purposes and future planning".

Motion was amended to include the noted corrections and seconded by Commissioner Neimann. The amended **motion passed** unanimously, noting the absence of Warfield.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR AN EXPANSION OF A WASTE TRANSFER/RECYCLING FACILITY IN THE LIGHT INDUSTRIAL ZONE (FILE #CU-2-21), FOR PROPERTY LOCATED AT 5441 HWY 20, REQUESTED BY DAHL & DAHL INC. (RYAN CROTTY AUTHORIZED AGENT):

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. 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. The request is for a Conditional Use Permit to expand the applicant's existing waste transfer center for a baler system and equipment. The expansion would allow material to be baled, wrapped, and loaded for transport. The property has some slope, but the area for proposed expansion is flat. Originally, the baler system was allowed as a Research and Development (R&D) project to operate as a temporary use in a temporary structure (tent), approved by the City Council. The Conditional Use Permit would allow a permanent option for a long-term use and structure.

CP Peterson reviewed criteria, including standards for waste transfer facilities, history of development at the site, and the City Council's approved temporary use permit for six months. The applicant has an existing waste transfer facility and this application is only for an expansion to the

existing use. The temporary use will soon expire, as the tent structure is only allowed for 180 days unless authorized from the Toledo Fire Department or State Fire Marshal. CP Peterson reviewed the fire code standards for tents as temporary structures and the time limitations.

The property is located at 5441 Hwy 20 and has highway access. ODOT has been notified of the request, but no comments were received. City water and sewer are not available at the site. A preliminary geo-tech report was provided, but a finalized report would be needed for construction. The structures are setback 80' from the property line and the applicant received temporary approval from DEQ for the baler. The property has a gated-entrance for security. CP Peterson reviewed the applicant's operation plan for the expanded use, noting that this was a pilot project to test the effectiveness of the system for Georgia-Pacific's Juno project. He then reviewed the recommended conditions of approval.

The property contains wetlands and floodplain, but the area for the baler facility is in an elevated location, away from the wetlands and floodplain. The City sent a notice to Department of State Lands (DSL) and they submitted comments that the proposed location is not in a wetland.

Applicant Testimony: Chuck Lerwick of Dahl & Dahl, Inc., noted an error on Page 1 of the staff report, clarifying that the operation will not include comingling of commercial wastes at this time. The facility will accept municipal solid waste and old corrugated containers (OCC) rejects for Georgia-Pacific's Juno Project. Dahl will bale and wrap the material and then take it to Georgia-Pacific's facility on NW 1st Street. They are very excited about this program and expansion.

Mr. Lerwick noted that the Fire Captain was at the site to view the tent. It is not flammable and there is low fire risk with this equipment. After viewing the site, the Fire Department did not express any concerns. Water is squeezed out of the OCC rejects and travels to a custom gutter to contain the run-off. There is low fire risk with the new operation. The tent was used for the R&D project to gain the experience and prepare for the operation. It was a very large investment, but they want to move forward with a permanent structure. In response to Commissioner questions, Mr. Lerwick reported that the water run-off is collected in a catchbasin, then to a separator, along the road to a vault/septic tank to capture the water. The tank is then pumped and shipped. There may be an option to transfer the run-off water to Georgia-Pacific. No garbage is exposed at the site and there was a lot of engineering going into the project.

President Learned-Ellis announced that information on the Georgia-Pacific Juno Project was included in the Central Lincoln PUD newsletter and it was very informative. Mr. Lerwick reported that the Georgia-Pacific Juno Project expects to add 13 jobs. They are not operating 7 days a week yet, but it could be expanded to two shifts. All of the material that goes through the plant counts as recycled material. The Juno Project expects to keep 100,000 tons of material from the landfill.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Mr. Lerwick answered Commissioner questions and provided the following information:

- Dahl has been delivering bales of material for about one month, but the Juno Project is not fully operational and at full capacity yet.
- They do not expect to have a surplus of bales, unless a truck breaks down and material cannot be delivered. They do not plan to store bales on the site.
- The operation plan has been submitted to DEQ.

Deliberations: The public hearing was closed and the Commission entered into deliberations. President Learned-Ellis noted the condition for the temporary structure offers some flexibility, depending on the Fire Department requirements and their ability to extend the time period. Commissioner Neimann voiced that it is an exciting project. She is familiar with Coffin Butte and this is exciting to see what Dahl and Georgia-Pacific are doing. Commissioners discussed the proposed motion and corrections to the staff report.

It was moved and seconded (Mix/Neimann) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on May 12, 2021, the Planning Commission finds that the request by Dahl & Dahl Inc. and authorized agent Ryan Crotty, Maul Foster & Alongi, Inc., (CU-2-21) complies with the criteria identified in Toledo Municipal Code 17.64.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for CU-2-21, allowing for the correction of typographical and grammatical errors, and noting the corrections to the "Request" statement of the staff report.

1. Approval is based upon the submitted application and plan, as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. Any driveway improvements must be coordinated and approved by the Oregon Department of Transportation (ODOT).
3. The applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.
4. The final geo-tech report shall be submitted to the City of Toledo.
5. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis.
6. A business license is required for anyone engaging in business activity in the City (TMC 5.04).
7. Authorization of the conditional use shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

The **motion passed** unanimously, noting the absence of Warfield.

