

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will resume in-person meetings in the City Hall Council Chambers. Participants can also attend the meeting through the Zoom video meeting platform. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

1. CALL TO ORDER AND ROLL CALL
2. ELECTION OF OFFICERS for the 2021-2022 fiscal year
3. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
4. APPROVAL OF THE JUNE 9, 2021 MINUTES as circulated and reviewed by the Planning Commission
5. PUBLIC HEARING: Modification of approved Minor Partition #MP-2-21 to adjust the property line separating Proposed Lots 1 and 2, for property located at SE Sturdevant Road/SE 10th Street (File #MP-2-21mod), requested by the City of Toledo
6. PUBLIC HEARING: Conditional Use Permit for a multi-family residential use in the Single-Family Residential Zone and Variance to the rear property line standards, for property located at SE Sturdevant Road (File #CU-4-21/VAR-1-21), requested by Northwest Coastal Housing and City of Toledo
7. DECISION ITEM: Toledo Urban Renewal Plan Review
8. DISCUSSION ITEMS:
 - a. Building Permit and Land Use Application Updates
 - b. Updates and Reports
9. STAFF COMMENTS
10. COMMISSIONER COMMENTS
11. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

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: Cora Warfield, Terri Neimann, Ruthanne Morris, Jonathan Mix and Ricky Dyson.

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

VISITORS: Barry Bruster, John Robinson

DECISION ITEM: EXTENSION TO THE DEADLINE DATE FOR A VARIANCE (FILE #VAR-1-20), REQUESTED BY GARY SHANE AND DELORIS DINKEL:

CP Peterson reported the request is to extend the deadline date for a variance to rebuild a non-conforming structure (File #VAR-1-20). The original home burned and when the applicant submitted a permit for repairs to the foundation, they applied for and received a variance to rebuild the home 3' 10" from the side property line. The variance was approved by staff but the one year approval is expiring. Toledo Municipal Code allows one extension, up to one year.

Over the course of the year, the applicant submitted a garage permit. A garage is considered an accessory structure and the primary use (home) must be considered livable before the accessory structure can be built. The applicant has been working on the property with the foundation and garage permits and requested an extension to rebuild the non-conforming home. Staff recommends approving the extension one year.

Commissioner Neimann asked if there is any costs to the City to allow the extension. CP Peterson reported that there would be no cost on the City's side, but an extension gives the applicant more time to complete the work. Commissioner Morris asked why the applicant has not been able to complete the project within the year. CP Peterson noted that the applicant is not present at tonight's meeting, but added that they have been working on the approvals for the foundation and garage. Commissioner Warfield asked what happens if the one year extension lapses. CP Peterson explained that if the approval expires, the applicant would have to file a full variance to the side yard setback to rebuild. If the building permit for the home is submitted before the variance expires, they can continue to complete the re-build beyond the variance deadline date. The applicant has been working on the property, but have not yet applied for the building permit to replace the non-conforming home.

Commissioner Morris expressed opposition to the request. Commissioner Warfield noted the benefits to allow more time to fix the property. President Learned-Ellis added that if the extension is approved, they have one year to finish, otherwise they need to start over with a full variance request.

It was moved and seconded (Dyson/Neimann) to extend the variance request VAR-1-20 for one year. The **motion passed** with Commissioner Morris opposed.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A MULTI-FAMILY RESIDENTIAL USE (TRI-PLEX) IN THE COMMERCIAL ZONE, (FILE #CU-3-21), FOR PROPERTY LOCATED AT 163 E HWY 20, 165 E HWY 20 AND 165 NE 2ND STREET, REQUESTED BY BRUSTER ENTERPRISE LLC:

President Learned-Ellis opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Dyson reported he spoke with Mr. Barry Bruster regarding the property location. President Learned-Ellis voiced she is familiar with the site. 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 to convert a commercial building to create a three-unit multi-family residential apartment in the Commercial Zone. The building originally contained two upper floor commercial offices and a lower floor commercial office. The property is at the corner of NE 2nd Street and NE Hwy 20. It is in the Commercial Zone and Main Street District Overlay. The property is currently served with City water and sewer. One comment was received from a neighbor, concerned about parking and over-flow parking options for the site.

CP Peterson reviewed criteria for Conditional Use Permits, Main Street District Overlay exemptions, Comprehensive Plan goals and objectives, and history of the building. The two upper units were used as offices in the past and they have been converted to residential units. In 2018, the property owner submitted a building permit application to convert the commercial space, but did not apply for a Conditional Use Permit for multi-family residential use in the Commercial Zone. The downstairs space was also converted to residential use sometime in the past. The owner did not obtain all proper permits and several code enforcement letters were sent.

CP Peterson reviewed the proposed findings and application information. The proposal complies with the Comprehensive Plan housing goals. According to the application materials, the applicant would prefer to keep the units for commercial use, but there is a greater community need for residential use and housing. CP Peterson reviewed the proposed conditions of approval, noting that permits will be required and work performed by licensed contractors. A Change of Occupancy must be reviewed and approved by Lincoln County Building Department. Parking is available on-site and along NE 2nd Street.

Applicant Testimony: Barry Bruster of 109 N Main Street, Toledo, reported that he purchased the property, which is in the Main Street District Overlay. The Toledo Comprehensive Plan encourages mixed use (residential/commercial) especially in the Main Street area. At this point in time, commercial use is not viable and because of the housing crisis, it makes more sense to create residential units. He would like to keep the option for businesses in the upper units. This is the site of a former insurance office. The two upper offices spaces were separated by a wall and each unit had a bathroom and a separate private office. Mr. Bruster reported that he did not have to make any structural changes, just GFI and plumbing upgrades. No changes were made to the lower unit, as it was used for residential use in the past. The upper units could easily be converted back to office space. Ideally, he would like to see a small store or commercial use in the building. He noted that the Comprehensive Plan allows mixed-use but it collides with the zoning ordinance that requires a Conditional Use. He suggested a code update that eliminates this contradiction.

In answer to Commissioner questions, Mr. Bruster reported the downstairs unit has a kitchen and bathroom. Two showers were added to the upper units, but the upper kitchens do not have ovens

because they lack 220V outlets. There was an existing 220V outlet in the lower unit, therefore, there is a kitchen with stove.

Commissioners discussed a possible code update and mixed-use options. In the Commercial Zone one residential unit is allowed in conjunction with a commercial use. More than one residential unit (multi-family) requires a Conditional Use Permit. A Change of Occupancy permit is needed to insure that the new use meets building code standards. Also, if the residential units are changed back to a commercial use in time, it will need the Change of Occupancy permit from the County.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Mix stated the request looks good. Commissioner Neimann supports the request because of the current housing crisis. Commissioners were all in agreement that the building should be used rather than remain vacant. Commercial use may not be an option now, but could be again.

It was moved and seconded (Warfield/Mix) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on June 9, 2021, the Planning Commission finds that the request by Bruster Enterprises LLC, (CU-3-21) 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 following conditions of approval for CU-3-21, and allowing for the correction of typographical and grammatical errors.

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 Toledo Public Works Director and Fire Chief.
3. Owner/builder shall obtain all necessary building permits including the change of use and change of occupancy permit from the Lincoln County Building Department.
4. Plumbing and Electrical work is required to be completed or certified by licensed specialty contractors.
5. A business license is required for anyone engaging in business activity in the City (TMC 5.04).
6. 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.

WORKSESSION: PLANNING COMMISSIONER TRAINING:

CP Peterson provided a 'Land Use 101' course as a refresher for Planning Commissioners. The presentation reviewed the history of land use planning, comprehensive plans, urban growth boundaries, Statewide planning goals, citizen involvement, criteria/findings, decision-making tools, hearing standards, and the 120-day rule. He reviewed the roles of staff, Planning Commission, City Council, State, and LUBA when it comes to land use decisions. Commissioners discussed the legislative process and the ability for a citizen to submit an application to request a code update. Oregon Department of Land Conservation and Development (DLCD) provided a lot of information at the January worksession and they have several additional training options that could be helpful.

DISCUSSION ITEM: PLANNING COMMISSION MEETING TIME:

Commissioners discussed an option to begin the Planning Commission meetings earlier, possibly at 6:00 pm. After discussion, Commissioners agreed to compromise and have a start time of 6:30 pm for the next meeting.

It was announced that the Planning Commission should be able to return to in-person meetings in July. There will still be a Zoom or phone conference option to attend remotely.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported that the housing code updates will be presented to the Planning Commission in August and to the City Council in September.

The recreational vehicle (RV) code updates were completed and adopted by the City Council. This allows an RV for up to 18 months, ability to provide a fire inspection, and clarifies visitation limits.

STAFF COMMENTS:

CP Peterson announced there will be a building permit and land use application update for Commissioner review next month.

COMMISSIONER COMMENTS:

President Learned-Ellis reported she attended the Emergency Preparedness Task Force meeting last month. This will be a large project, but the City is moving forward even with obstacles. The Task Force is working on a map showing evacuation routes. The group discussed obtaining an app and considered street painting to show evacuation routes. This will be a lot of work and coordinating with others. Commissioners discussed maps that may be available, drought conditions in Oregon, and current fire locations.

The July 14, 2021, meeting will be at City Hall Council Chambers, at 6:30 pm.

There being no further business before the Commission, the meeting was adjourned at 8:35 pm.

Secretary

President

CITY OF TOLEDO



MEMORANDUM

TO: Toledo Planning Commissioners

FROM: Arlene Inukai, Planning Assistant

DATE: July 7, 2021

RE: Election of Officers

The July 14th agenda contains the election of officers for the 2021-2022 fiscal year. Be prepared to make nominations to fill the Planning Commission President position and Planning Commission Vice President position. Currently, Anne Learned-Ellis is the Commission President and Cora Warfield is the Vice President.

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-17 as Tax Lot 800

APPLICATION #: MP-2-21 (mod)

APPLICANT: City of Toledo

APPLICATION DATE: June 16, 2021

HEARING DATE: Planning Commission – July 14, 2021

REQUEST: This an application from the City of Toledo for a modification to the approved Minor Partition request of approximately 21.7 acres to create two parcels. On April 14, 2021, the Toledo Planning Commission approved Proposed Parcel 1 for approximately 1.7 acres and Proposed Parcel 2 of approximately 20 acres (Natural Resource Zone area). The City of Toledo is requesting a modification of the proposed property line for Proposed Parcel 1 to be reduced by approximately 300 square feet and Proposed Parcel 2 to be increased by approximately 300 square feet. The relocated lot line would follow the zone designation boundary and 100-year floodplain boundary. After the modification proposed Parcel 2 would include a small portion of land zoned R-S. The applicant is requesting a minor partition, as marked on the attached Exhibit A to this staff report.

LOCATION: The property is identified as Lincoln County Assessor's Map #11-10-17 Tax Lot 800 and located southwest of the SE Sturdevant Road and SE 10th Street intersection.

PARCEL SIZE: Tax Lot 800 is approximately 21.7 acres. Proposed Parcel 1 would be approximately 1.7 acres and proposed Parcel 2 would be approximately 20.0 acres.

I. REPORT OF FACTS:

1. Plan Designation: Natural Resource (N-R) and Residential Single (R-S)
2. Zone Designation: Natural Resource (N-R) and Residential Single (R-S)
3. Existing Structures: A vacant barn is located at the south east corner of the subject property, running along the southern border of the parcel.
4. Topography: Proposed Parcel 2 largely consists of a saltwater wetland area that has been dedicated as a wetland mitigation area. Proposed

- Parcel 1 consists of an elevated upland area to the east of the parcel adjacent to a lowland areas on the west side of the property.
5. Development Constraints:

Proposed Parcel 2 is limited by a conservation easement. Proposed Parcel 2 would be almost entirely within in the floodplain and wetland.

The proposed modification would move the Proposed Parcel 1 western property line to no longer include the floodplain area. The parcel is constrained by a raw water line on the west side of the property requiring a 30 foot easement, 15 feet from centerline; and a sewer line maintained by the City of Toledo, running from the southwest to northeast across the property requiring a 15 foot easement, 7.5 feet from the centerline; and overhead power lines, owned and maintained by Consumers Power, requiring a 100 feet easement, 50 feet from centerline, running from the northwest to the southeast across the property.
 6. City water: City water is available.
 7. City sewer: City sewer is available.
 8. Notice of Public Hearing: Notices mailed to 51 property owners and 19 public/service agencies on June 24, 2021.
 9. Notice Published: June 30, 2021 and July 7, 2021
 10. Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed the application. Staff comments are included in the Application form (Exhibit B).
 11. Attachments to Staff Report:
 - A. Exhibit A - Map showing Parcels after partition
 - B. Application with supporting information
 - C. Zoning Map
 - D. Aerial Map
 - E. Floodplain Map

II. APPLICABLE CRITERIA FOR EVALUATING THE MINOR PARTITION REQUEST AND STAFF ANALYSIS: The following comprehensive 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.

Natural Resource – This designation is intended to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities. This designation shall be implemented through the zoning map's Natural Resource 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.

The purpose of the N-R zone is to protect land and water important as habitat for plant, animal, or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities, and opportunities.

3. **TMC Sections 17.08.20 – 17.08.050 – R-S Zone.**

TMC Section 17.08.020 – R-S Zone – 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 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.

4. **TMC Sections 17.28.010-0.30 Natural Resource Zone (N-R)**

TMC Section 17.28.020 - Uses Permit Outright.

In an N-R zone, the following uses and their accessory uses are permitted outright:

- A. Planting, cultivation and harvesting of timber or agricultural crops.
- B. Pasture.
- C. One residence per tax lot existing on the effective date of the ordinance from which this chapter is derived, provided the residence is occupied in conjunction with an agricultural use.
- D. Accessory out-buildings.
- E. Yaquina Estuary Management Unit #33 shall be governed by the permitted uses established through the Yaquina Bay Task Force.
- F. Public park facilities.
- G. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC Section 17.28.030 – Conditional Uses Permitted

- A. Pumping station and utility substation
- B. Structural shoreline stabilization

Staff Analysis: The subject property is approximately 21.7 acres. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being approximately 1.7 acres and proposed Parcel 2 being approximately 20.0 acres. Proposed Parcel 1 will be zoned R-S and meets the minimum lot size standard for the R-S Zone as it is over 7,000 square feet. Proposed Parcel 2 will be zoned primarily Natural Resources with a small portion that is zoned R-S. The N-R zone does not have a minimum lot size. Proposed Parcel 2 will be split zoned which is not prohibited by the Toledo Municipal Code.

5. **2000 Toledo Comprehensive Land Use Plan – Article 10, Goal 1 – 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 re-developable lots in areas already serviced or where services can be economically provided.

Staff Analysis: The existing structure on the subject property is a vacant barn. Future development of proposed Parcel 1 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.

6. **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.

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. The proposed partition is adjacent to an existing county street (SE Sturdevant Road) and city street (SE 10th Street) minimizing the need for additional infrastructure. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code and standards.

7. **2000 Toledo Comprehensive Land Use Plan – Article 5, Goals 1 and 3 – Open Spaces, Scenic and Historical Areas, and Natural Resources:**

1. Ensure the provision of open space and the protection of scenic and natural resources as

required by state and federal law.

2. Protect natural resources such as wetlands and riparian habitat areas as required by state and federal law to ensure their continued contributions as natural areas, open space, wildlife and vegetative habitat, flood protection, and storm water retention and conveyance areas.

Staff Analysis: Approval of this application ensures the provision of open space and the protection of scenic and natural resources as required by state and federal law. The proposed partition creates two parcels. Proposed Parcel 1 will be entirely zoned R-S after the partition and is an upland area. Proposed Parcel 2 will be primarily zoned Natural Resources with a small portion of R-S zoning after the partition. Proposed Parcel 2 is proposed to remain as a natural area and no development is anticipated. Furthermore, proposed Parcel 2 has a conservation easement. The conservation easement is described in Lincoln County Document 2010-01975. In review of the conservation easement and previous records the R-S lot (proposed Parcel 1) would be outside the conservation easement area with the exception of the western edge of proposed Parcel 1 which may be within the conservation easement area. Staff recommends a condition of approval that the conservation easement line shall be defined on the recorded partition plat.

8. **2000 Toledo Comprehensive Land Use Plan – Article 16, Goals 1 and 2 – Estuarine Resources:**

1. Recognize and protect the unique environmental, economic and social values of the Yaquina River Estuary and the associated wetlands.
2. Protect, maintain, appropriately develop, and appropriately restore the long-term environmental, economic and social values, diversity, and benefits of the estuary.

Staff Analysis: Based on the Lincoln County Estuary Management Plan and the Oregon Coastal Atlas Estuary Map the Lincoln County Management Unit 31 is located on proposed Parcel 2. In addition, staff reviewed the Coastal and Marine Ecological Classification Standard (CMECS) and the Yaquina Estuary Conservation Plan. Proposed Parcel 2 is shown as an estuary. No development is proposed on proposed Parcel 2. Proposed Parcel 1 is located outside the estuary classification.

Based on the Statewide Wetlands Inventory (SWI) proposed Parcel 2 is a wetland and proposed Parcel 1 is adjacent to the wetlands area. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on March 23, 2021 which recommended a Wetland Delineation is completed if development occurred on the western half of Parcel 1. The City of Toledo submitted an updated WLUN to DSL on June 17, 2021. DSL has not responded to the second notice yet and has 30 days to respond. As discussed above no development is proposed on Proposed Parcel 2. Proposed Parcel 1 will be zoned residential and may be developed in the future. The applicant shall be responsible for obtaining any applicable DSL permits.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

9. TMC Sections 16.04.20 – 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 July 7, 2021, the minor partition modified 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 Parcel 1 would have adequate frontage along SE Sturdevant Road, a County Street. Proposed Parcel 2 would have adequate frontage along SE 10th Street and SE Sturdevant Road, City Street and County Street respectively.

Any driveway modifications adjacent to SE Sturdevant Road shall be reviewed and approved by the

Lincoln County Public Works Department. Staff recommends that this is listed as a condition of approval.

Proposed Parcel 2 is adjacent to SE 10th Street a city street. The parcel does not currently have driveway access to SE 10th Street. Any driveway modification to SE 10th Street, 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. However, development on Proposed Parcel 2 is not anticipated to occur and the parcel will be kept as a natural resource parcel. The recorded conservation easement is located on Proposed Parcel 2 and prohibits building structures, roads, and limits vehicle use in the protected area. An easement across proposed Parcel 1 to access Proposed Parcel 2 will be listed as a condition of approval.

The applicable development standards for the driveways and sidewalks are found in City of Toledo's approved Public Infrastructure Design Standards Manual. Other standards apply, but some are included below.

Paragraph 3.9 provides development standards as to driveways:

- (1) Driveways shall conform to standard details (3.9.1);
- (2) Driveways may be deferred until lots are built upon, if approved by the City Planning Commission or City Council (3.9.2);
- (3) If the developer chooses to delay the installation of a driveway approach, additional repair of curb and gutter, sidewalk, and other facilities may be required when the driveway is installed (3.9.2.(A));
- (4) The costs of installing a driveway approach and associated repairs to curb and gutter, sidewalk and other facilities will be borne, solely, by the developer.

Paragraph 3.9.5 provides residential driveway approach standards as follows:

- (1) A residential driveway approach shall be constructed of Portland cement concrete, minimum of 6-inches in thickness, 3,000 psi filed strength, with 2-inches (minimum) compacted $\frac{3}{4}$ "-0" crushed rock base. No rebar or wire mesh is required for residential approaches (3.9.5(A)); and
- (2) Transition flares shall be constructed to the same standards for residential driveway approaches (3.9.5(B)).

Paragraph 3.11 provides development standards for sidewalks as follows:

- (1) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street (3.11.1);
- (2) The provision of sidewalks may be waived where the street serves a use or combination of uses which generate fewer than fifty trips a days (based on ITE standards) and cannot be continued or extended to other properties. A waiver shall only be granted upon review of the Public Works Director or designee (3.11.3);

- (3) Sidewalks along residential and other local streets must be a minimum of five (5) feet in width. Sidewalk design may be a setback or integral as determined by the developer, Public Works Director, or funding agency (3.11.4(C)).

Staff analysis: Proposed Parcel 1 is adjacent to SE Sturdevant Road a county road. Road improvements may be required by the Lincoln County Public Works Department when the parcel is developed. Staff recommends that this is listed as a condition of approval.

Unless waived by the Public Works Director, or designee, all land use applications are required to include curb and gutter and sidewalks adjacent to public streets. As sidewalks have been waived, the installation of 5 foot wide sidewalks along SE 10th Street are not required, nor is a deferred development agreement required, because no development on Parcel 2 is anticipated.

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: The application is for a minor partition and not a major partition or subdivision. No new streets are required or proposed by the proposed partition.

TMC 16.04.050 (D) Density.

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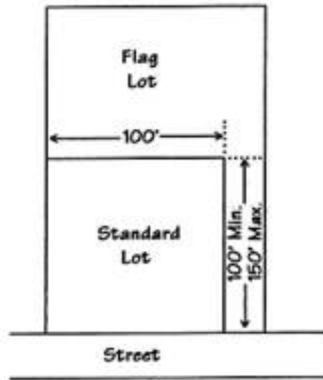
4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

Staff Analysis: The proposed partition is partially along the existing zone boundary line. The relocated lot line would follow the zone designation boundary and 100-year floodplain boundary. After the modification proposed Parcel 2 would include a small portion of land zoned R-S. The proposed partition does not preclude the efficient division of land in the future. Proposed Parcel 1 is large enough to be partitioned again based on the minimum lot size requirements, however the proposed Parcel 1 is unlikely to be partitioned again due to the development constraints including easements. Proposed Parcel 2 is unlikely to be partitioned again and is anticipated to be kept as a Natural Resource Parcel. The current request does not preclude the efficient division of land in the future.

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 and twenty-five (25) feet in the N-R zone. Proposed Parcel 1 will have over 20 feet of frontage onto SE Sturdevant Road (County Road). Proposed Parcel 2 will have over 25 feet of frontage onto SE 10th Street (City Street) and SE Sturdevant Road (County Road).

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 existing Parcel (Tax Lot 800) is a double frontage lot, is an odd-shaped tract, and on an existing street layout (corner of an intersection). The result of the partition will be one parcel with frontage on SE Sturdevant and one corner lot with frontage on SE Sturdevant and SE 10th Street.

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 follow the existing zone boundary line and floodplain line. The proposed property line configuration for Parcels 1 and 2 will be close to perpendicular to SE Sturdevant Road.

Staff Analysis: TMC 16.04.050 (E)(4) provides that 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. The proposed parcels are not flag lots.

Staff Analysis: TMC 16.04.050 (E)(5) provides that 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. The proposed parcels are not flag lots.

Staff Analysis: TMC 16.04.050 (E)(6) provides that 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. Further, 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. Proposed Parcel 1 would be approximately 1.7 acres and proposed Parcel 2 would be approximately 20.0 acres. Both proposed parcels are over twenty-five thousand (25,000) square feet, and must not exceed a depth to width ratio of three and one-half to one. As to Parcel 1, the depth of the parcel is approximately 250 feet and width is approximately 350 feet, so it does not exceed a depth to width ratio of three and one-half to one. As to Parcel 2, the depth of the parcel is approximately 1450 feet and width is approximately 780 feet, so it does not exceed a depth to width ratio of three and one-half to one. Therefore, 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)(7) provides that 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. The proposed parcels are not flag lots.

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. No existing drainage easements were identified on the Proposed Parcel 1. Proposed Parcel 2 will be a Natural Resource Parcel and natural drainage will be maintained.

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 SE Sturdevant Road and SE 10th Street right-of-way and the public sewer line is located in the SE Sturdevant Road, SE 10th Street right-of-way, and crosses Proposed Parcel 1. When Parcel 1 is developed, 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 2 that may cross proposed Parcel 1.

IMPROVEMENTS

10. 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 and Standards Manual and are not part of TMC Title 16 or 17 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

11. 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. Easements are needed based on standards in the Public Infrastructure Design Standards Manual. 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 will not constitute a subdivision and the street design has received approval from the Director of Public Works. 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 has demonstrated 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. A portion of proposed Parcel 2 is dedicated as salt water wetland mitigation area. No future development is anticipated on proposed Parcel 2. The division of land will result in a newly created lot (Proposed Parcel 2) that is zoned primarily for Natural Resources and the site is unlikely to be developed in the future. Proposed Parcel 2 is owned by the City and the City maintains the water and sewer system in the City (a public utility service).

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. Their approvals coincide with the applicant's assertion that the requested partition will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.

III. FURTHER STAFF ANALYSIS:

The current owner, City of Toledo, has correctly indicated that the minor partition would create two lots. The applicant's request would be compatible with surrounding land uses. Single-family Residential zoning is located to the north and east. The property to the south is outside of the City limits, but designated Low-Density Residential, which is compatible with the Single-Family

Residential Zone. See Zoning Map attachment C.

The City Public Works Department has been advised of the proposal and has indicated that both water and sewer services would be available to both Parcels 1 and 2.

The objective of the Natural Resource designation is to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities. This designation shall be implemented through the zoning map's Natural Resource zone designation, which the current maps indicate.

The City acquired Map 11-10-17 Tax Lot 800 in 1999. The entire property was annexed into the City limits and rezoned Natural-Resources in 2000. Several properties within the City were reviewed for zoning map amendments during the Periodic Review process in 2001. The City proposed this property to be split zoned (Natural Resources and Single-Family Residential) and was reviewed and approved during the Comprehensive Plan Map/Zoning Map adoption in 2001. In 2012, the area in the Natural Resources Zone was the site of the City's wetland mitigation project, associated with the construction of the Toledo Industrial Park (TIP). A conservation easement was recorded on the wetland areas, limiting development, but the easement did not include the upland area which is outside of the mitigation project site.

FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 21.7 acres in size into two parcels. Based upon the information received by city staff through July 7, 2021, the minor partition appears to conform with relevant provisions of the City's plans and ordinances as described below. The following findings support approval of the requested partition:

1. Tax Lot 800 appears to be a lawfully created unit of land and, according to the Lincoln County Assessor's records and aerial photographs, the site has a vacant barn.
2. The subject property is approximately 21.7 acres. The applicant is requesting to divide the property into two parcels, resulting in Proposed Parcel 1 being approximately 1.7 acres and proposed Parcel 2 being approximately 20.0 acres. The partition will create two parcels identified on Exhibit A. The boundaries of proposed Parcels 1 and 2, to be established by a surveyor, are shown on applicant's map submitted and marked as Exhibit B. 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. Proposed Parcel 2 will be zoned primarily Natural Resources with a small portion that is zoned R-S. The N-R zone does not have a minimum lot size. Proposed Parcel 2 will be split zoned which is not prohibited by the Toledo Municipal Code.
3. The existing structure on the site is a vacant barn. Future development of Proposed Parcel 1 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 April 7, 2021, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.
6. Proposed Parcel 1 has street frontage and driveway access onto SE Sturdevant Road. Proposed Parcel 2 has street frontage and access onto SE Sturdevant Road and SE 10th Street. SE 10th Street is a paved street with curbs and sidewalk along the north side of the street. SE Sturdevant Road is a paved street with no curbs and no sidewalks. The installation of 5 foot sidewalks along SE 10th Street is not required at this time, because, no development is anticipated on Proposed Parcel 2.
7. Proposed Parcel 1 is adjacent to SE Sturdevant Road a county road. Road improvements may be required by the Lincoln County Public Works Department when the parcel is developed.
8. The minor partition criteria for evaluation in TMC 16.08.070 has been met.
9. The proposed partition is partially along the existing zone boundary line. The relocated lot line would follow the zone designation boundary and 100-year floodplain boundary. After the modification proposed Parcel 2 would include a small portion of land zoned R-S. The proposed partition does not preclude the efficient division of land in the future. Proposed Parcel 1 is large enough to be partitioned again based on the minimum lot size requirements, however, Proposed Parcel 1 is unlikely to be partitioned again due to the development constraints including easements. Proposed Parcel 2 is unlikely to be partitioned again and is anticipated to be kept as a Natural Resource Parcel. The current request does not preclude the efficient division of land in the future.
10. 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 and twenty-five (25) feet in the N-R zone. Proposed Parcel 1 will have over 20 feet of frontage onto SE Sturdevant Road (County Road). Proposed Parcel 2 will have over 25 feet of frontage onto SE 10th Street (City Street) and SE Sturdevant Road (County Road).
 - 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 existing Parcel (Tax Lot 800) is a double frontage lot, is an odd-shaped tract, and exists on an existing street layout (corner of an intersection). The result of the partition will be one parcel that does not have 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 follow the existing zone boundary line and floodplain line. The proposed property line configuration for Parcels 1 and 2 will be close to perpendicular to SE Sturdevant Road.

- d. TMC 16.04.050 (E)(4) provides that 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. The proposed parcels are not flag lots.
 - e. TMC 16.04.050 (E)(5) provides that 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. The proposed parcels are not flag lots.
 - f. TMC 16.04.050 (E)(6) provides that 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. Further, 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. Proposed Parcel 1 would be approximately 1.7 acres and proposed Parcel 2 would be approximately 20.0 acres. Both proposed parcels are over twenty-five thousand (25,000) square feet, and must not exceed a depth to width ratio of three and one-half to one. As to Parcel 1, the depth of the parcel is approximately 250 feet and width is approximately 350 feet, so it does not exceed a depth to width ratio of three and one-half to one. As to Parcel 2, the depth of the parcel is approximately 1450 feet and width is approximately 780 feet, so it does not exceed a depth to width ratio of three and one-half to one. Therefore, as drawn on the proposed map, both parcels will not exceed a depth to width ratio of three and one-half to one.
 - g. TMC 16.04.050 (E)(7) provides that 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. The proposed parcels are not flag lots.
 - h. 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. No existing drainage easements were identified on the Proposed Parcel 1. Proposed Parcel 2 will be a Natural Resource Parcel and natural drainage will be maintained.
11. No new streets are required or proposed by the proposed partition. Proposed Parcel 1 will have access to SE Sturdevant Road and Proposed Parcel 2 will have access to SE Sturdevant Road and SE 10th Street.
12. 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. Their approvals coincide with the applicant's assertion that the requested partition will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.
13. Proposed Parcel 2 is adjacent to SE 10th Street a city street. The parcel does not currently have driveway access to SE 10th Street. Any driveway modification to SE 10th Street, 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. However, development on Proposed Parcel 2 is not anticipated to occur and the parcel will be kept as a natural resource parcel. The recorded conservation easement is located on Proposed Parcel 2 and prohibits building structures, roads, and restricts vehicle use in the protected area. An easement across proposed Parcel 1 to access Proposed Parcel 2 will be listed as a condition of approval.
14. 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. A portion of proposed Parcel 2 is dedicated as salt water wetland mitigation area. No future development is anticipated on proposed Parcel 2. The division of land will result in a newly created lot (Proposed Parcel 2) that is zoned primarily for Natural Resources and the site is unlikely to be developed in the future. Proposed Parcel 2 is owned by the City and the City maintains the water and sewer system in the City (a public utility service).

- 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.
15. One driveway modification onto SE Sturdevant Road may be required for access to Proposed Parcel 1. The applicant shall coordinate with the Lincoln County Public Works Department for any driveway modifications. With the proposed lot dimensions, off-street parking should be achievable for future development of Parcel 1.
16. A City sewer main line is located near the southeastern property line of Proposed Parcel 1. The sewer line and water 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.
17. Approval of this application ensures the provision of open space and the protection of scenic and natural resources as required by state and federal law. The proposed partition creates two parcels. Proposed Parcel 1 will be entirely zoned R-S after the

- partition and is an upland area. Proposed Parcel 2 will be primarily zoned Natural Resources with a small portion of R-S zoning after the partition. Proposed Parcel 2 is proposed to remain as a natural area and no development is anticipated. Furthermore, proposed Parcel 2 has a conservation easement. The conservation easement is described in Lincoln County Document 2010-01975. In review of the conservation easement staff believes the R-S lot (proposed Parcel 1) would be outside the conservation easement area with the exception of the western edge of proposed Parcel 1 which may be within the conservation easement area.
18. Based on the Lincoln County Estuary Management Plan and the Oregon Coastal Atlas Estuary Map the Lincoln County Management Unit 31 is located on proposed Parcel 2. In addition, staff reviewed the Coastal and Marine Ecological Classification Standard (CMECS) and the Yaquina Estuary Conservation Plan. Proposed Parcel 2 is shown as an estuary. No development is proposed on proposed Parcel 2. Proposed Parcel 1 is located outside the estuary classification.
 19. Based on the Statewide Wetlands Inventory (SWI) proposed Parcel 2 is a wetland and proposed Parcel 1 is adjacent to the wetlands area. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on March 23, 2021 which recommended a Wetland Delineation is completed if development occurred on the western half of Parcel 1. The City of Toledo submitted an updated WLUN to DSL on June 17, 2021. DSL has not responded to the second notice yet and has 30 days to respond. As discussed above no development is proposed on Proposed Parcel 2. Proposed Parcel 1 will be zoned residential and may be developed in the future.
 20. The City acquired Map 11-10-17 Tax Lot 800 in 1999. The entire property was annexed into the City limits and rezoned Natural-Resources in 2000. Several properties within the City were reviewed for zoning map amendments during the Periodic Review process in 2001. The City proposed this property to be split zoned (Natural Resources and Single-Family Residential) and was reviewed and approved during the Comprehensive Plan Map/Zoning Map adoption in 2001. In 2012, the area in the Natural Resources Zone was the site of the City's wetland mitigation project, associated with the construction of the Toledo Industrial Park (TIP). A conservation easement was recorded on the wetland areas, limiting development, but the easement did not include the upland area which is outside of the mitigation project site.
 21. City water is located in the SE Sturdevant Road right-of-way and available for new development of Parcel 1. Private water service lines and other utility lines should be identified and easements recorded if existing utilities for Parcel 2 cross Parcel 1.
 22. Notification to 51 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of July 7, 2021, no comments have been received.

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 TMC 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 #MP-2-21(mod) will become final unless appealed to the City Council.

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 further 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, 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 modifications adjacent to SE Sturdevant Road shall be reviewed and approved by the Lincoln County Public Works Department.
6. Future development shall be reviewed by the Lincoln County Public Works Department and any applicable road improvements shall be made by the applicant.
7. A recorded access easement providing access by the City of Toledo to cross Proposed Parcel 1 in order to access proposed Parcel 2.
8. Any driveway modification onto a city street, 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

will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.

9. The recording of easements (in addition to being noted on the plat) as required and as appropriate by the Public Works Director to serve the interior properties for driveway access and utilities, including water and sewer, in accordance with the minimum width and other standards in the Public Infrastructure Design Standards Manual, before construction permits will be issued.
10. 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.
11. The applicant shall be responsible for obtaining any required Department of Statelands (DSL) permits.
12. The conservation easement boundary shall be defined on the recorded partition plat.

PLANNING COMMISSION DECISION

PROPOSED MOTION (MP-2-21(MOD)):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON JULY 14, 2021, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY THE CITY OF TOLEDO (MP-2-21(MOD)) 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. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AS FINDINGS, AS WELL AS ANY CONDITIONS OF APPROVAL FOR MP-2-21(MOD), AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

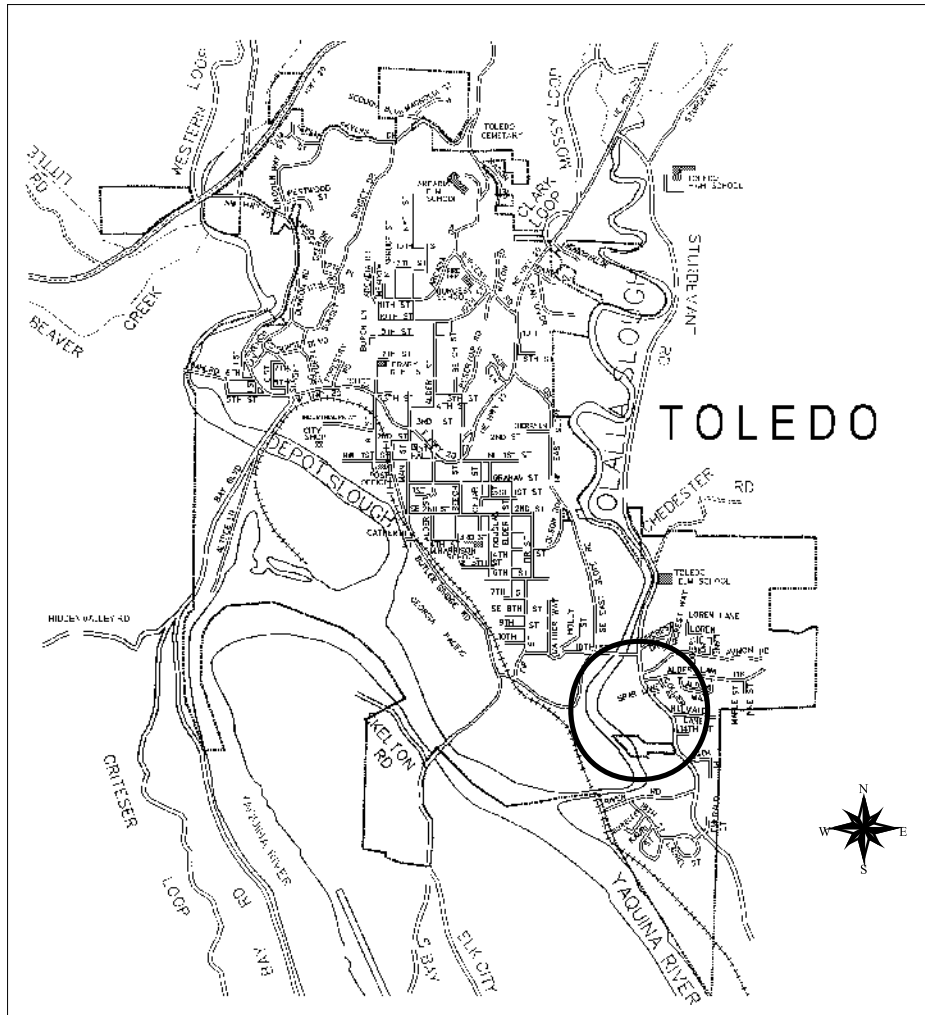
V. PLANNING COMMISSION ROLE:

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.

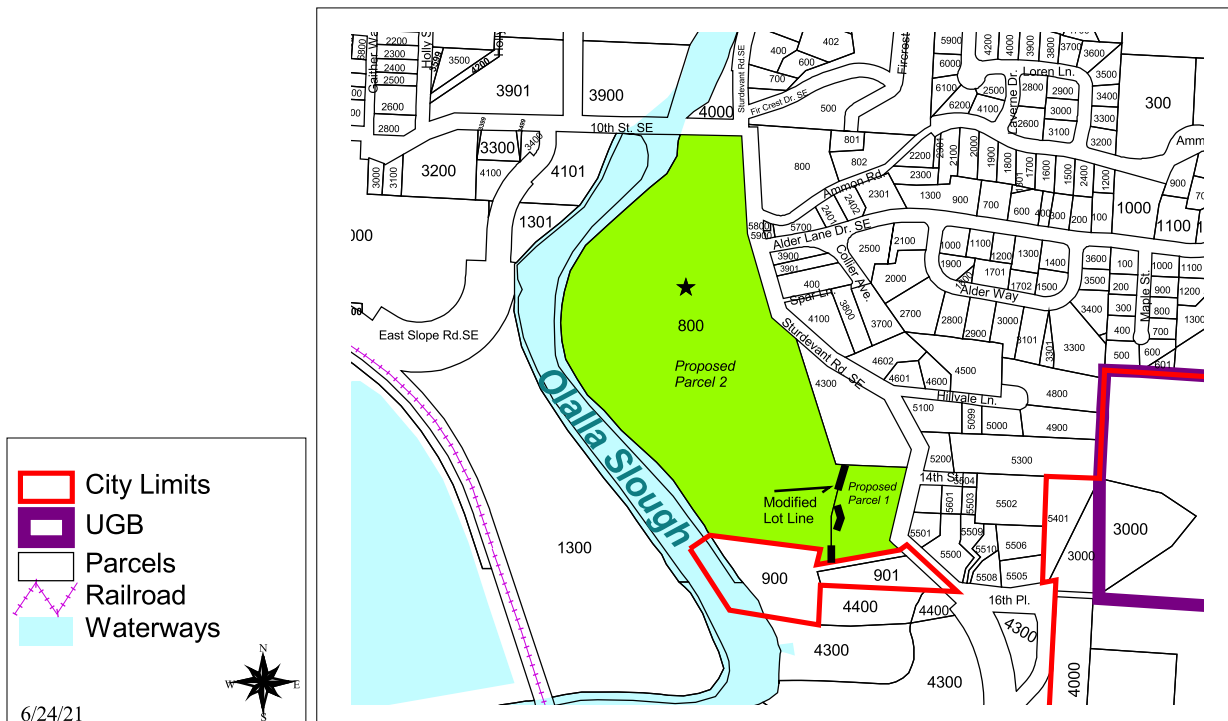
Prepared by,

Justin Peterson
Contract Planner

Location Map



Site Map



ATTACHMENT A
Map Showing Parcels After Partition
(City of Toledo File #MP-2-21mod)

PRELIMINARY PARTITION SURVEY
FOR CITY OF TOLEDO
IN THE SE 1/4 OF THE SE 1/4 OF SECTION 17
TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM
IN TOLEDO, LINCOLN COUNTY, OREGON

SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO SHOW
A NEW PARTITION PARCELS.

A TOPCON GPT-3100W ONE
SECOND TOTAL STATION AND TDS
RECON DATA COLLECTOR WERE
USED TO GATHER THE DATA IN THIS
SURVEY.

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

I HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED
FOR RECORD ON THE _____ DAY OF _____, 2010 AT _____
O'CLOCK _____ M. AND RECORDED AS PARTITION PLAT NO. _____
LINCOLN COUNTY RECORDS.