Mr. Lerwick offered Commissioners a tour of the site and welcomed all to view the project.

PUBLIC HEARING: ANNEX PROPERTY INTO THE CITY LIMITS AND REZONE FROM COUNTY R-1 TO CITY SINGLE-FAMILY RESIDENTIAL (FILE #AX-2-21/RZ-3-21), FOR PROPERTY LOCATED AT 150 SE STURDEVANT ROAD, REQUESTED BY KELLY AND LORRAINE FOLEY:

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. Commissioner Mix stated he conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He pointed out a typo, noting the incorrect application number. The request is for an annexation and rezone for property located off of Sturdevant Road. This includes two properties and a home is located at 150 SE Sturdevant Road. The 6.7 acre site is north of Chedester Road. The rezone request would change the designation from County R-1 to City Single-Family Residential (R-S). The property is in the Urban Growth Boundary (UGB) and it is contiguous with the City limits. The owner has three lots in this area, one lot was annexed into the City several years ago but the two remaining lots were still outside the City limits. There may be some wetlands on the property and it contains some slopes, but a flat area is at the top. The property is adjacent to the 100-year floodplain. If the applicant develops the site, a wetland delineation may be required by DSL. City water is available, but sewer is not in the area.

CP Peterson reviewed the annexation and rezone criteria, proposed findings, surrounding zones, and application materials. There is one home on Tax Lot 800 and Tax Lot 1100 is vacant. The existing home is connected to City water. Sturdevant Road is a County road and new development would need to coordinate with Lincoln County for access. New development would also need to comply with the R-S Zone standards. Staff recommends approval of the request. CP Peterson clarified that a septic system can be allowed if public sewer is not within 300 feet. The City's sewer line is over 300 feet away, but will need to connect once it is within 300 feet. The two neighboring homes are connected to City water but not sewer.

Applicant Testimony: Kelly Foley of 6958 Elk City Road, Toledo, answered Commissioner questions, stating that he does not have a definite plan for development. If the City sewer line becomes available, it would make a difference with future development options. There is a small amount of wetlands, less than a ¼ acre, along the southeast corner. He purchased the property 25 years ago and the first step for any development should be to annex. At this point, he does not have a plan, but the goal is to get the property into the City limits. Commissioner Neimann noted the housing shortage and this site could help create housing opportunities.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Mix asked if the site was logged, would the City see any revenue? CP Peterson noted that the City only has a tree permit application for the trees located in the right-of-way, but there may be other permits through the Department of Forestry. After annexing, there would be property tax revenue to the City. Commissioner Mix noted that it is a nice

site and the owner should be able to work around the floodplain area.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Neimann/Mix) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on May 12, 2021, the Toledo Planning Commission recommends approval of the annexation and rezone request as meeting the applicable criteria including ORS 222.111 (1) and (2) and ORS 222.125, The 2000 Toledo Comprehensive Land Use Plan, and Toledo Municipal Code Section 17.80.050 and the Commission adopts the proposed facts and findings presented in the staff report, allowing for the correction of typographical and grammatical errors.

The **motion passed** unanimously, noting the absence of Warfield.

DISCUSSION ITEM: WILDFIRE PREPAREDNESS:

Commissioner Mix provided information on wildfire preparedness. May 1st is Wildfire Preparedness Day and planning is needed to be prepared and reduce wildfire risks. Information and public education is needed for the community and Commissioner Mix asked for staff and Planning Commission input.

Commissioner Mix presented his draft Large Wildland Fire Preparations Plan including a cover letter introducing the plan. He reviewed the goals in the plan and the need for maps, including general layout of Toledo, fire planning maps, City-owned properties, and mapping tools that could include water sources, supplies, etc. He noted the need for public support and homeowner's help with fuel breaks and managing tree selection, placement, height, and separation. It would be beneficial to have a fire line break around the perimeter of the city. A fuel break could take various forms, but it helps slow the spread and can save fire fighters time and resources. Commissioners discussed the lessons learned and improvements needed from last year's wildfire season.

CM Richter noted that the City has an emergency preparedness committee and there is some funding available for the committee to start a public awareness campaign. Information can also be included in the utility bill. Commissioners discussed a task force for the project and CM Richter invited members to the next emergency preparedness committee meeting. Lincoln County will have fire readiness classes during May and June for community members.

Commissioners were thankful of the presentation and the importance to address the topic. It will be a challenging project. CM Richter reported the Fire Chief, Public Works Director, Police Chief and City Manager are working on communications and there could be some grant options to implement a plan. Commissioner Mix's work is a big help with the project. Commissioners discussed creating a task force and prioritizing the project, starting with mapping and public education. Commissioner Mix noted the priorities should be a City-owned property inventory map and a fire potential planning map showing streets and locations of specific services/sites/routes that may be needed during an event. A good base map is the starting point and information can then be added to it. Next priorities would be the City mitigating fuels on City-owned property and help motivate citizens. CP Peterson stated the City's GIS has the capabilities to generate maps that may be helpful with the plan.

DISCUSSION ITEM: UPDATES AND REPORTS: None.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: None.

There being no further business before the Commission, the meeting was adjourned at 9:30 pm.

Secretary

President