BY: _____
COUNTY CLERK/DEPUTY DATE

SURVEYOR'S CERTIFICATE:

I, DAVID LOOMIS, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND
MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THIS PARTITION
PLAT. THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN NE 1/4 OF THE NW 1/4 OF SECTION 22 TOWNSHIP 7
SOUTH, RANGE 11 WEST, OF THE WILLAMETTE MERIDIAN. MORE PARTICULARLY
DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17; THENCE 167.65 FEET
NORTH AND 968.72 FEET WEST TO THE TRUE POINT OF BEGINNING; THENCE
SOUTH 16°41'15" WEST, 58.00 FEET; THENCE NORTH 79°46'12" EAST, 308.94
FEET TO STURDEVANT ROAD; THENCE FOLLOWING STURDEVANT ROAD NORTH
49°40'36" WEST, 64.79 FEET; THENCE NORTH 10°49'24" EAST, 270.75 FEET;
THENCE LAVING STURDEVANT ROAD NORTH 88°36'45" WEST, 243.63 FEET; THENCE
NORTH 25°17'00" WEST, 581.00 FEET; THENCE EAST, 34.59 FEET TO STURDEVANT
ROAD; THENCE NORTH 51°10'36" WEST, 33.56 FEET; THENCE NORTH 18°10'36"
WEST, 319.17 FEET; THENCE NORTH 5°40'36" WEST, 340.33 FEET TO SE 10th
STREET; THENCE WESTERLY ALONG SE 10th STREET 150 FEET TO OLALLA SLOUGH;
THENCE SOUTHERLY ALONG OLALLA SLOUGH TO A POINT NORTH 82°06'45" WEST
OF THE POINT OF BEGINNING; THENCE SOUTH 82°06'45" EAST, 395 FEET TO THE
POINT OF BEGINNING.

APPROVALS

CITY OF TOLEDO PLANNING DIRECTOR LINCOLN COUNTY ASSESSOR

LINCOLN COUNTY SURVEYOR LINCOLN COUNTY TAX COLLECTOR

LEGEND

- FOUND SURVEY MONUMENT AS SHOWN
- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- CALCULATED POSITION ONLY
- [] RECORD DATA
- PROPERTY DEED BOUNDARY



1" = 100'

PARCEL 2
20.0 ac

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE
CITY OF TOLEDO DOES HEREBY MAKE ESTABLISH AND
DECLARE THE PARTITION PLAT, AS DESCRIBED IN THE
ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A
TRUE AND CORRECT MAP OF SAID PARTITION PLAT.
THE EASEMENTS NOT IN EXISTANCE PRIOR TO THIS
PARTITION ARE CREATED WITH THE FILING OF THIS
PLAT.

X

ACKNOWLEDGMENT:

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

ON THIS _____ DAY OF _____, 2010, BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC PERSONALLY APPEARED

KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE
TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT.

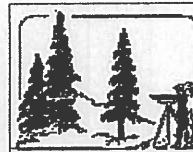
NOTARY SIGNATURE

NOTARY PUBLIC - OREGON
COMMISSION No. _____
MY COMMISSION EXPIRES: _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
DAVID A. LOOMIS
1908
RENEWAL DATE:
JANUARY 1, 2013

SURVEYED BY



SURVEY FOR: CITY OF TOLEDO
LOCATION: 11-10-17-00-00800

DAVID LOOMIS SURVEYING
= DAVID A. LOOMIS LS 1908 =
459 PIONEER MOUNTAIN LOOP
TOLEDO, OR, 97391
541.336.2994 - 541.270.2928
FAX: 541.336.2994

CHECKED BY: DAL
DRAWN BY: DAL
SCALE: 1" = 100'
DATE: APRIL 2012
No. D112-016

Proposed modification
of property line

ATTACHMENT B
Application with Supporting Information
(City of Toledo File #MP-2-21mod)
LAND USE APPLICATION

Date June 16, 2021

Property Owner City of Toledo

Telephone 541-336-2247

Mailing Address PO Box 220
Toledo OR 97391

Authorized Agent Judy Richter, City Manager

Telephone 541-336-2247

Property Address _____

Property Size 21.7 acres

Property Location Southwest of the SE Sturdevant/SE 10 St Intersection

Assessors Map No. 11-10-17

Tax Lot No. 800

Present Zoning Natural Resources/Single-Family Residential

Proposed Change no change

Comprehensive Plan Designation Natural Resources/Single-Family Residential

Current Land Use Wetland mitigation site

Existing Structures (if any) Barn

Proposal for which this request is being made (attach additional sheets if needed) _____

Modify MP-2-21 to adjust the property line separating Proposed Parcel 1 and 2. Newly proposed line removes 100-year floodplain on Parcel 1. Proposed Parcel 1 to be approx. 1.7 acres and Proposed Parcel 2 to be approx. 20.0 acres.

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 (\$700)*
☐ 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.

For Office Use Only

Date Received _____

Received By _____

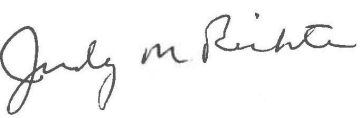
Fee Paid _____

City File No. _____

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

Property Owner (if different)

Date

*****For Office Use Only*****

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_____

REVIEWED AND APPROVED BY:

Public Works Director

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:

Fire Chief

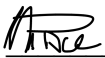
Date

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:



Chief of Police

07/07/21

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

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:

Shay Musil
Fire Chief Inspector/Captain

7/7/2021
Date

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:

Chief of Police

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

PRELIMINARY PARTITION SURVEY
FOR CITY OF TOLEDO
IN THE SE 1/4 OF THE SE 1/4 OF SECTION 17
TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM
IN TOLEDO, LINCOLN COUNTY, OREGON

SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO SHOW
A NEW PARTITION PARCELS.

A TOPCON GPT-3100W ONE
SECOND TOTAL STATION AND TDS
RECON DATA COLLECTOR WERE
USED TO GATHER THE DATA IN THIS
SURVEY.

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

I HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED
FOR RECORD ON THE _____ DAY OF _____, 2010 AT _____
O'CLOCK _____ M. AND RECORDED AS PARTITION PLAT NO. _____
LINCOLN COUNTY RECORDS.

BY: _____
COUNTY CLERK/DEPUTY DATE

SURVEYOR'S CERTIFICATE:

I, DAVID LOOMIS, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND
MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THIS PARTITION
PLAT. THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN NE 1/4 OF THE NW 1/4 OF SECTION 22 TOWNSHIP 7
SOUTH, RANGE 11 WEST, OF THE WILLAMETTE MERIDIAN. MORE PARTICULARLY
DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17; THENCE 167.65 FEET
NORTH AND 968.72 FEET WEST TO THE TRUE POINT OF BEGINNING; THENCE
SOUTH 16°41'15" WEST, 58.00 FEET; THENCE NORTH 79°46'12" EAST, 308.94
FEET TO STURDEVANT ROAD; THENCE FOLLOWING STURDEVANT ROAD NORTH
49°40'36" WEST, 64.79 FEET; THENCE NORTH 10°49'24" EAST, 270.75 FEET;
THENCE LAVING STURDEVANT ROAD NORTH 88°36'45" WEST, 243.63 FEET; THENCE
NORTH 25°17'00" WEST, 581.00 FEET; THENCE EAST, 34.59 FEET TO STURDEVANT
ROAD; THENCE NORTH 51°10'36" WEST, 33.56 FEET; THENCE NORTH 18°10'36"
WEST, 319.17 FEET; THENCE NORTH 5°40'36" WEST, 340.33 FEET TO SE 10th
STREET; THENCE WESTERLY ALONG SE 10th STREET 150 FEET TO OLALLA SLOUGH;
THENCE SOUTHERLY ALONG OLALLA SLOUGH TO A POINT NORTH 82°06'45" WEST
OF THE POINT OF BEGINNING; THENCE SOUTH 82°06'45" EAST, 395 FEET TO THE
POINT OF BEGINNING.

APPROVALS

CITY OF TOLEDO PLANNING DIRECTOR	LINCOLN COUNTY ASSESSOR
LINCOLN COUNTY SURVEYOR	LINCOLN COUNTY TAX COLLECTOR

LEGEND

- FOUND SURVEY MONUMENT AS SHOWN
- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- CALCULATED POSITION ONLY
- [] RECORD DATA
- PROPERTY DEED BOUNDARY



1" = 100'

PARCEL 2
20.0 ac

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE
CITY OF TOLEDO DOES HEREBY MAKE ESTABLISH AND
DECLARE THE PARTITION PLAT, AS DESCRIBED IN THE
ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A
TRUE AND CORRECT MAP OF SAID PARTITION PLAT.
THE EASEMENTS NOT IN EXISTANCE PRIOR TO THIS
PARTITION ARE CREATED WITH THE FILING OF THIS
PLAT.

X

ACKNOWLEDGMENT:

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

ON THIS _____ DAY OF _____, 2010, BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC PERSONALLY APPEARED

KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE
TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON
COMMISSION No. _____
MY COMMISSION EXPIRES: _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
DAVID A. LOOMIS
1908
RENEWAL DATE:
JANUARY 1, 2013

SURVEYED BY



SURVEY FOR: CITY OF TOLEDO
LOCATION: 11-10-17-00-00800

DAVID LOOMIS SURVEYING
= DAVID A. LOOMIS LS 1908 =
459 PIONEER MOUNTAIN LOOP
TOLEDO, OR, 97391
541.336.2994 - 541.270.2928
FAX: 541.336.2994

CHECKED BY: DAL
DRAWN BY: DAL
SCALE: 1" = 100'
DATE: APRIL 2012
No. D112-016

Proposed modification
of property line

B395 P1053

WARRANTY DEED -- STATUTORY FORM
INDIVIDUAL GRANTOR

After recording Return to: City of Toledo P. O. Box 220 Toledo, OR 97391	Until a change is requested, all tax statements shall be sent to the following address: City of Toledo P. O. Box 220 Toledo, OR 97391
Western Title & Escrow Company Escrow No. 215979-SWC	
11-10-17-DB-100 & 11-10-17-00-800	

ROBERT L. STEENKOLK and PHYLLIS A. STEENKOLK, husband and wife, Grantor, conveys and warrants to CITY OF TOLEDO, a municipal corporation Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in County, Oregon, to-wit:

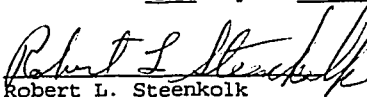
The Property described in Exhibit 'A' attached hereto and made a part hereof.

The property is free from encumbrances except

See Exhibit 'A' attached hereto and made a part hereof.

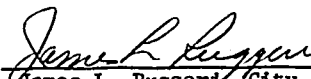
The true consideration for this conveyance is \$135,000.00.
(Here comply with the requirements of ORS 93.030)

Dated this 29th day of December, 1999


Robert L. Steenkolk


Phyllis A. Steenkolk

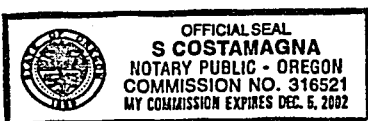
James Ruggeri hereby accepts this conveyance on behalf of the City of Toledo.

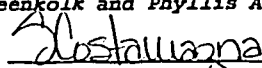

James L. Ruggeri, City Attorney

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Lincoln)ss.

This instrument was acknowledged before me on December 29, 1999
by Robert L. Steenkolk and Phyllis A. Steenkolk




Notary Public for Oregon
My commission expires 12/5/02

SPACE RESERVED FOR RECORDER'S USE

B395 P1054

Exhibit 'A'

PARCEL I:

That part of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point that is 422 feet West of the corner common to Sections 16, 17, 20 and 21, Township 11 South, Range 10 West, Willamette Meridian; thence North 26 feet to the center of the County Road; thence Northerly along the center line of said county road to its intersection with the Easterly extension of the South line of 10th Street South; thence West to a point where the South line of said street crosses the East bank of Olalla Slough; thence Southwesterly and Southeasterly along the said East bank of said slough to the meander corner on the South line of Section 17 aforesaid; thence East to the point of beginning.

EXCEPTING THEREFROM that part thereof conveyed by J.G. Marsh and wife to Arthur J. Renken and wife by Deed recorded August 25, 1948, in Book 127, page 615, Deed Records.

EXCEPTING also that part thereof lying Southerly of a line described as follows:

Beginning at a point on the East bank of Olalla Slough which point is North 164.29 feet and West 1299.72 feet from the corner common to Sections 16, 17, 20, and 21 of Township 11 South, Range 10 West, Willamette Meridian; thence South 84 deg. 43' East 394.5 feet; thence South 13 deg. 50' West 57.5 feet; thence North 77 deg. 13' East 317 feet to the center of the Olalla County Road No. 53.

PARCEL II:

Part of the Northwest quarter of the Southeast quarter of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point East 520 feet and South 60 feet from the center of Section 17, Township 11 South, Range 10 West, Willamette Meridian; thence East along the South line of the first tract described in Deed to Oregon Mesabi Corporation, recorded July 26, 1939, in Volume 81, page 544, Deed Records, 208 feet, more or less, to a point on the East line of East Slope Road, said point being the true point of beginning; thence South along said East line, 650 feet, more or less, to the North line of the second tract conveyed to Oregon Mesabi Corp. by Deed recorded July 26, 1939, in Book 81, page 544, Deed Records of Lincoln County, Oregon; thence East along the North line of said Oregon Mesabi Corp. tract to the Westerly bank of Olalla Slough; thence Northeasterly along said Slough to a point that is South 230 feet and East 817 feet from the place of beginning; thence North 230 feet, more or less, to the South line of said Oregon Mesabi Corporation first tract; thence West along said South line 609 feet, more or less, to the true point of beginning.

Continued on next page

STATE OF OREGON,

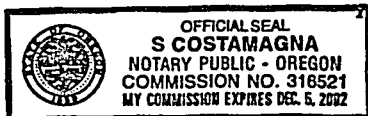
County of Lincoln

ss.

FORM No. 23—ACKNOWLEDGMENT.
Stevens-Ness Low Publishing Co. Inc.
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 30th day of December, 1999, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named James L. Ruggeri, City Attorney on behalf of the City of Toledo

known to me to be the identical individual..... described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

S. Costamagna
Notary Public for Oregon
My commission expires 12/5/02

NFC 30 1999

B395 P1055

continued

EXCEPTING any portion outside of the Northwest quarter of the Southeast quarter of said Section 17, and EXCEPTING any portion below high water mark of Ollalla Slough and EXCEPTING tract described in Deed recorded August 6, 1924, in Book 45, page 65, Deed Records of Lincoln County, Oregon.

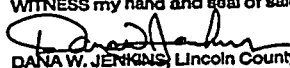
SUBJECT TO THE FOLLOWING:

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the Olalla Slough, including any ownership rights which may be claimed by the State of Oregon, below high water mark as it now exists or at any time has existed.
5. Easement, including the terms and provisions thereof, to construct and permanently maintain a transmission line, from U.F. Early to West Coast Power Company, a private corporation, recorded December 9, 1937, in Volume 77, page 154, Deed Records.
(Affects Parcel I)
6. Easement, including the terms and provisions thereof, disclosed by instrument from Inman-Poulsen Timber Corporation, an Oregon corporation et al, to Central Lincoln Peoples Utility District, recorded May 15, 1957, in Volume 185, page 75, Deed Records.
(Affects Parcel II)
7. Easement, including the terms and provisions thereof, granted by Gertrude Woldman to Benton-Lincoln Electric Cooperative, Inc., a corporation, recorded July 2, 1958, in Volume 192, page 479, Film Records.
(Location not discernible from the record)
8. Easement for water pipeline, including the terms and provisions thereof, from Ray Fieber and Lurena Fieber to The City of Toledo, Oregon, a municipal corporation of the State of Oregon, recorded October 31, 1968, in Volume 3, page 459, Film Records.
(Affects Parcel I)
9. Easement for pipeline, including the terms and provisions thereof, from Ray Fieber and Lurena Fieber, husband and wife, to Georgia-Pacific Corporation, recorded October 20, 1970, in Volume 21, page 1503, Film Records.
(Affects Parcel II)

STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book 395 Page 1053
WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

Doc : 6221809
Rect: 98446 41.00
12/30/1999 02:58:06pm

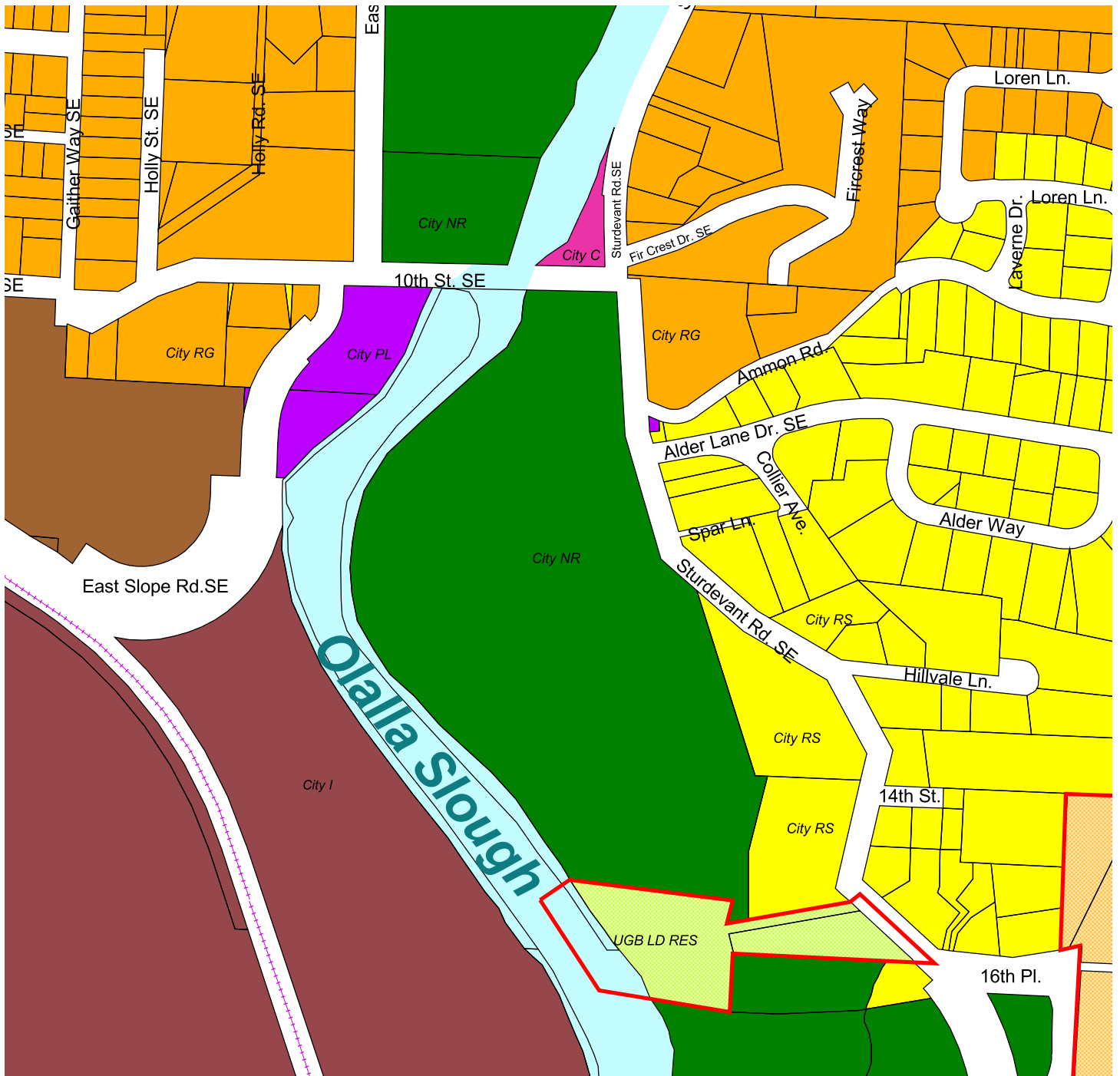


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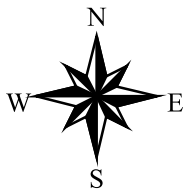
ATTACHMENT C

Zoning Map

(City of Toledo File #MP-2-21mod)



200 0 200 400 Feet

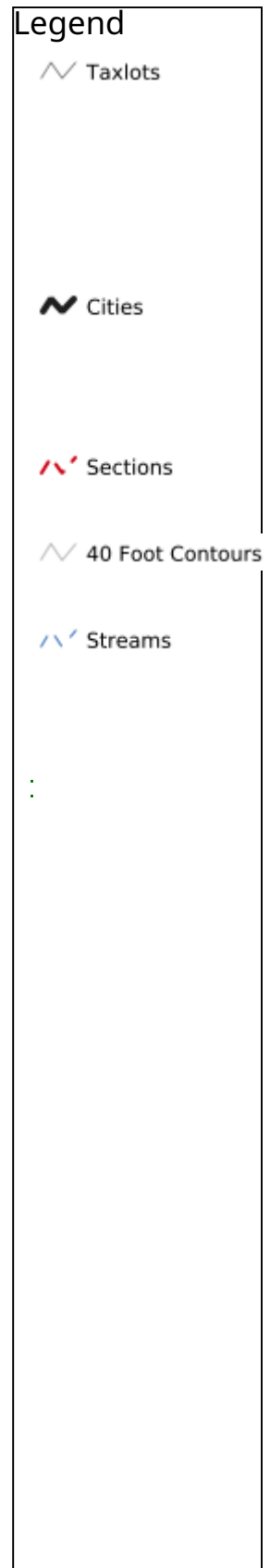


- City Limits
- UGB
- Parcels
- Railroad
- Comprehensive Plan
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Outside UGB
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density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

ATTACHMENT D

Aerial Map

(City of Toledo File #MP-2-21mod)



Printed on 4 / 7 / 2021

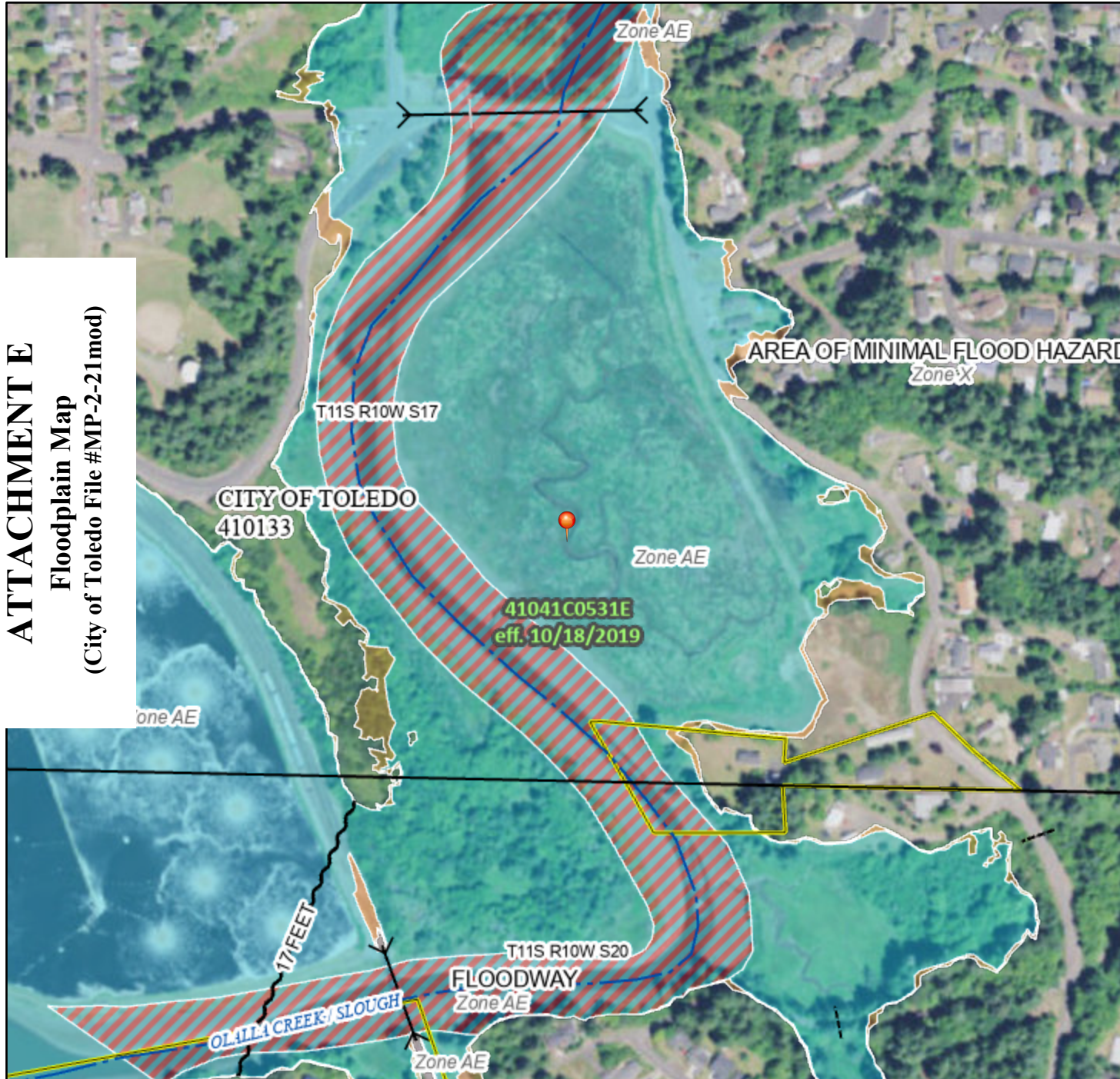
Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain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



National Flood Hazard Layer FIRMette



123°55'47"W 44°36'51"N



ATTACHMENT E
Floodplain Map
(City of Toledo File #MP-2-21mod)

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/7/2021 at 8:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

123°55'9"W 44°36'26"N

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Lincoln County Assessor's Map # 11-10-17 Tax Lot 800 (Parcel 1 identified on MP-2-21(mod))
Sturdevant Road, Toledo, Oregon
Also identified as 9H in the "City-owned property inventory" (2011)

APPLICATION #s: CU-4-21 and VAR-1-21

PROPERTY OWNER: City of Toledo

APPLICANT: Sheila Stiley, Northwest Coastal Housing

APPLICATION DATE: June 17, 2021

HEARING DATE: Planning Commission – July 14, 2021

REQUEST: The applicant is requesting a Conditional Use Permit to build a multi-family dwelling in the Single-Family Residential (R-S) Zone, specifically, a 30-unit apartment building, and a variance to reduce the rear yard setback from 15 feet to 1 foot.

LOCATION: The vacant property is located west of SE Sturdevant Road near SE 14th Street.

PARCEL SIZE: Approximately 1.7 acres

I. REPORT OF FACTS:

1. Plan Designation: Single-Family Residential (R-S)
2. Zone Designation: Single-Family Residential (R-S)
3. Existing Structures: Vacant with the exception for the old barn on the south side of the property.
4. Topography: Slopes from SE Sturdevant Road, west towards the western edge of the property.
5. Development Constraints: The parcel is constrained by a raw water line on the west side of the property requiring a 30 foot easement, 15 feet from centerline; and a sewer line maintained by the City of Toledo, running from the southwest to northeast across the property requiring a 15 foot easement, 7.5 feet from the centerline; and overhead power lines, owned and maintained by Consumers Power, requiring a 100 foot easement, 50 feet from centerline, running from the northwest to the southeast

across the property. Furthermore, the western edge of the property is near a wetland. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL). With the modifications of minor partition #MP-2-21 (mod) the western property line was moved to remove floodplain from the western portion of Parcel 1. The northern property line appears to have a small amount of floodplain.

6. City water: Water main lines located at SE Sturdevant
7. City sewer: Sewer main lines located on the property and at SE Sturdevant
8. Notice of Public Hearing: Notices mailed to 51 property owners and 19 public/service agencies on June 24, 2021. The public/service agencies notified include the Department of Statelands (DSL), Oregon Department of Fish and Wildlife (ODFW), Lincoln County Building and Planning, Lincoln County Public Works, Toledo Fire, Toledo Police, and Toledo Public Works.
9. Notice Published: June 30, 2021 and July 7, 2021
10. Comments Received Summarized: Public Works Director, Fire Chief, and Police Chief all reviewed the application and recommend approval with conditions.

Lincoln County Building provided comments stating that they will need 3 sets of engineered plans and an application submitted. The building would be required to be sprinklered.

Because Sturdevant Road is a Lincoln County Road, Lincoln County Public Works provided comments stating the applicants will be required to obtain approved access permits from Lincoln County before they will be able proceed with this project. The County is scheduled to meet with Dustin Capri next week to discuss the Sturdevant Road Housing project. The County has several concerns regarding access on to Sturdevant Road. Site distance for the north access is questionable. The guardrail at this location will have to be redesigned to accommodate the two accesses and they may request widening of the roadway on the curve between the proposed accesses. This section of road way is the only section that does not have at least one paved shoulder adjacent to the travel way. The County will discuss these issues with the applicants and architect next week.

The City of Toledo Fire Department provided comments that the west parking curb running north/south along the breezing way, between the north and south parking lots shall be painted bright red and be labeled in white lettering “No

Parking Fire Lane” per Oregon Fire Code 503.3. Fire hydrants shall provide the needed gallons per minute per Code Fire Code Appendix B. Fire hydrant placement shall be in accordance with Oregon Fire Code Appendix C. Indicate on plans proposed fire hydrant locations based on OFC Appendixes B and C. Indicate proposed location of sprinkler system fire department (FDC) per OFC 912. Indicate on plans marking of fire lane per OFC 503.3.

A neighboring property owner provided online and mail comments with concerns about the street corner, speed of traffic, traffic, and disrupting the Canadian Geese. The neighboring property owner is not in favor of the development.

A contractor working on another local project stopped by to view the plans.

11. Attachments to the Staff Report:
- A. Application with supporting information
 - B. Zoning Map
 - C. Aerial Map
 - D. Floodplain Map
 - E. City and County Comments
 - F. Public Comments

II. AUTHORITY:

TMC 17.64.020 states that conditional uses may be permitted by the Planning Commission in accordance with the standards and procedures specified in this ordinance [Toledo Zoning Ordinance]. Future significant enlargements or major alterations of a conditional use shall also be reviewed by the Commission and new conditions may be imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

The Planning Commission will be considering the facts and criteria identified in this report and testimony/information received through the close of the public hearing, as it reviews this conditional use request on July 14, 2021.

III. APPLICABLE CRITERIA FOR EVALUATING THE CONDITIONAL USE REQUEST 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 below the Comprehensive Plan and ordinance standards 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 17.16.010 – 17.16.040 – R-S Zone.**

TMC 17.16.010 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).
- G. L. Temporary street vendors/seasonal commercial uses not to exceed six months.
- H. M. 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.*

Staff Analysis: The property located off SE Sturdevant Road (Map 11-10-17 Tax Lot 800, Parcel 1) is approximately 1.7 acres and located in the Single-Family (R-S) Zone.

The applicant, Northwest Coastal Housing is requesting a Conditional Use to allow a multi-family 30-unit apartment building in the R-S Zone. TMC 17.16.030(F) identifies multi-family dwelling units as a conditional use permitted.

4. 2000 Toledo Comprehensive Land Use Plan – Article 10: Housing, Goal 1, Objectives 3, 5, 9, and 10:

- GOAL 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.
- OBJECTIVE 3. Encourage a mix of housing types and residential densities within the Urban Growth Boundary and the city limits that conforms with the population and density projections adopted by the City of Toledo.
- OBJECTIVE 5: Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.
- OBJECTIVE 9. Encourage the development of higher (quality) standard housing types and residential neighborhoods that assist to:
 - a. Attract new businesses and keep local businesses within the community.
 - b. Ensure that moderate, middle, and high income families can continue to live in Toledo.
 - c. Ensure the economic viability of the community and support the tax base and schools.
 - d. Maintain the quality of life in Toledo.
- OBJECTIVE 10. Encourage residential development on vacant or redevelopable lots in areas already serviced or where services can be economically provided.

Staff Analysis: The property is currently vacant with the exception of a barn located on the south side of the property. Proposed development of the multi-family residential building is a permitted Conditional Use within the C Zone. In the application materials, the applicant further states that,

- *The site is zoned R-S, and the proposed multifamily development will need to demonstrate*

compatibility with single-family residential uses. The site is located within the City and has access to public facilities and services, including transportation, water, and sewer. The orientation of the buildings, away from adjacent homes and away from the street, will minimize any impacts to neighboring properties.

- The proposed development is a 30-unit affordable multifamily project that consists of 2 buildings centered on a courtyard. This housing type is not common in Toledo and will expand the mixture of housing design, type, cost, and location to meet the needs of lower-income Toledo residents (Housing Goal 1).*
- The Olalla Meadows apartments will provide housing for low-income individuals and households, expanding opportunities for existing Toledo residents (Housing Objective 5).*
- The 9H site is vacant and has access to public facilities and services. There is existing water and sewer service to the site, and the site has frontage on Sturdevant Rd, a County collector road. The necessary services can be economically provided to the Olalla Meadows apartments (Housing Objective 10).*

The proposed 30-unit apartment building meets the Comprehensive Land Use Plan Housing Goals and Objectives because the application, 1) provides a mixture of housing types and stock; 2) assists with the economic viability of the community by providing housing options to employees of local businesses; 3) develops an existing vacant lot where services can be provided; and 4) recognizes groups needing specialized housing.

The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.

EVALUATION CRITERIA – CONDITIONAL USE PERMITS

5. TMC 17.64.010 – 17.64.050 Conditional Use Permits

17.64.010 Purpose.

A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A review of a conditional use is a Type III review.

17.64.020 Authorization to grant or deny conditional use permits.

Uses designated in this ordinance as permitted conditional uses may be permitted by the planning commission in accordance with the standards and procedures specified in this ordinance. Future significant enlargements or major alterations of a conditional use shall also be reviewed by the commission and new conditions may be imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

17.64.030 Application submission requirements for conditional use permits.

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing

the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

17.64.040 Conditions for development.

The planning commission shall review and make a decision to approve or deny a conditional use request in accordance with the standards and procedures for a Type III review as set forth in Toledo Municipal Code Chapter 19.16.

In approving a conditional use request, the planning commission may impose any conditions determined by the commission to be necessary and appropriate to ensure that the use will comply with all applicable provisions of this section. Such conditions may include, but are not limited to:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.
- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use considering:
 - a. The size, design and operating characteristics of the use.
 - b. The adequacy of transportation access to the site.
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.
 - 2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

Staff analysis: The standards for a conditional use are listed in TMC 17.64.050, parking standards are listed in TMC 17.44, and Access standards are listed in TMC 17.48 apply to this application.

According to the application materials, the applicant provides the following information for the proposed development:

The site under consideration is suitable for the proposed use considering:

a. The size, design and operating characteristics of the use (TMC 17.64.050(A)(1)(a)).

- 1) The 9H site is more than one acre in area, which is much larger than the minimum R-S lot size of 7,000 sq. ft. The site slopes downward from east to west and from south to north, which will minimize the physical appearance of the buildings from the street and adjacent properties.*

The proposed development consists of two buildings abutting a common courtyard. The buildings are separated from Sturdevant Rd, a County collector road, by surface parking and landscaping to reduce traffic noise for residents. The buildings abut the City-owned parcel 10H, which is a natural resource area and will provide views for west-facing residents. The buildings are narrower at the north and south end and will present a single-family scale to the existing buildings.

Each building includes a community room and office to accommodate on-site services for residents. The use is residential and will operate as a residential use. The buildings are separated from adjacent properties to the north and south by 15 ft., and the buildings located on those properties are much further away.

The adequacy of transportation access to the site (TMC 17.64.050(A)(1)(b)).

- 2) The site has frontage on and access from Sturdevant Rd and is served by the Lincoln County Transit East County route, which has a stop at Sturdevant Rd and 10th Street.*

The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features (TMC 17.64.050(A)(1)(c)).

- 3) As noted in the Existing Conditions Plan, the topography of the site slopes downward from east to west and from south to north. The topography will reduce the apparent mass of the building as seen from surrounding properties.*

Natural resources are located on the City-owned 10H parcel to the west, and are protected by a conservation easement. Once the requested preliminary partition plat revisions are applied, the site will not contain flood plain or natural resources except for very small areas along the northern property line. As such, development of the site will not impact adjacent natural resources.

The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection (TMC 17.64.050(A)(2))

- 4) The lands to the north and east are zoned R-S, and the existing uses are residential. The site to the south is located within the Toledo UGB but is not annexed to the City; it is zoned UGB Low Residential and developed with residential uses and accessory structures.*

The land to the west is zoned Natural Resources N-R, and a recorded conservation easement restricts development on the site.

Projected uses to the north, east, and south include the existing single-family residential and accessory uses, or uses that are conditionally permitted in the R-S zone (such as multifamily or institutional use). The building abuts the N-R zone to the west, providing peaceful views for residents.

The proposed use is compatible with the existing and projected uses on surrounding lands due to the topography of the site, existing access and facilities to serve the site, and the design of the buildings. The building design minimizes impact to the directly adjacent properties by reducing the building width to the size of a large single-family home at the northern and southern property lines, and separating uses to the east from the buildings with surface parking and landscaping.

Given the site conditions, the surrounding uses, and the factors in paragraph (1), the Planning Commission can find that the proposed Olalla Meadows development is compatible with existing and projected uses on surrounding lands.

Additional Applicant provided information:

- 5) The applicant proposes to remove the barn on the property.*
- 6) The applicant and the City are also requesting a revision to the western lot line of the recently created lot (9-H). This is due to the presence of the 100- and 500-year flood plain in that area of the site, as well as a potential conservation easement. The exact location of these areas relative to the subject lot have not yet been identified. Both Oregon Housing and Community Services (OHCS) and private lenders are hesitant to fund developments on sites that contain floodplains because of the additional potential cost and risk to the project.*
- 7) The applicant proposes to develop the site under a long-term ground lease from the City of Toledo.*
- 8) As shown in the Existing Conditions Plan and Site Plan, the site is substantially constrained by existing utility easements. As such, the building is located to the west of the site, more than 15 ft. from Sturdevant Street (the front yard). The side yards are also 15 ft. The rear yard will be approximately 1 ft. once the western property line is adjusted. The application requests a Type III Variance to the rear setback. The Type III Variance criteria are addressed in the responses to Chapter 17.68.*
- 9) As shown in the conceptual elevations, the proposed buildings are 2 stories and 26 ft. from finished floor elevation (FFE). The grading has not been determined at this level of design, but the building height will not exceed 35 ft. or 2.5 stories. Compliance will be confirmed at Development Review.*
- 10) The proposed development includes a mix of 30 one- and two-bedroom units. 47 parking spaces are required and at least 47 parking spaces will be provided.*
- 11) The proposed development includes 47 parking spaces, and 4 bicycle parking spaces are required (Note: 5 bicycle spaces will be required (1 per six units)). They have not yet been located on site, but as the design progresses the location and number of the bicycle parking spaces will be identified. Compliance with this standard will be verified at the time of Development Review and/or building permit review.*

- 12) *The site has frontage on Sturdevant Road, a County collector that requires 20 ft. between driveways. As shown on the Site Plan, two driveways are proposed. They are more than 190 feet from each other; the southern driveway is more than 50 ft. from the southern property line and the northern driveway is more than 90 ft. from the property, and both are more than 20 ft. from adjacent driveways.*
- 13) *These provisions apply to intersections and do not apply to this site, but the City has expressed concern about visibility of the driveways given the curvature of Sturdevant Rd. The site is in a residential zone, and the minimum clear vision area is 30 ft. As shown in Appendix B, the proposed driveway locations can meet the clear vision requirements of this section.*

Staff finds that the requested conditional use permit for a multi-family dwelling in the R-S Zone meets the criteria in TMC 16.64.050(A).

- 1) *The proposed apartment building is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use. The proposed building will be located on the western half of the property. The property slopes down to the west, therefore, reducing the visual impact of the building. The proposed lot is greater than an acre in size and large enough to support multi-family. The applicant's site plan shows a parking lot area, two driveway entrances, and internal site circulation. Staff recommends as a condition of approval that a landscape plan shall be submitted and reviewed within the building permit application process.*
- 2) *The applicant will need to submit the required building permits to the Lincoln County Building Department. Lincoln County Building provided comments stating that, "we need 3 sets of engineered plans and an application submitted. The building would be required to be sprinklered." The development permit process will include a site plan review to review compliance with the Toledo Municipal Code. Staff recommends as a condition of approval that applicant shall obtain all necessary development and building permits prior to construction of the building. In addition, staff recommends a condition of approval that the applicant shall install an automatic sprinkler system, in accordance with the National Fire Protection Association and Oregon Structural Specialty Code standards.*
- 3) *The City of Toledo Fire Department provided comments that "the west parking curb running north/south along the breezing way, between the north and south parking lots shall be painted bright red and be labeled in white lettering "No Parking Fire Lane" per Oregon Fire Code 503.3. Fire hydrants shall provide the needed gallons per minute per Code Fire Code Appendix B. Fire hydrant placement shall be in accordance with Oregon Fire Code Appendix C. Indicate on plans proposed fire hydrant locations based on OFC Appendixes B and C. Indicate proposed location of sprinkler system fire department (FDC) per OFC 912. Indicate on plans marking of fire lane per OFC 503.3." Staff recommends that this is listed as a condition of approval.*
- 4) *The applicant's site plan shows a detention pond or water quality swale. Staff recommends as a condition of approval that a stormwater management plan shall be submitted and reviewed within the building permit application process.*
- 5) *The applicant has proposed to remove the barn and the barn location will be used for parking. Staff recommends that removing the barn is listed as a condition of approval.*
- 6) *The property has access to a county road, SE Sturdevant Road. The applicant proposes two driveways to the subject property. Based on the applicant's statements the proposed driveways are located approximately 190 feet apart. Based on the applicant's*

statements and site plan the northern driveway is more than 90 feet from the property line and the southern property is more than 50 feet from the southern property line. TMC 17.48 requires a minimum of 20 feet between driveways. The clear vision requirements in TMC 17.48.060 apply to intersections. The subject property is not located at an intersection, however, the applicant located the driveways to increase clear vision for the driveways. The Lincoln County Public Works Department provided comments stating “the applicants will be required to obtain approved access permits from Lincoln County before they will be able proceed with this project. The County is scheduled to meet with Dustin Capri next week to discuss the Sturdevant Road Housing project. The County has several concerns regarding access on to Sturdevant Road. Site distance for the north access is questionable. The guardrail at this location will have to be redesigned to accommodate the two accesses and they may request widening of the roadway on the curve between the proposed accesses. This section of road way is the only section that does not have at least one paved shoulder adjacent to the travel way. The County will discuss these issues with the applicants and architect next week”. Staff recommends a condition of approval that Driveway improvements must be coordinated and approved by the Lincoln County Public Works Department and Toledo Fire Department. In addition, staff recommends a condition of approval that the applicants shall make any guardrail and road improvements required by the Lincoln County Public Works Department.

- 7) The applicant’s site plan shows 47 parking spaces and the applicant states that 4 bicycle parking spaces will be provided. TMC 17.48 requires 1.5 parking spaces per 1 bedroom unit and 1.75 parking spaces per 2 bedroom unit. The applicant proposed 22 one-bedroom units and 8 two-bedroom units. Therefore, 47 parking spaces are required. In addition, 1 bicycle space per six units is required. Therefore, 5 bicycle parking spaces will be required. Staff recommends that the vehicle and bicycle parking requirements are listed as a condition of approval.
- 8) Based on the applicant’s plot plan and statements the proposed apartment building meets all required setbacks with the exception of the rear yard setback. The rear yard setback is proposed to be reduced through the variance process discussed later in this staff report. The height of the building is 26 feet and two stories which is less than the maximum height of 35 feet and maximum number of stories.
- 9) The subject property contains a large area to accommodate the proposed building and parking. The proposal protects the City of Toledo utility easement areas located on the site. Staff recommends a condition of approval that the City of Toledo raw water line and sanitary sewer line must be protected during and after construction.
- 10) The subject property slopes downhill east to west from Sturdevant Road. The percent slopes of the property are unclear. The City of Toledo code requires a geo-tech report for “Areas where development will occur on soils with slopes exceeding twenty-five (25) percent.” Staff recommends a condition of approval that if the slopes of the develop area exceed 25% or other geologic hazard area identified in TMC 15.20.050(A) is identified the applicant shall submit a geo-tech report prior to construction.
- 11) The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL). DSL has not responded as of July 7, 2021. The applicant shall obtain any required permits and approvals from DSL and any other required state or federal permits prior to construction.
- 12) The R-S parcel and the proposed project is located adjacent to the City-owned Natural

Resource lot. The Natural Resource parcel is not part of the application. A public comment was received about impacts to Canadian Geese. The R-S parcel where the development will be located is an upland area that is zoned for residential. The adjacent Natural Resource Parcel (20.0 acres) is being protected and will remain a natural area. City of Toledo Staff sent project details to the Oregon Department of Fish and Wildlife (ODFW) and did not receive any comments. Staff recommends a condition of approval that the applicant shall install no trespassing signs along the western property line.

- 13) The application in a few locations notes that the proposed project will include 32 units. The number of units was updated to 30 units.*
- 14) This conditional use application and variance application is dependent of the completion of minor partition application #MP-2-21(mod). Staff recommends a condition of approval that the final partition plat for MP-2-21(mod) shall be recorded prior to the start of construction.*
- 15) The proposed multi-family residential dwelling is permitted as a Conditional Use under the R-S Zone. The subject property is surrounded by residential homes, a county road, and natural open space. The proposed building is located on the western edge of the property and the downhill slopes will minimize the visual impact of the project. The proposed use is consistent with existing and projected uses on surrounding lands.*

Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.

EVALUATION CRITERIA – VARIANCES

6. TMC 17.68.050(D) – Class C

17.68.010 Purpose.

The purpose of this chapter is to provide flexibility to development standards in recognition of the complexity and wide variation of site development opportunities and constraints in Toledo. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Because some variances are granted using "clear and objective standards," and the impact, if any, on adjacent property owners is negligible, they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or Type III procedure because they involve discretionary decision-making or the potential for more substantial changes that may have some impact on the adjacent property owners.

17.68.050(D) Class C Variances

Class C—Variance Request to Other Standards or for Variances Greater than those Authorized Under Class A and Class B Variances. The planning commission, before approving an application for a variance to a zoning code requirement not specified above, shall consider the location, size, design and operation characteristics of the proposed development requiring the variance and shall determine whether it complies with one of the following criteria. If the development does not so comply, the commission shall deny the application.

1. The variance will cause no significant adverse impact of the livability, value, or appropriate development of abutting property or the surrounding area when compared to the impact of permitted development that does not require a variance.
2. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control.
3. The use proposed will be the same as permitted under the code and the requirements of the code will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

Staff Analysis: The applicant is requesting a Class C variance to reduce the rear yard setback from 15 feet to 1 foot in some locations. This exceeds the threshold for a Class B variance.

According to the application materials, the applicant provides the following information for the proposed development:

- 1) *The variance is requested for the rear property line, which abuts the City-owned parcel 10H. This parcel is within the City's N-R zone, contains a slough, wetlands, and floodplains, and is restricted from development by a recorded conservation easement. Therefore, the variance would not cause adverse impact to the livability, value, or appropriate development of the abutting City-owned property.*
- 2) *As shown on the Existing Conditions Plan and the Site Plan, the site is substantially constrained by existing utility easements and sensitive lands to the west. These constraints present a hardship to development that is peculiar to this specific property.*

A public water line runs north/south along the western boundary, and a 15-ft. easement restricts development in that area. A public sewer line and associated easement cross the property from the southwest corner to the center of the site, and vertical development within that easement is also prohibited. Finally, a 100-ft. powerline easement crosses the site from the southeast corner to the north. The remaining developable area is an irregular shape.

The proposed development responds creatively to the site constraints and NWCH's programming needs by placing the building close to the western property line and creating two L-shaped structures connected by a courtyard and a breezeway. With the current location of the preliminary western lot line, the building can meet the 15-ft. rear setback requirement. However, when the lot line shifts east as necessitated by the presence of the floodplain and funding/financing requirements, the building will be closer than 15 ft. to the property line. Because of the existing site constraints, the building can't be shifted to the east to accommodate this setback, and reducing the size of the building means reducing the number of units available to serve the target population.

- 3) *The proposed multifamily residential use is permitted in the R-S zone as a conditional use. The variance is requested only to the rear setback; the remainder of the development complies with the applicable requirements of the code.*

Staff finds that the proposed variance is to the rear yard setback which abuts the City owned Natural Resource Parcel. Due to development constraints, a conservation easement, and the zone designation, the parcel abutting the rear yard is not expected to be developed in the future. Therefore, the variance will not cause a significant adverse impact of the livability, value, or appropriate development of abutting property or the surrounding area when compared to the impact of permitted development that does not require a variance. The application complies with this criteria.

The subject property is constrained by a raw water line easement, powerline easement, sewer line easement, and is adjacent to floodplain and wetlands. The applicant has no control over the lot constraints and the peculiar site aspects cause the need for the variance. The application complies with this criteria.

The proposed use is the same that is permitted as a conditional use in the R-S zone. Specifically the variance will allow the development of a use allowed in TMC 17.08 the same as any other conditional use in the R-S zone. The application complies with this criteria.

FURTHER STAFF ANALYSIS:

The request by Northwest Coastal Housing would be compatible with surrounding land uses. The R-S Zone is located directly to the north and east of the subject property. The property to the west is zoned Natural Resources, and the property to the south is still located within the County and is designated as UGB Low Density Residential. Single-family residential homes are located to the south and north, and across the Road to the east. The property to the west is natural open space. (See Attachment B - Zoning Map).

The Toledo Public Works Department has been advised of the proposal. Both water and sewer services are available to the property and the City has capacity for the proposed project. A City of Toledo sewer main line is located on the subject property and at Sturdevant Road.

IV. FACTS AND FINDINGS:

The applicant is requesting approval of a conditional use to construct a multi-family residential building in the R-S Zone. Based upon the information received by City staff through July 7, 2021, the conditional use and variance request appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the conditional use and variance:

1. The property located off SE Sturdevant Road (Map 11-10-17 Tax Lot 800, Parcel 1) is approximately 1.7 acres and located in the Single-Family (R-S) Zone.
2. The applicant, Northwest Coastal Housing is requesting a Conditional Use to allow a multi-family 30-unit apartment building in the R-S Zone. TMC 17.16.030(F) identifies multi-family dwelling units as a conditional use permitted.
3. The property is currently vacant with the exception of a barn located on the south side of the property. Proposed development of the multi-family residential building is a permitted

Conditional Use within the C Zone. In the application materials, the applicant further states that,

- The site is zoned R-S, and the proposed multifamily development will need to demonstrate compatibility with single-family residential uses. The site is located within the City and has access to public facilities and services, including transportation, water, and sewer. The orientation of the buildings, away from adjacent homes and away from the street, will minimize any impacts to neighboring properties.
- The site is zoned R-S, and the proposed multifamily development will need to demonstrate compatibility with single-family residential uses. The site is located within the City and has access to public facilities and services, including transportation, water, and sewer. The orientation of the buildings, away from adjacent homes and away from the street, will minimize any impacts to neighboring properties.
- The Olalla Meadows apartments will provide housing for low-income individuals and households, expanding opportunities for existing Toledo residents (Housing Objective 5).
- The 9H site is vacant and has access to public facilities and services. There is existing water and sewer service to the site, and the site has frontage on Sturdevant Rd, a County collector road. The necessary services can be economically provided to the Olalla Meadows apartments (Housing Objective 10).

The proposed 30-unit apartment building meets the Comprehensive Land Use Plan Housing Goals and Objectives because the application, 1) provides a mixture of housing types and stock; 2) assists with the economic viability of the community by providing housing options to employees of local businesses; 3) develops an existing vacant lot where services can be provided; and 4) recognizes groups needing specialized housing.

4. The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.
5. According to the application materials, the owner provides the following information for the proposed development:

The site under consideration is suitable for the proposed use considering:

The size, design and operating characteristics of the use (TMC 17.64.050(A)(1)(a)).

- a. The 9H site is more than one acre in area, which is much larger than the minimum R-S lot size of 7,000 sq. ft. The site slopes downward from east to west and from south to north, which will minimize the physical appearance of the buildings from the street and adjacent properties.

The proposed development consists of two buildings abutting a common courtyard. The buildings are separated from Sturdevant Rd, a County collector road, by surface parking and landscaping to reduce traffic noise for residents. The buildings abut the City-owned parcel 10H, which is a natural resource area and will provide views for west-facing residents. The buildings are narrower at the

north and south end and will present a single-family scale to the existing buildings.

Each building includes a community room and office to accommodate on-site services for residents. The use is residential and will operate as a residential use. The buildings are separated from adjacent properties to the north and south by 15 ft., and the buildings located on those properties are much further away.

The adequacy of transportation access to the site (TMC 17.64.050(A)(1)(b)).

- b. The site has frontage on and access from Sturdevant Rd and is served by the Lincoln County Transit East County route, which has a stop at Sturdevant Rd and 10th Street.

The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features (TMC 17.64.050(A)(1)(c)).

- c. As noted in the Existing Conditions Plan, the topography of the site slopes downward from east to west and from south to north. The topography will reduce the apparent mass of the building as seen from surrounding properties.

Natural resources are located on the City-owned 10H parcel to the west, and are protected by a conservation easement. Once the requested preliminary partition plat revisions are applied, the site will not contain flood plain or natural resources except for very small areas along the northern property line. As such, development of the site will not impact adjacent natural resources.

The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection (TMC 17.64.050(A)(2))

- d. The lands to the north and east are zoned R-S, and the existing uses are residential. The site to the south is located within the Toledo UGB but is not annexed to the City; it is zoned UGB Low Residential and developed with residential uses and accessory structures. The land to the west is zoned Natural Resources N-R, and a recorded conservation easement restricts development on the site.

Projected uses to the north, east, and south include the existing single-family residential and accessory uses, or uses that are conditionally permitted in the R-S zone (such as multifamily or institutional use). The building abuts the N-R zone to the west, providing peaceful views for residents.

The proposed use is compatible with the existing and projected uses on surrounding lands due to the topography of the site, existing access and facilities to serve the site, and the design of the buildings. The building design minimizes impact to the directly adjacent properties by reducing the building width to the size of a large single-family home at the northern and southern property lines, and separating uses to the east from the buildings with surface parking and landscaping.

Given the site conditions, the surrounding uses, and the factors in paragraph (1), the Planning Commission can find that the proposed Olalla Meadows development is compatible with existing and projected uses on surrounding lands.

Additional Applicant provided information:

- e. The applicant proposes to remove the barn on the property.
 - f. The applicant and the City are also requesting a revision to the western lot line of the recently created lot (9-H). This is due to the presence of the 100- and 500-year flood plain in that area of the site, as well as a potential conservation easement. The exact location of these areas relative to the subject lot have not yet been identified. Both Oregon Housing and Community Services (OHCS) and private lenders are hesitant to fund developments on sites that contain floodplains because of the additional potential cost and risk to the project.
 - g. The applicant proposes to develop the site under a long-term ground lease from the City of Toledo.
 - h. As shown in the Existing Conditions Plan and Site Plan, the site is substantially constrained by existing utility easements. As such, the building is located to the west of the site, more than 15 ft. from Sturdevant Street (the front yard). The side yards are also 15 ft. The rear yard will be approximately 1 ft. once the western property line is adjusted. The application requests a Type III Variance to the rear setback. The Type III Variance criteria are addressed in the responses to Chapter 17.68.
 - i. As shown in the conceptual elevations, the proposed buildings are 2 stories and 26 ft. from finished floor elevation (FFE). The grading has not been determined at this level of design, but the building height will not exceed 35 ft. or 2.5 stories. Compliance will be confirmed at Development Review.
 - j. The proposed development includes a mix of 30 one- and two-bedroom units. 47 parking spaces are required and at least 47 parking spaces will be provided.
 - k. The proposed development includes 47 parking spaces, and 4 bicycle parking spaces are required (Note: 5 bicycle spaces will be required (1 per six units)). They have not yet been located on site, but as the design progresses the location and number of the bicycle parking spaces will be identified. Compliance with this standard will be verified at the time of Development Review and/or building permit review.
 - l. The site has frontage on Sturdevant Road, a County collector that requires 20 ft. between driveways. As shown on the Site Plan, two driveways are proposed. They are more than 190 feet from each other; the southern driveway is more than 50 ft. from the southern property line and the northern driveway is more than 90 ft. from the property, and both are more than 20 ft. from adjacent driveways.
 - m. These provisions apply to intersections and do not apply to this site, but the City has expressed concern about visibility of the driveways given the curvature of Sturdevant Rd. The site is in a residential zone, and the minimum clear vision area is 30 ft. As shown in Appendix B, the proposed driveway locations can meet the clear vision requirements of this section.
6. Staff finds that the requested conditional use permit for a multi-family dwelling in the R-S Zone meets the criteria in TMC 16.64.050(A).

- a. The proposed apartment building is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use. The proposed building will be located on the western half of the property. The property slopes down to the west, therefore, reducing the visual impact of the building. The proposed lot is greater than an acre in size and large enough to support multi-family. The applicant's site plan shows a parking lot area, two driveway entrances, and internal site circulation. Staff recommends as a condition of approval that a landscape plan shall be submitted and reviewed within the building permit application process.
- b. The applicant will need to submit the required building permits to the Lincoln County Building Department. Lincoln County Building provided comments stating that, "we need 3 sets of engineered plans and an application submitted. The building would be required to be sprinklered." The development permit process will include a site plan review to review compliance with the Toledo Municipal Code. Staff recommends as a condition of approval that applicant shall obtain all necessary development and building permits prior to construction of the building. In addition, staff recommends a condition of approval that the applicant shall install an automatic sprinkler system, in accordance with the National Fire Protection Association and Oregon Structural Specialty Code standards.
- c. The City of Toledo Fire Department provided comments that "the west parking curb running north/south along the breezing way, between the north and south parking lots shall be painted bright red and be labeled in white lettering "No Parking Fire Lane" per Oregon Fire Code 503.3. Fire hydrants shall provide the needed gallons per minute per Code Fire Code Appendix B. Fire hydrant placement shall be in accordance with Oregon Fire Code Appendix C." Staff recommends that this is listed as a condition of approval.
- d. The applicant's site plan shows a detention pond or water quality swale. Staff recommends as a condition of approval that a stormwater management plan shall be submitted and reviewed within the building permit application process.
- e. The applicant has proposed to remove the barn and the barn location will be used for parking. Staff recommends that removing the barn is listed as a condition of approval.
- f. The property has access to a county road, SE Sturdevant Road. The applicant proposes two driveways to the subject property. Based on the applicant's statements the proposed driveways are located approximately 190 feet apart. Based on the applicant's statements and site plan the northern driveway is more than 90 feet from the property line and the southern property is more than 50 feet from the southern property line. TMC 17.48 requires a minimum of 20 feet between driveways. The clear vision requirements in TMC 17.48.060 apply to intersections. The subject property is not located at an intersection, however, the applicant located the driveways to increase clear vision for the driveways. The Lincoln County Public Works Department provided comments stating "the applicants will be required to obtain approved access permits from Lincoln County before they will be able proceed with this project. The County is scheduled to meet with Dustin Capri next week to discuss the Sturdevant Road Housing project. The County has several concerns regarding access on to Sturdevant Road. Site distance for the north access is questionable. The guardrail at this location will have to be redesigned to accommodate the two accesses and

they may request widening of the roadway on the curve between the proposed accesses. This section of road way is the only section that does not have at least one paved shoulder adjacent to the travel way. The County will discuss these issues with the applicants and architect next week”. Staff recommends a condition of approval that Driveway improvements must be coordinated and approved by the Lincoln County Public Works Department and Toledo Fire Department. In addition, staff recommends a condition of approval that the applicants shall make any guardrail and road improvements required by the Lincoln County Public Works Department.

- g. The applicant’s site plan shows 47 parking spaces and the applicant states that 4 bicycle parking spaces will be provided. TMC 17.48 requires 1.5 parking spaces per 1 bedroom unit and 1.75 parking spaces per 2 bedroom unit. The applicant proposed 22 one-bedroom units and 8 two-bedroom units. Therefore, 47 parking spaces are required. In addition, 1 bicycle space per six units is required. Therefore, 5 bicycle parking spaces will be required. Staff recommends that the vehicle and bicycle parking requirements are listed as a condition of approval.
- h. Based on the applicant’s plot plan and statements the proposed apartment building meets all required setbacks with the exception of the rear yard setback. The rear yard setback is proposed to be reduced through the variance process discussed later in this staff report. The height of the building is 26 feet and two stories which is less than the maximum height of 35 feet and maximum number of stories.
- i. The subject property contains a large area to accommodate the proposed building and parking. The proposal protects the City of Toledo utility easement areas located on the site. Staff recommends a condition of approval that the City of Toledo raw water line and sanitary sewer line must be protected during and after construction.
- j. The subject property slopes downhill east to west from Sturdevant Road. The percent slopes of the property are unclear. The City of Toledo code requires a geo-tech report for “Areas where development will occur on soils with slopes exceeding twenty-five (25) percent.” Staff recommends a condition of approval that if the slopes of the develop area exceed 25% or other geologic hazard area identified in TMC 15.20.050(A) is identified the applicant shall submit a geo-tech report prior to construction.
- k. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL). DSL has not responded as of July 7, 2021. The applicant shall obtain any required permits and approvals from DSL and any other required state or federal permits prior to construction.
- l. The R-S parcel and the proposed project is located adjacent to the City-owned Natural Resource lot. The Natural Resource parcel is not part of the application. A public comment was received about impacts to Canadian Geese. The R-S parcel where the development will be located is an upland area that is zoned for residential. The adjacent Natural Resource Parcel (20.0 acres) is being protected and will remain a natural area. City of Toledo Staff sent project details to the Oregon Department of Fish and Wildlife (ODFW) and did not receive any comments. Staff recommends a condition of approval that the applicant shall install no trespassing signs along the western property line.

- m. The application in a few locations notes that the proposed project will include 32 units. The number of units was updated to 30 units.
 - n. This conditional use application and variance application is dependent of the completion of minor partition application #MP-2-21(mod). Staff recommends a condition of approval that the final partition plat for MP-2-21(mod) shall be recorded prior to the start of construction.
 - o. The proposed multi-family residential dwelling is permitted as a Conditional Use under the R-S Zone. The subject property is surrounded by residential homes, a county road, and natural open space. The proposed building is located on the western edge of the property and the downhill slopes will minimize the visual impact of the project. The proposed use is consistent with existing and projected uses on surrounding lands.
7. Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.
 8. 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 with conditions.
 9. The request by, Northwest Coastal Housing, would be compatible with surrounding land uses. The R-S Zone is located directly to the north and east of the subject property. The property to the west is zoned Natural Resources, and the property to the south is still located within the County and is designated as UGB Low Density Residential. Single-family residential homes are located to the south and north, and across the Road to the east. The property to the west is natural open space. (See Attachment B - Zoning Map).
 10. City sewer and water main lines are located in the SE Sturdevant Road right-of-way and a sewer main line is located on the subject property. Both services are available for the proposed development.
 11. The applicant is requesting a Class C variance to reduce the rear yard setback from 15 feet to 1 foot in some locations. This exceeds the threshold for a Class B variance.

According to the application materials, the applicant provides the following information for the proposed development:

- 1) The variance is requested for the rear property line, which abuts the City-owned parcel 10H. This parcel is within the City's N-R zone, contains a slough, wetlands, and floodplains, and is restricted from development by a recorded conservation easement. Therefore, the variance would not cause adverse impact to the livability, value, or appropriate development of the abutting City-owned property.
- 2) As shown on the Existing Conditions Plan and the Site Plan, the site is substantially constrained by existing utility easements and sensitive lands to the

west. These constraints present a hardship to development that is peculiar to this specific property.

A public water line runs north/south along the western boundary, and a 15-ft. easement restricts development in that area. A public sewer line and associated easement cross the property from the southwest corner to the center of the site, and vertical development within that easement is also prohibited. Finally, a 100-ft. powerline easement crosses the site from the southeast corner to the north. The remaining developable area is an irregular shape.

The proposed development responds creatively to the site constraints and NWCH's programming needs by placing the building close to the western property line and creating two L-shaped structures connected by a courtyard and a breezeway. With the current location of the preliminary western lot line, the building can meet the 15-ft. rear setback requirement. However, when the lot line shifts east as necessitated by the presence of the floodplain and funding/financing requirements, the building will be closer than 15 ft. to the property line. Because of the existing site constraints, the building can't be shifted to the east to accommodate this setback, and reducing the size of the building means reducing the number of units available to serve the target population.

- 3) The proposed multifamily residential use is permitted in the R-S zone as a conditional use. The variance is requested only to the rear setback; the remainder of the development complies with the applicable requirements of the code.

Staff finds that the proposed variance is to the rear yard setback which abuts the City owned Natural Resource Parcel. Due to development constraints, a conservation easement, and the zone designation the parcel abutting the rear yard is not expected to be developed in the future. Therefore, the variance will not cause a significant adverse impact of the livability, value, or appropriate development of abutting property or the surrounding area when compared to the impact of permitted development that does not require a variance. The application complies with this criteria.

The subject property is constrained by a raw water line easement, powerline easement, sewer line easement, and is adjacent to floodplain and wetlands. The applicant has no control over the lot constraints and the peculiar site aspects cause the need for the variance. The application complies with this criteria.

The proposed use is the same that is permitted as a conditional use in the R-S zone. Specifically the variance will allow the development of a use allowed in TMC 17.08 the same as any other conditional use in the R-S zone. The application complies with this criteria.

12. Notification to 51 surrounding property owners, 19 public/service agencies, and publication of the proposed conditional use and variance were completed in accordance with the Toledo Municipal Code requirements. The public/service agencies notified include the Department of Statelands (DSL), Oregon Department of Fish and Wildlife

(ODFW), Lincoln County Building and Planning, Lincoln County Public Works, Toledo Fire, Toledo Police, and Toledo Public Works.

V. 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 Case File CU-4-21 and VAR-1-21, subject to the following conditions:

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. Driveway improvements and access must be coordinated and approved by the Lincoln County Public Works Department and Toledo Fire Department.
3. Applicant shall obtain all necessary building and development permits prior to construction of the building.
4. The applicant shall remove the existing barn and remove the debris from the property.
5. The final partition plat for MP-2-21(mod) shall be recorded prior to the start of construction.
6. The applicant shall submit a stormwater management plan and the plan shall be reviewed within the building permit application process.
7. The applicant shall submit a landscape plan and the plan shall be reviewed within the building permit application process.
8. The applicant shall provide the required vehicle and bicycle parking provided in TMC 17.44.
9. City of Toledo raw water line and sanitary sewer line must be protected during and after construction.
10. The applicant shall make any guardrail and road improvements required by the Lincoln County Public Works Department.
11. The applicant shall install no trespassing signs along the western property line.
12. The applicant shall submit a geo-tech report prior to construction if the slopes of the develop area exceed 25% or other geologic hazard area identified in TMC 15.20.050(A) is identified.
13. The applicant shall obtain any required permits and approvals from the Department of Statelands (DSL) and any other required state or federal permits prior to construction.

14. The west parking curb running north/south along the breezing way, between the north and south parking lots shall be painted bright red and be labeled in white lettering “No Parking Fire Lane” per Oregon Fire Code 503.3. Fire hydrants shall provide the needed gallons per minute per Code Fire Code Appendix B. Fire hydrant placement shall be in accordance with Oregon Fire Code Appendix C. Fire hydrant placement shall be reviewed by the Toledo Fire Department prior to the City signing the building permit.
15. The applicant shall install an automatic sprinkler system, in accordance with the National Fire Protection Association and Oregon Structural Specialty Code standards.
16. 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.

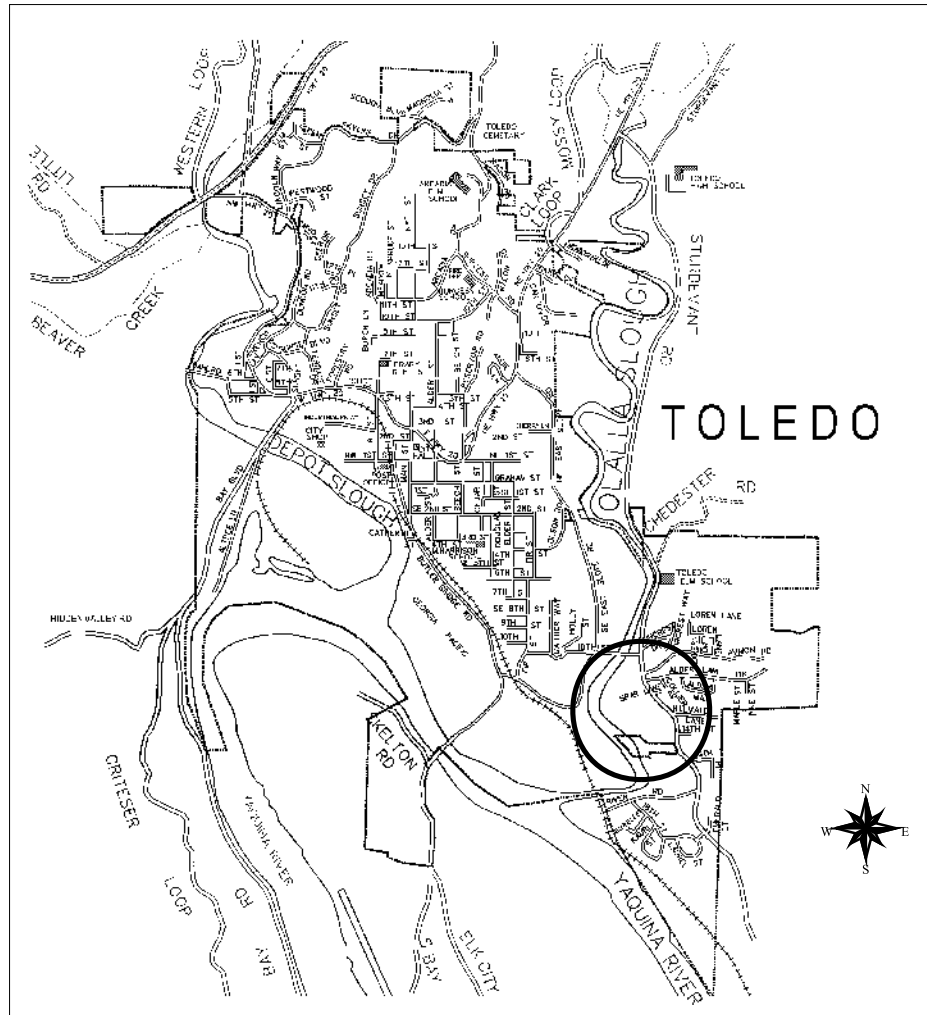
PROPOSED MOTION (CU-4-21 AND VAR-1-21):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON JULY 14, 2021, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY THE CITY OF TOLEDO AND NORTHWEST COASTAL HOUSING, (CU-4-21 AND VAR-1-21) COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE 17.64.050 AND 17.68.050. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AS FINDINGS, AS WELL AS THE PROPOSED CONDITIONS OF APPROVAL FOR CU-4-21 AND VAR-1-21, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

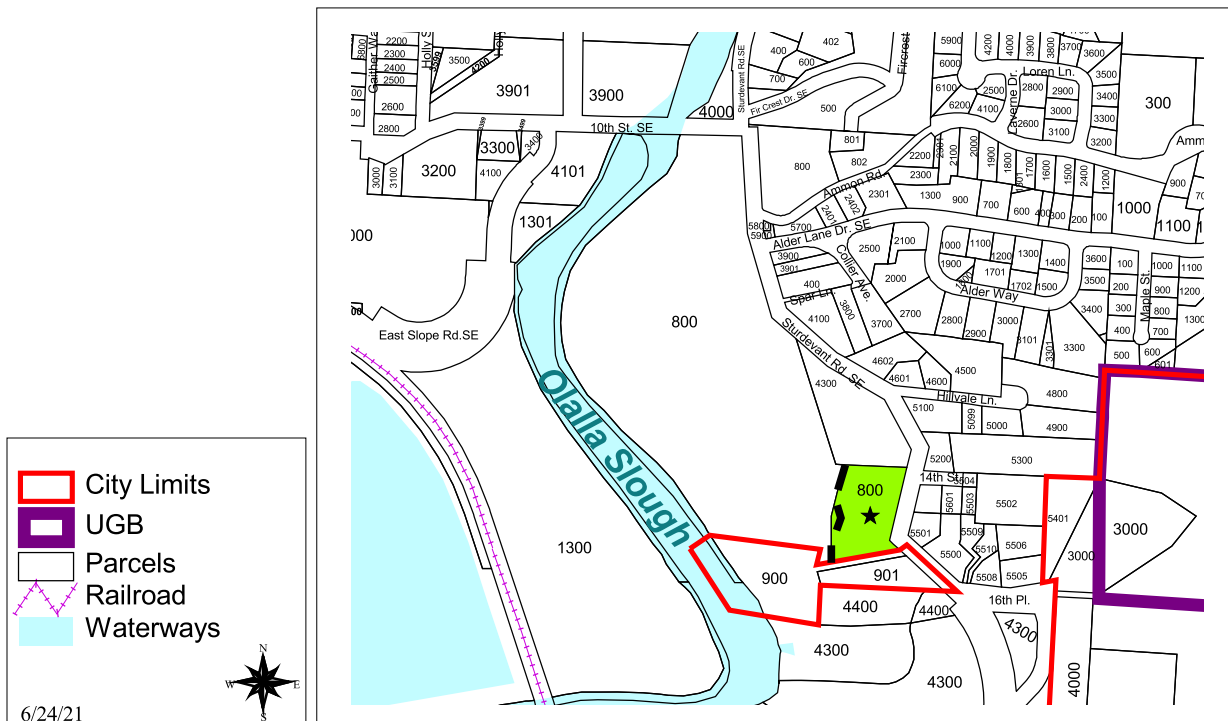
VI. PLANNING COMMISSION ROLE:

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 shall be final unless appealed to the City Council.

Location Map



Site Map



ATTACHMENT A

Application with Supporting Information

(City of Toledo File #CU-4-21/VAR-1-21)

CITY OF TOLEDO LAND USE APPLICATION

Date June 16, 2021

Property Owner City of Toledo, Oregon
Mailing Address 206 N. Main St.
Toledo, OR 97391
Authorized Agent Judy Richter, City Manager

Telephone _____

Telephone _____

Property Address No address
Property Location SW of SE Sturdevant Rd and Se 10th St
Assessors Map No. A portion of 11-10-17 BC

Property Size ~1.7 ac

Tax Lot No. 800

Present Zoning R-S
Comprehensive Plan Designation R-S
Current Land Use Vacant
Existing Structures (if any) Barn/outbuilding

Proposed Change No change

Proposal for which this request is being made (attach additional sheets if needed)
Conditional use approval for 32 affordable multifamily units and associated infrastructure.

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 (\$700)*
☐ 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.

For Office Use Only

Date Received _____ Received By _____ Fee Paid _____ City File No. _____

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

Sheila Staley
Applicant(s) Signature (Sheila Staley, Executive Director, NWCH)

6/14/21
Date

Judy M. Richter, City Manager
Property Owner (if different) (Judy Richter, City Manager, City of Toledo)

6/16/2021
Date

*****For Office Use Only*****

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 _____

REVIEWED AND APPROVED BY:

Public Works Director

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 Indicate on Plans proposed
Fire hydrant locations based on OFC Appendix B and C. Indicate
Proposed location of sprinkler system fire department (FD) per OFC 912.
Indicate on plans marking of fire lane per OFC 503.3.

Comments _____

REVIEWED AND APPROVED BY:

Shay Masil
Fire Chief Inspector/Captain

7/7/2021
Date

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:

Alire
Chief of Police

07/07/21
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



Olalla Meadows Apartments

Toledo, Oregon

Request for
Conditional Use
Variance

Prepared for:
Northwest Coastal Housing
PO Box 1457
Newport, OR 97365

June 16, 2021

Prepared By:
Otak, Inc.
808 SW Third Avenue, Suite 800
Portland, OR 97204

Project No. 20086



REQUESTS

Conditional Use approval and **Class C Variance** approval is requested for a 30-unit multifamily residential development in the R-S zone. Multifamily residential uses are conditionally permitted in the R-S zone.

SITE INFORMATION

SUBJECT
PROPERTY: Parcel 1 of MP-2-21 (City-owned site 9H)

SITE AREA: ~1.7 acres

PLAN/ZONING
DESIGNATION: Single Family Residential Zone (R-S)

APPLICANT/PROPERTY OWNER

APPLICANT: Northwest Coastal Housing
PO Box 1457
Newport, OR 97365

Contact: Sheila Stiley, Executive Director
541.574.0320
nwcoastalhousing@gmail.com

PROPERTY OWNER: City of Toledo
206 N. Main St./P.O. Box 220
Toledo, OR 97391

Contact: Judy Richter, City Manager
541.844.5280
Judy.Richter@cityoftoledo.org

PROJECT DEVELOPMENT TEAM

APPLICANT'S
REPRESENTATIVE: Otak, Inc.
808 SW Third Avenue, Suite 800
Portland, OR 97204

Contact: Li Alligood, AICP, LEED AP ND
503.415.2384
li.alligood@otak.com

ARCHITECT: Capri Architecture
747 SW 13th St
Newport, OR 97365

Contact: Dustin Capri, AIA, NCARB, LEED AP ND

541.961.0503
dustin@capriarchitecture.com

CIVIL ENGINEER:

Otak, Inc.
808 SW Third Avenue, Suite 800
Portland, OR 97204

Contact: Kyle Ayers, PE
503.812.3732
kyle.ayers@otak.com

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I. Requests

Conditional Use approval, **Variance** approval, and modified **Preliminary Plat** approval is requested for a 30-unit multifamily residential development in the R-S zone. Multifamily residential uses are conditionally permitted in the R-S zone.

Conditional Use approval is requested to develop multifamily residential uses in the R-S zone.

Variance approval is requested to reduce the rear yard setback from 15 ft. to 1 ft.

II. Project Description

The applicant, Northwest Coastal Housing (NWCH), is a non-profit corporation committed to developing affordable housing, advocating for, and supporting community efforts that enhance affordable living options. Current developments include The Ridge, an 80-unit complex in Lincoln City that is affordable to residents earning 50-60 percent of Area Median Income (AMI); the Yaquina Breeze Apartments in Newport; and Alder Hill apartments, a triplex in Toledo. A current project is the renovation of the Paradise Inn & Suites in Lincoln City to house those displaced by wildfire.

The site is located on Sturdevant Road south of SE 10th St. The Toledo Planning Commission recently approved a partition to create the parcel, which is known as 9H and is zoned R-S (Casefile MP-2-21). The Olalla Slough and associated wetlands are to the west and are zoned N-R, the site to the north is zoned R-S, and the site to the south is located in Lincoln County. A vacant barn is located in the southeast corner of the site.

The 9H site and the 10H site to the west are owned by the City of Toledo. The site to the west will remain undeveloped due to a recorded conservation easement that prohibits development of the natural resource area. The sites to the north and south are developed with single dwelling and associated structures.

The applicant proposes to develop the site under a long-term ground lease from the City of Toledo. The current application is to gain approval of a multifamily development in the R-S zone, as well as an associated variance, to support a funding application to Oregon Housing and Community Services (OHCS). Development review and building permit approval will be required before development of the site begins and full compliance with applicable development standards and public facility requirements will be verified at that time.

As discussed with City Council on June 16, 2021, the applicant and the City are also requesting a revision to the western lot line of the recently created lot (9-H). This is due to the presence of the 100- and 500-year flood plain in that area of the site, as well as a potential conservation easement. The exact location of these areas relative to the subject lot have not yet been identified. Both OHCS and private lenders are hesitant to fund developments on sites that contain floodplains because of the additional potential cost and risk to the project.

The proposed development is subject to the provisions of the Toledo Comprehensive Plan, TMC Title 17 Zoning, and TMC Title 19 Land Use Procedures. Each of these provisions is addressed below.

III. Compliance with Toledo Comprehensive Plan

A. Article 2 – Land Use Planning

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.

Response: The site is designated Low-Density Residential and zoned R-S. The R-S zone allows multifamily development as a conditional use, acknowledging that multifamily development can be consistent with permitted uses. As described below, the Toledo Comprehensive Land Use Plan encourages locating a variety of housing types serving a variety of household types and income levels.

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.

Response: The site is zoned R-S, and the proposed multifamily development will need to demonstrate compatibility with single-family residential uses. The site is located within the City and has access to public facilities and services, including transportation, water, and sewer. The orientation of the buildings, away from adjacent homes and away from the street, will minimize any impacts to neighboring properties.

B. Article 10 - Housing

Goal 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.

Response: The proposed development is a 30-unit affordable multifamily project that consists of 2 buildings centered on a courtyard. This housing type is not common in Toledo and will expand the mixture of housing design, type, cost, and location to meet the needs of lower-income Toledo residents.

Objective 5

Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.

Response: The Olalla Meadows apartments will provide housing for low-income individuals and households, expanding opportunities for existing Toledo residents.

Objective 10

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

Response: The 9H site is vacant and has access to public facilities and services. There is existing water and sewer service to the site, and the site has frontage on Sturdevant Rd, a County collector road. The necessary services can be economically provided to the Olalla Meadows apartments.

IV. Compliance with TMC Title 17 Zoning

A. Chapter 17.08 Single-Family Residential Zone (R-S)

[...]

17.08.030 Conditional uses permitted.

[...]

H. Multifamily dwelling units.

[...]

Response: The proposed development is a multifamily dwelling development consisting of 30 attached units. The proposed development is permitted within the R-S zone as a conditional use.

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. (Ord. 1286 § 1 (part), 2001)

Response: The subject site was preliminarily approved by MP-2-21. It is an interior lot and is approximately 1.7 acres in area. Upon the requested revision to the preliminary plat, the site will still exceed 1 acre in area. This standard is met.

17.08.060 Setback requirement.

In an R-S zone the yards shall be as follows:

- A. *The front yard shall be a minimum of fifteen (15) feet.*
 - B. *The side yard shall be a minimum of six feet on one side and nine feet on the other side except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.*
 - C. *The rear yard shall be a minimum of fifteen (15) feet.*
 - D. *The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.*
- (Ord. 1286 § 1 (part), 2001)

Response: As shown in the Existing Conditions Plan and Site Plan, the site is substantially constrained by existing utility easements. As such, the building is located to the west of the site, more than 15 ft. from Sturdevant Street (the front yard). The side yards are also 15 ft. The rear yard will be approximately 1 ft. once the western property line is adjusted. The application requests a Type III Variance to the rear setback. The Type III Variance criteria are addressed in the responses to Chapter 17.68.

With the approval of the requested variance, these standards are met.

17.08.070 Height of building.

In an R-S zone no principal building shall exceed a height of thirty-five (35) feet or two and one-half stories, whichever is less, and no accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less. (Ord. 1286 § 1 (part), 2001)

Response: As shown in the conceptual elevations, the proposed buildings are 2 stories and 26 ft. from finished floor elevation (FFE). The grading has not been determined at this level of design, but the building height will not exceed 35 ft. or 2.5 stories. Compliance will be confirmed at Development Review. This standard is met.

B. Chapter 17.44 Off-Street Parking and Loading

17.44.030 Vehicle parking standards.

The minimum number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for "on-street parking", as provided in Section 17.44.040.

A. Residential Uses:

[...]

3. Multi-family and single-family attached housing.

- a. Studio units or one-bedroom units less than five hundred (500) sq. ft. - one space/unit.
- b. One-bedroom units five hundred (500) sq. ft. or larger - 1.50 spaces/unit.
- c. Two-bedroom units - 1.75 spaces/unit.
- d. Three-bedroom units - 2.00 spaces/unit.
- e. Retirement complexes for seniors fifty five (55) years or greater - one space/unit.

[...]

Response: The proposed development includes a mix of 30 one- and two-bedroom units. As noted on the Site Plan and below in Table 1, 47 parking spaces are required and at least 47 parking spaces will be provided.

Table 1—Off-Street Parking Requirements

Unit Size	Required Parking	Number of Units	Number of Spaces Required	Number of Spaces Provided
Studio/1 BR <500 sf	1 sp/unit	0	0	
1 BR >500 sf	1.5 sp/unit	22	33	
2 BR	1.75 sp/unit	8	14	
3 BR	2.00 sp/unit	0	0	
Total		32	47	47

17.44.070 Bicycle parking requirements.

- A. *Minimum Required Bicycle Parking Spaces.* Uses shall provide bicycle parking spaces, as designated in the table below.
- B. *Exemptions.* This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture, and livestock uses.
- C. *Location and Design.* Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle parking space. When allowed within a public right-of-way, bicycle parking shall be coordinated with the design of street furniture, as applicable.
- D. *Lighting.* For security, bicycle parking shall be lit at least as well as vehicle parking.
- E. *Hazards.* Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

Response: The proposed development includes 30 multifamily units, and 4 bicycle parking spaces are required as noted in Table 2. They have not yet been located on site, but as the design progresses the location and number of the bicycle parking spaces will be identified. Compliance with this standard will be verified at the time of Development Review and/or building permit review.

C. Chapter 17.48 Access and Clear Vision Requirements

17.48.055 Driveway spacing standards.

Private Access Driveway Spacing Standards

<i>Functional Classification</i>	<i>Driveway Spacing (measured between curb cuts)</i>
<i>Arterial</i>	<i>40 feet</i>
<i>Collector</i>	<i>20 feet</i>
<i>Local Street (includes Main Street and streets designated as commercial streets)</i>	<i>10 feet</i>

Response: The site has frontage on Sturdevant Road, a County collector that requires 20 ft. between driveways. As shown on the Site Plan, two driveways are proposed. They are more than 190 feet from each other; the southern driveway is more than 50 ft. from the southern property line and the northern driveway is more than 90 ft. from the property, and both are more than 20 ft. from adjacent driveways. This standard is met.

[...]

17.48.060 Clear-vision areas.

A clear-vision area shall be maintained on the corners of all property at the intersection of two streets, a street and alley/mid-block lane, or a street and a railroad.

- A. *A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified below in this section or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.*
- B. *A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and a half feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height eight feet above grade.*
- C. *The following measurements shall establish clear-vision areas:*

1. *In residential zones the minimum distance shall be thirty (30) feet, or, at intersections with an alley/mid-block lane, ten (10) feet.*
[...]

Response: These provisions apply to intersections and do not apply to this site, but the City has expressed concern about visibility of the driveways given the curvature of Sturdevant Rd. The site is in a residential zone, and the minimum clear vision area is 30 ft. As shown in Appendix B, the proposed driveway locations can meet the clear vision requirements of this section.

D. Chapter 17.64 Conditional Use Permits

17.64.030 Application submission requirements for conditional use permits.

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.
(Ord. 1286 § 1 (part), 2001)

Response: This submittal includes a completed application and appropriate fee. A site plan is included. The City Manager has requested additional information, including a conceptual stormwater plan, which is included as in this application.

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. *In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:*
 1. *The site under consideration is suitable for the proposed use considering:*
 - a. *The size, design and operating characteristics of the use.*

Response: The 9H site is more than one acre in area, which is much larger than the minimum R-S lot size of 7,000 sq. ft. The site slopes downward from east to west and from south to north, which will minimize the physical appearance of the buildings from the street and adjacent properties.

The proposed development consists of two buildings abutting a common courtyard. The buildings are separated from Sturdevant Rd, a County collector road, by surface parking and landscaping to reduce traffic noise for residents. The buildings abut the City-owned parcel 10H, which is a natural resource area and will provide views for west-facing residents. The buildings are narrower at the north and south end and will present a single-family scale to the existing buildings.

Each building includes a community room and office to accommodate on-site services for residents. The use is residential and will operate as a residential use. The buildings are separated from adjacent properties to the north and south by 15 ft., and the buildings located on those properties are much further away.

This criterion is met.

b. The adequacy of transportation access to the site.

Response: The site has frontage on and access from Sturdevant Rd and is served by the Lincoln County Transit East County route, which has a stop at Sturdevant Rd and 10th Street.

This criterion is met.

c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.

Response: As noted in the Existing Conditions Plan, the topography of the site slopes downward from east to west and from south to north. The topography will reduce the apparent mass of the building as seen from surrounding properties.

Natural resources are located on the City-owned 10H parcel to the west, and are protected by a conservation easement. Once the requested preliminary partition plat revisions are applied, the site will not contain flood plain or natural resources except for very small areas along the northern property line. As such, development of the site will not impact adjacent natural resources.

This criterion is met.

2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.
[...]

Response: The lands to the north and east are zoned R-S, and the existing uses are residential. The site to the south is located within the Toledo UGB but is not annexed to the City; it is zoned UGB Low Residential and developed with residential uses and accessory structures. The land to the west is zoned Natural Resources N-R, and a recorded conservation easement restricts development on the site.

Projected uses to the north, east, and south include the existing single-family residential and accessory uses, or uses that are conditionally permitted in the R-S zone (such as multifamily or institutional use). The building abuts the N-R zone to the west, providing peaceful views for residents.

The proposed use is compatible with the existing and projected uses on surrounding lands due to the topography of the site, existing access and facilities to serve the site, and the design of the buildings. The building design minimizes impact to the directly adjacent properties by reducing the building width to the size of a large single-family home at the northern and southern property lines, and separating uses to the east from the buildings with surface parking and landscaping.

Given the site conditions, the surrounding uses, and the factors in paragraph (1), the Planning Commission can find that the proposed Olalla Meadows development is compatible with existing and projected uses on surrounding lands.

E. Chapter 17.68 Variances

17.68.020 Classes of variances.

Three types of variances shall be allowed under the zoning regulation:

- A. A "Class A" variance is a variance requiring staff level approval only and is intended to apply to situations where the exercise of discretion by staff is minimal because the factual situation is relatively straightforward. A Class A variance is reviewed through a Type I procedure and a decision on the Class A variance is the final decision of the city.*
- B. A "Class B" variance is a variance requiring staff level approval and is intended to apply to situations which require a greater exercise of discretion and in which the factual situation is complex. A Class B variance is reviewed as a Type II procedure and a decision on the Class B variance may be appealed to the planning commission.*
- C. A "Class C" variance is a variance requiring planning commission approval and is intended to apply to situations in which the exercise of discretion is greater and the factual situation may be complex. A Class C variance is reviewed as a Type III procedure and a decision on the Class C variance may be appealed to the city council.*

(Ord. 1286 § 1 (part), 2001)

Response: The applicant requests a Class C variance to reduce the rear yard setback from 15 ft. to 1 ft. in some locations, which exceeds the threshold for a Class B variance. This variance is reviewed as a Type III procedure by the Planning Commission and the approval criteria of 17.68.050 are applicable.

[...]

17.68.040 Class B—Variances.

- A. Class B—Variance to Setbacks. A variance to the front yard setback requirement of up to five feet and for any other setback up to fifty (50) percent is authorized as follows: [...]*

Response: The applicant requests a variance of the rear yard setback of at least 50 percent (from 15 ft. to 1 ft. or less). The Class B provisions are exceeded.

[...]

17.68.050 Class C—Variances.

[...]

- D. Class C—Variance Request to Other Standards or for Variances Greater than those Authorized Under Class A and Class B Variances. The planning commission, before approving an application for a variance to a zoning code requirement not specified above, shall consider the location, size, design and operation characteristics of the proposed development requiring the variance and shall determine whether it complies with one of the following criteria. If the development does not so comply, the commission shall deny the application.*
 - 1. The variance will cause no significant adverse impact of the livability, value, or appropriate development of abutting property or the surrounding area when compared to the impact of permitted development that does not require a variance.*

Response: The variance is requested for the rear property line, which abuts the City-owned parcel 10H. This parcel is within the City's N-R zone, contains a slough, wetlands, and floodplains, and is restricted from development by a recorded conservation easement. Therefore, the variance would not cause adverse impact to the livability, value, or appropriate development of the abutting City-owned property.

The Planning Commission can find that this criterion is met.

2. *A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control.*

Response: As shown on the Existing Conditions Plan and the Site Plan, the site is substantially constrained by existing utility easements and sensitive lands to the west. These constraints present a hardship to development that is peculiar to this specific property.

A public water line runs north/south along the western boundary, and a 15-ft. easement restricts development in that area. A public sewer line and associated easement cross the property from the southwest corner to the center of the site, and vertical development within that easement is also prohibited. Finally, a 100-ft. powerline easement crosses the site from the southeast corner to the north. The remaining developable area is an irregular shape.

The proposed development responds creatively to the site constraints and NWCH's programming needs by placing the building close to the western property line and creating two L-shaped structures connected by a courtyard and a breezeway. With the current location of the preliminary western lot line, the building can meet the 15-ft. rear setback requirement. However, when the lot line shifts east as necessitated by the presence of the floodplain and funding/financing requirements, the building will be closer than 15 ft. to the property line. Because of the existing site constraints, the building can't be shifted to the east to accommodate this setback, and reducing the size of the building means reducing the number of units available to serve the target population.

The Planning Commission can find that a hardship exists that is unique to this site, and that this criterion is met.

3. *The use proposed will be the same as permitted under the code and the requirements of the code will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.*

Response: The proposed multifamily residential use is permitted in the R-S zone as a conditional use. The variance is requested only to the rear setback; the remainder of the development complies with the applicable requirements of the code.

The Planning Commission can find that this criterion is met.

- E. *In addition to compliance with the criteria as determined by the planning commission identified in subsections (A)—(D) above, the applicant must accept those conditions listed below that the commission finds are appropriate to obtain compliance with the criteria.*
 1. *Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
 2. *Establish a special yard or other open space or lot area or dimension.*
 3. *Limit the height, size or location of a building or other structure.*
 4. *Designate the size, number, location or nature of vehicle access points.*
 5. *Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*

6. *Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.*
 7. *Limit or otherwise designate the number, size, location, height or lighting of signs.*
 8. *Limit the location and intensity of outdoor lighting or require its shielding.*
 9. *Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.*
 10. *Designate the size, height, location or materials for a fence.*
 11. *Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*
 12. *Specify other conditions to permit development in conformity with the intent and purpose of the ordinance standards.*
- (Ord. 1286 § 1 (part), 2001)*

Response: Since the requested variance will not negatively impact surrounding properties or uses, the applicant requests that no additional conditions be placed on the proposed development.

V. Compliance with TMC Title 19 Land Use Procedures

A. Chapter 19.16 Type III Procedure (Quasi-Judicial)

19.16.010 Preapplication conference.

A preapplication conference is required for all Type III applications. The requirements and procedures for a preapplication conference are described in Section 19.24.030.
(Ord. 1287 § 1 (part), 2001)

Response: A virtual pre-application conference was held with City staff and Contract Planner Peterson on April 6, 2021.

19.16.020 Application requirements.

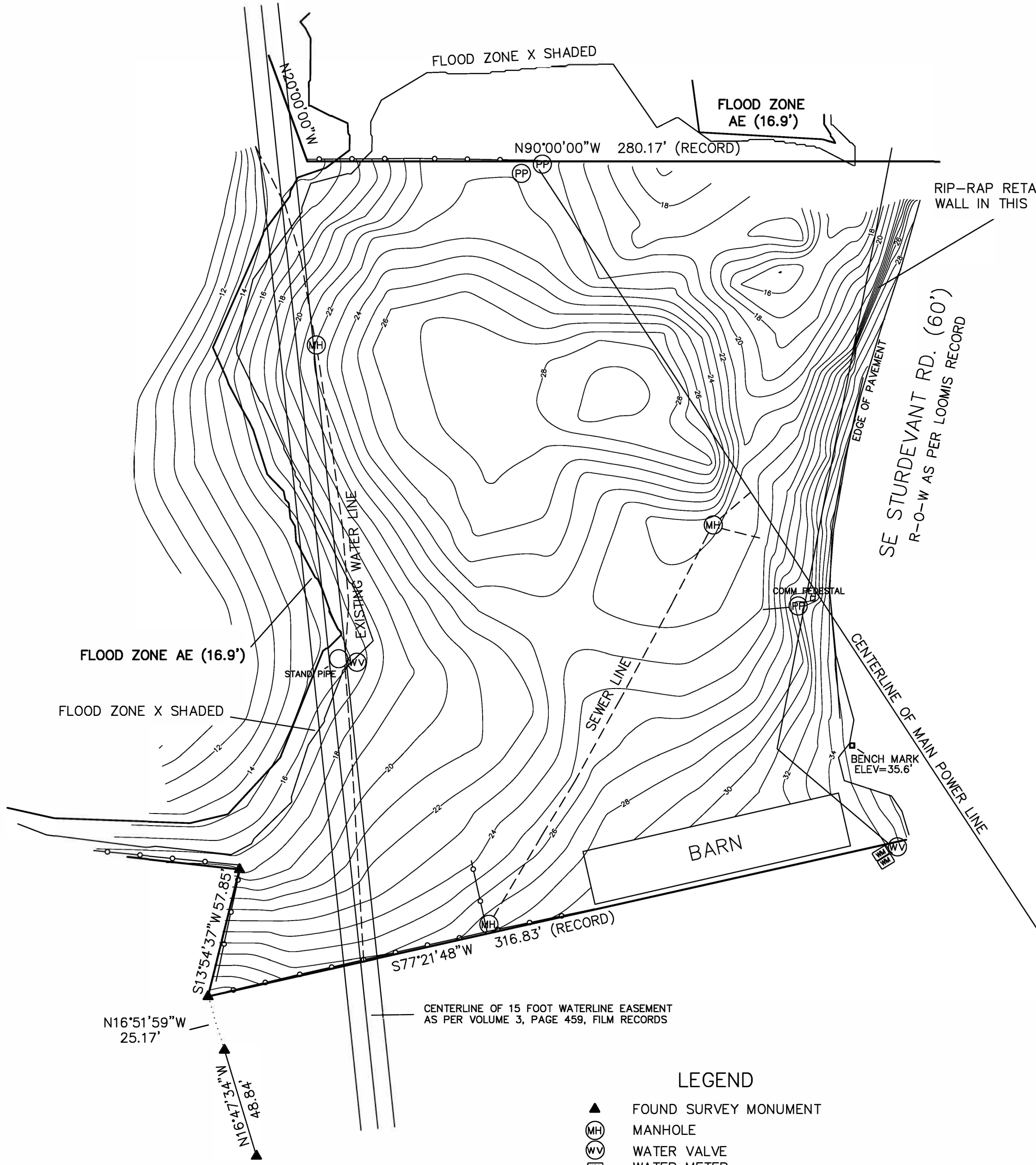
- A. *Application forms. Type III applications shall be made on forms provided by the city manager.*
- B. *Content. Type III applications shall:*
 1. *Include the information requested on the application form;*
 2. *Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;*
 3. *Be accompanied by the required fee;*
 4. *Include additional information as required by the relevant municipal code section(s) applicable to the application. (Ord. 1287 § 1 (part), 2001)*

Response: The application includes the information listed above.

VI. Conclusion

The request for approval of an amended Preliminary Partition Plat, Conditional Use, and Class C Variance has been shown to be consistent with the applicable standards of the Toledo Municipal Code. The applicant respectfully requests approval of the application.

SKETCH PREPARED FOR CAPRI ARCHITECTURE
PROPOSED NW COASTAL HOUSING SITE ON CITY OF TOLEDO PROPERTY
LINCOLN COUNTY ASSESSOR'S ID 11-10-17-00 TAX LOT 800
DATE SURVEYED: MAY, 2021



NOTE:
EASEMENTS IN THIS AREA ARE
UNCERTAIN. THEY WILL NEED TO BE
CREATED IN THE FUTURE IF THIS TRACT
IS TO BE PARTITIONED.

ELEVATIONS ARE TRUE (NAVD 1988)
AND ARE BASED ON GPS
OBSERVATIONS IN THIS AREA

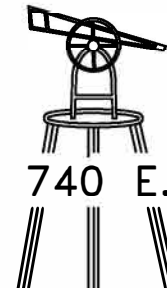


REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 13, 2016
STEVEN E. NYHUS
86420PLS
RENEWAL DATE:
DEC. 31, 2022

LEGEND

- ▲ FOUND SURVEY MONUMENT
- ⓂH MANHOLE
- ⓌV WATER VALVE
- Ⓜ WATER METER
- ⓅP POLE/GUYLINE
- FENCE



NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECKED BY:	GKN
DRAWN BY:	SEN
DATE:	05/17/2021
SCALE:	1" = 40'
PROJECT:	21119



NORTHWEST COASTAL HOUSING

PARKING REQUIREMENT
22 - 1 Bedroom Apartments @ 1.5 = 33 Spaces
8 - 2 Bedroom Apartments @ 1.75 = 14 Spaces
Total 47 Spaces

PARKING PROVIDED 47 Spaces

- 1 - 1-BEDROOM UNITS @ 651SF = 651SF
- 7 - 1-BEDROOM UNITS @ 667SF = 4,669SF
- 2 - 2-BEDROOM UNIT @ 1,076SF = 2,152SF
- 2 - 1-BEDROOM ADA UNIT @ 771SF = 1,542SF
- 2 - 2-BEDROOM ADA UNIT @ 997SF = 1,994SF
- 2 - COMMUNITY ROOM / OFFICE @ 251SF = 502SF
- 2 - LAUNDRY ROOM @ 107.5SF = 215SF
- 2 - MECHANICAL ROOM @ 107.5SF = 215SF

TOTAL SQUARE FOOTAGE (LEVEL 1) = 11,940SF



1 SITE PLAN - LEVEL 1
A1-1

- 1-BEDROOM UNIT
- 2-BEDROOM UNIT
- 1-BEDROOM ADA UNIT
- 2-BEDROOM ADA UNIT
- COMMUNITY ROOM / OFFICE
- LAUNDRY ROOM
- MECHANICAL ROOM

OLALLA MEADOWS - CONCEPTUAL DESIGN - TOLEDO, OREGON

capriarchitecture
541.961.0503 info@capriarchitecture.com

SCALE: 1/16" = 1'0"
DATE: 06/15/2021
ARCHITECT: Dustin J. Capri
PROJECT MANAGER:
DRAWN By: Dustin J. Capri
Checked By: Dustin J. Capri



NORTHWEST COASTAL HOUSING

- 1 - 1-BEDROOM UNITS @ 651SF = 651SF
 - 11 - 1-BEDROOM UNITS @ 667SF = 7,337SF
 - 2 - 2-BEDROOM UNIT @ 1,056SF = 2,112SF
 - 2 - 2-BEDROOM UNIT @ 920SF = 1,840SF
- TOTAL SQUARE FOOTAGE (LEVEL 2) = 11,940SF**



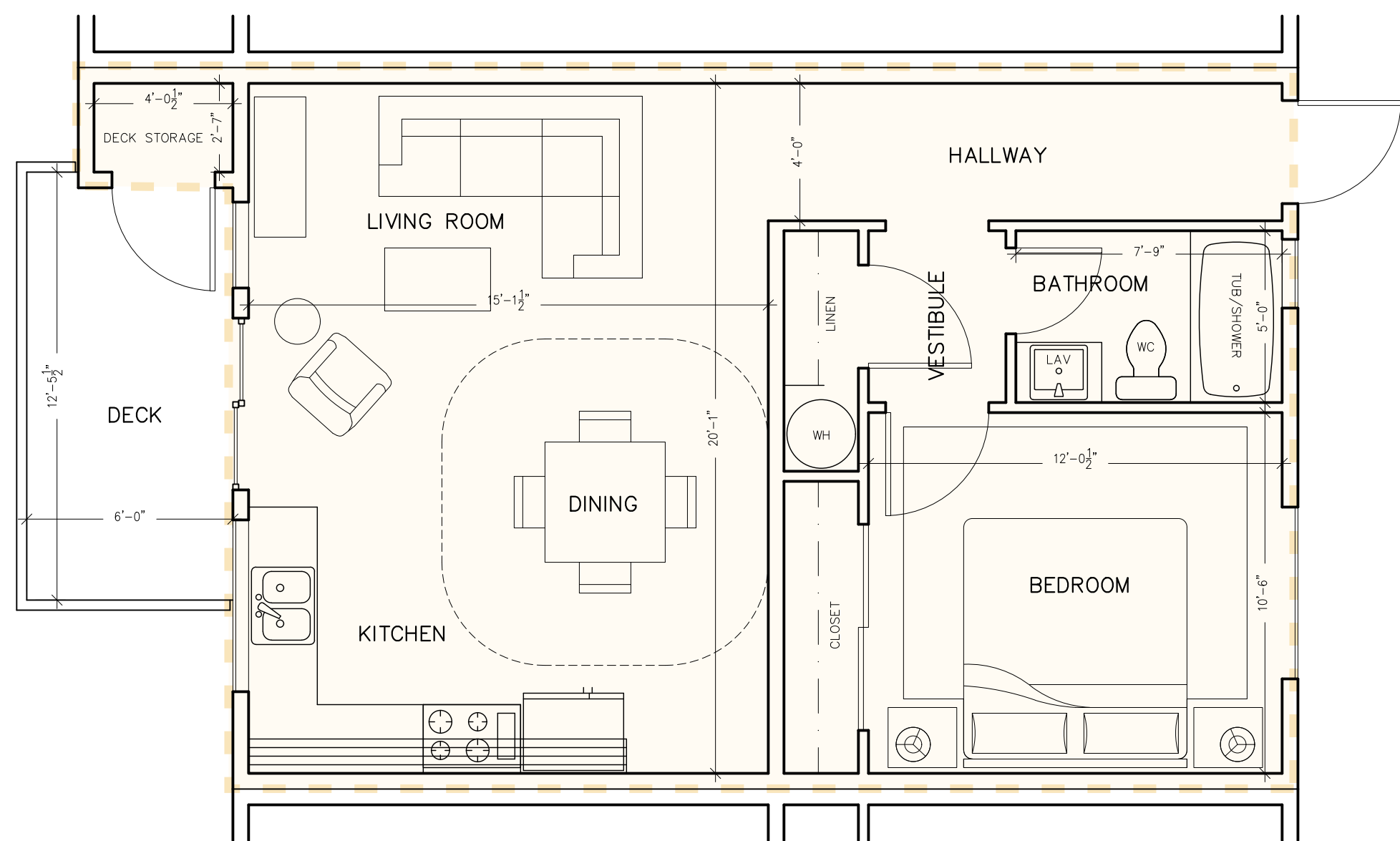
- 1-BEDROOM UNIT
- 2-BEDROOM UNIT
- 1-BEDROOM ADA UNIT
- 2-BEDROOM ADA UNIT
- COMMUNITY ROOM / OFFICE
- LAUNDRY ROOM
- MECHANICAL ROOM

OLALLA MEADOWS - CONCEPTUAL DESIGN - TOLEDO, OREGON

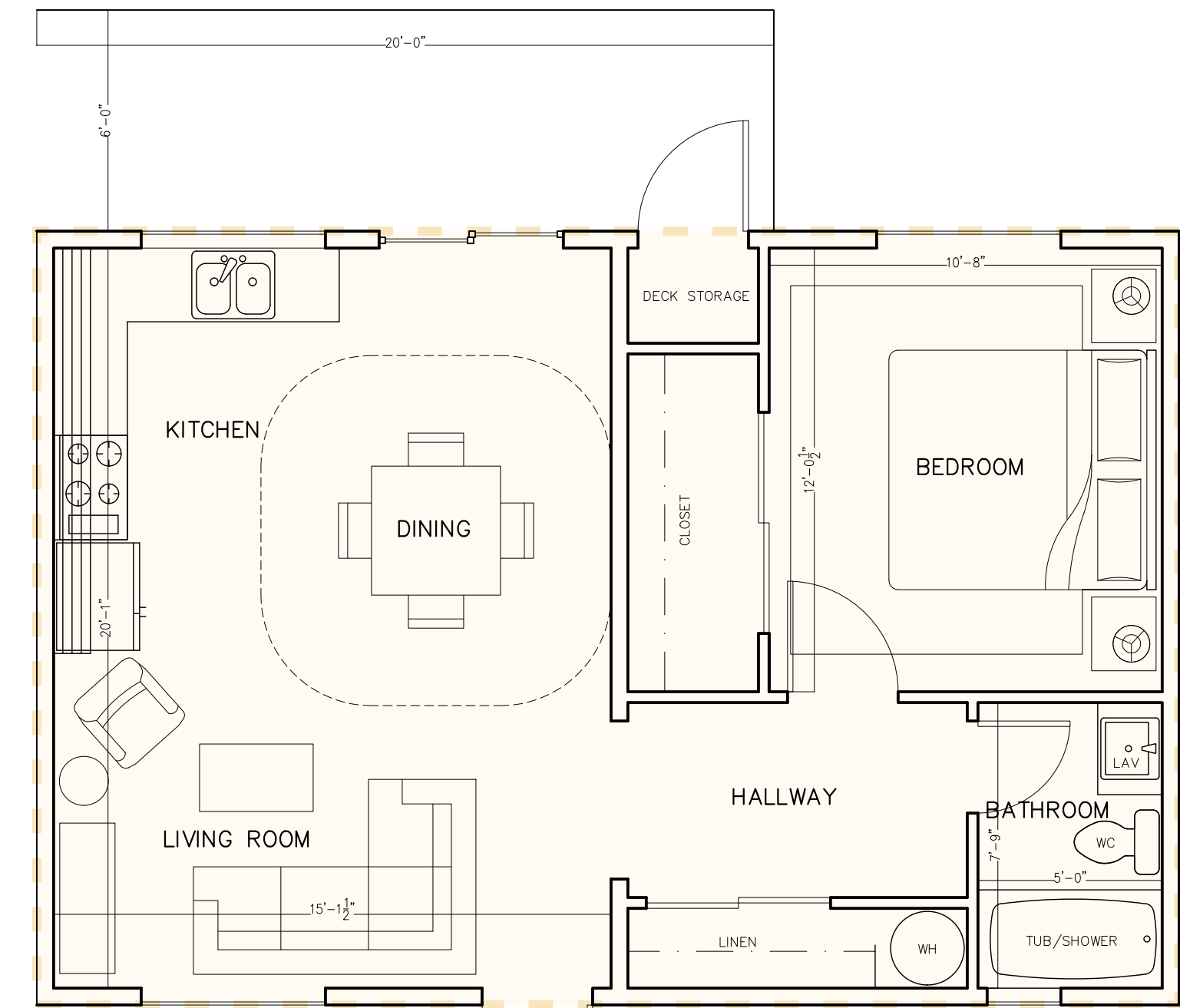
capriarchitecture
541.961.0503 info@capriarchitecture.com

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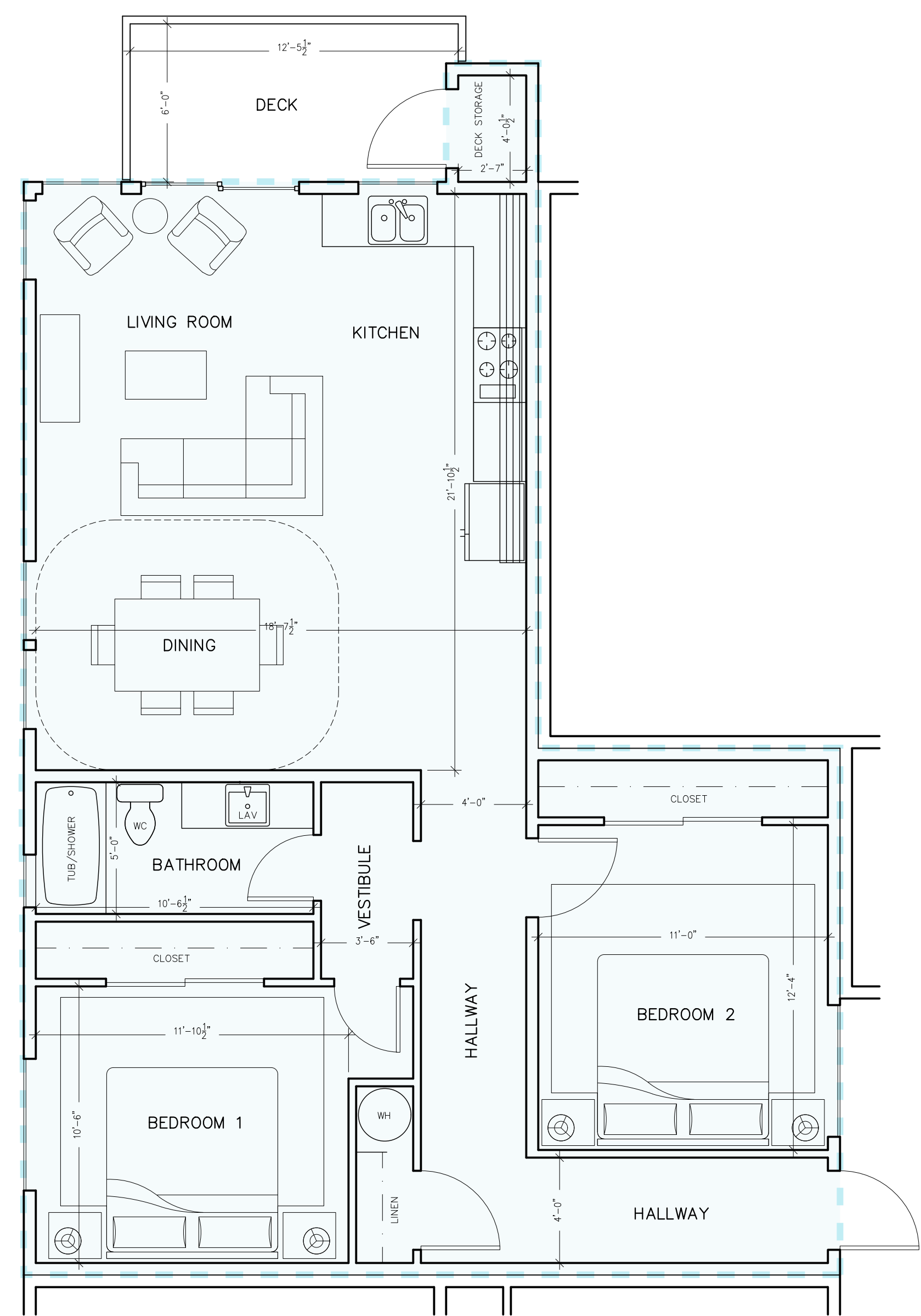
DATE: 06/15/2021
ARCHITECT: Dustin J. Capri
PROJECT MANAGER:
DRAWN By: Dustin J. Capri
Checked By: Dustin J. Capri



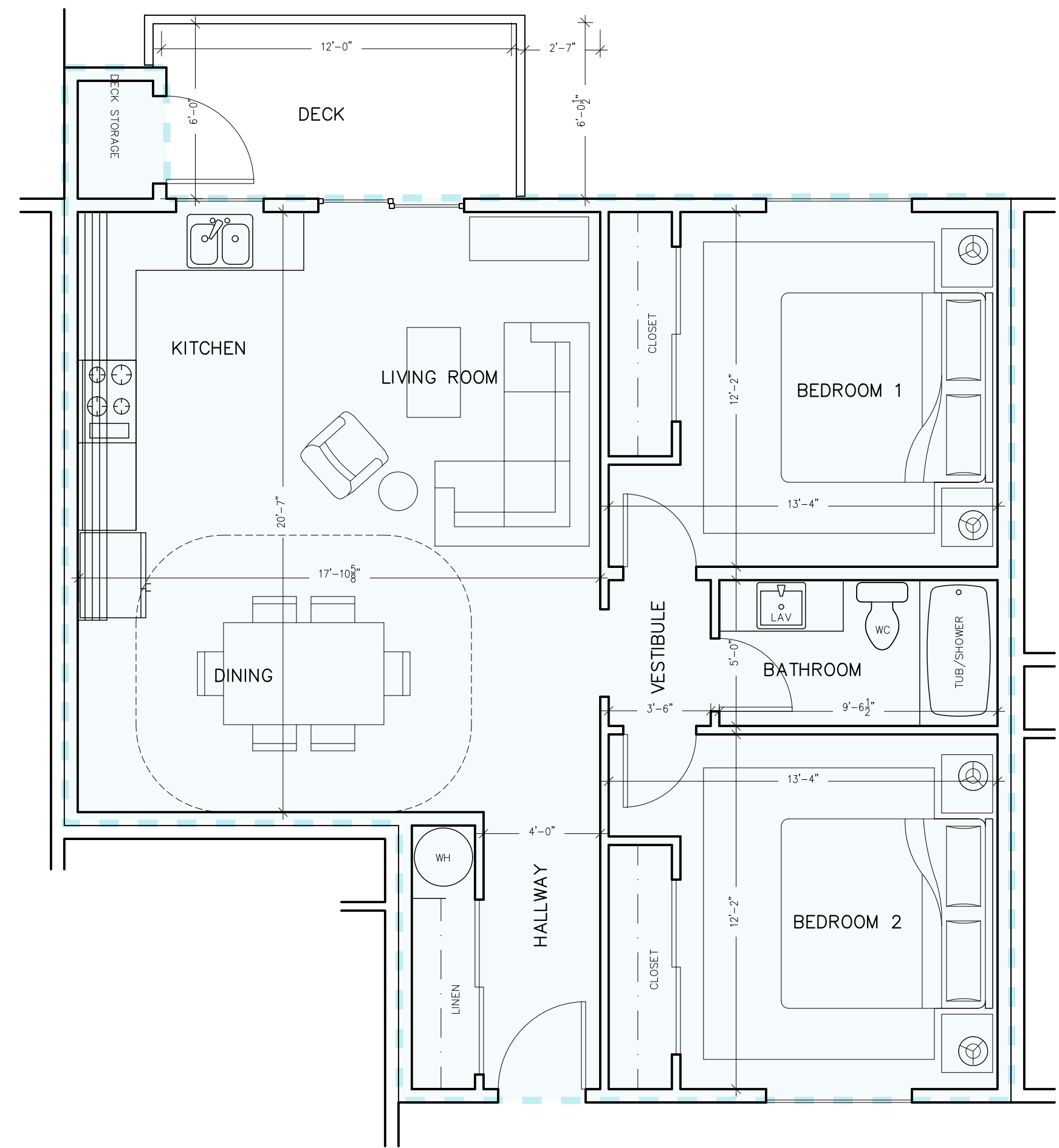
1
A3-1
TYPICAL 1 BEDROOM UNIT (667SF)



2
A3-1
NORTHERN 1 BEDROOM UNIT (651SF)



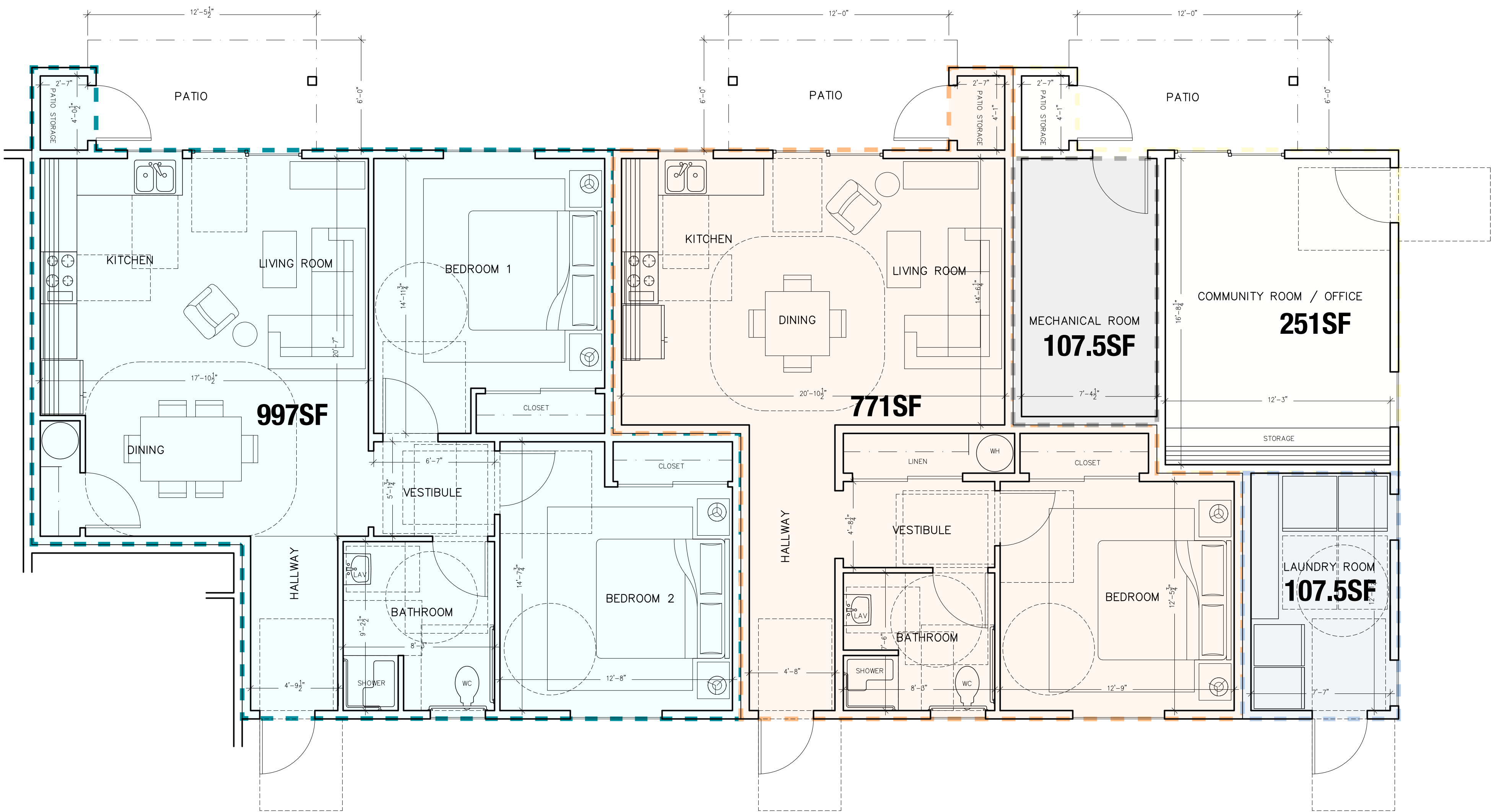
3
A3-1
2 BEDROOM CORNER UNIT, FOREST VIEW (1,056SF)



4
A3-1
2 BEDROOM CORNER UNIT, COURTYARD VIEW (920SF)



NORTHWEST COASTAL HOUSING



1
A3-2 COURTYARD WING - ADA UNITS / PUBLIC SPACES

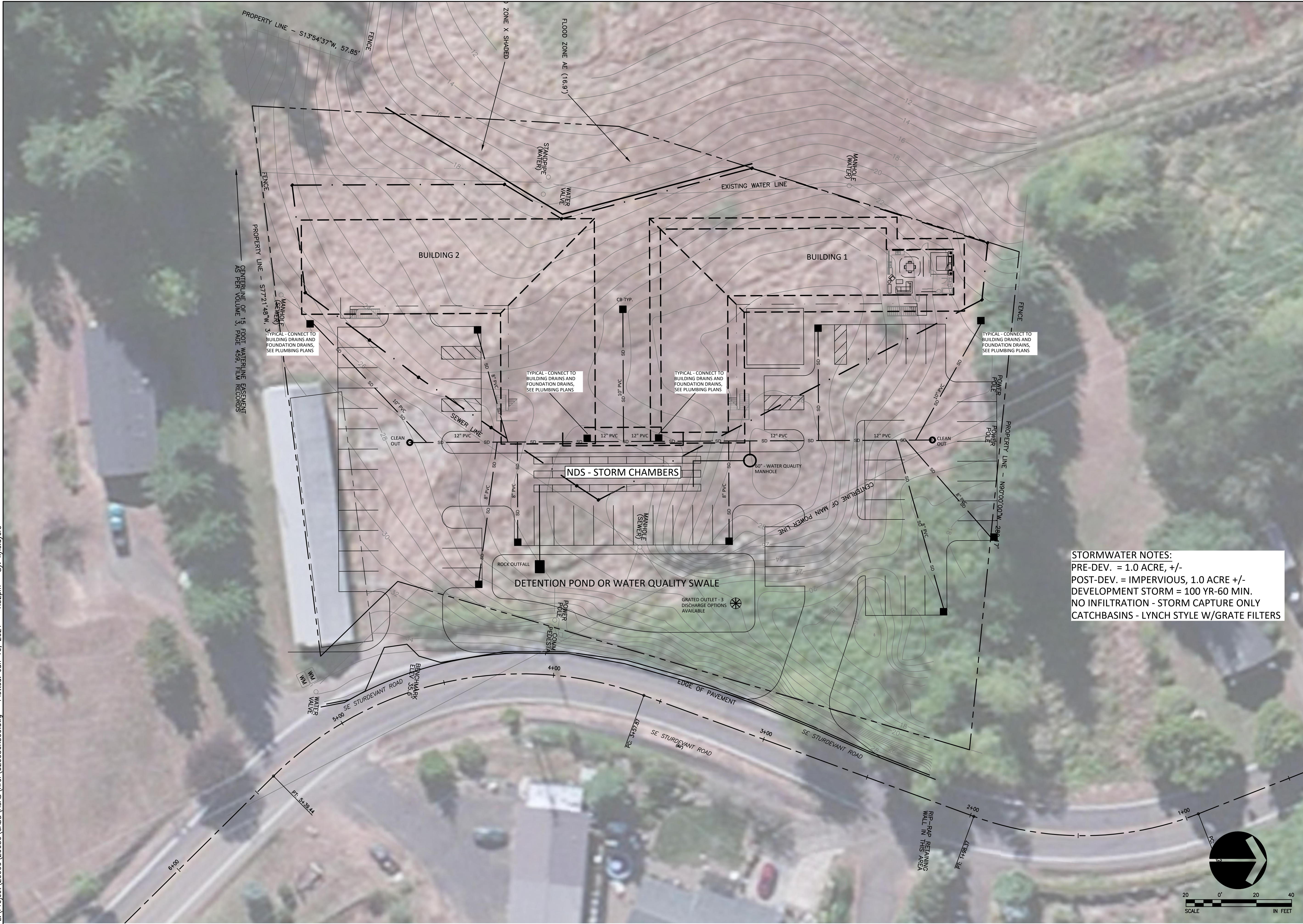
OLALLA MEADOWS
- CONCEPTUAL DESIGN -
TOLEDO, OREGON

capriarchitecture
541.961.0503 info@capriarchitecture.com

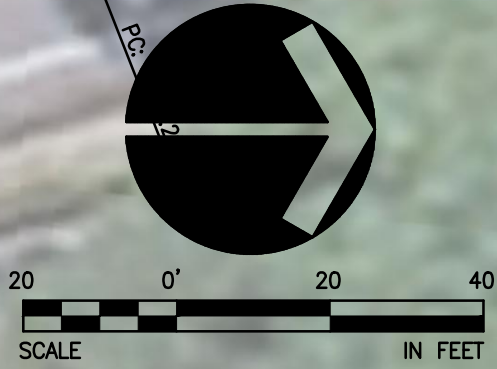
SCALE: 1/4" = 1'0"

DATE: 06/15/2021
ARCHITECT: Dustin J. Capri
PROJECT MANAGER:
DRAWN By: Dustin J. Capri
Checked By: Dustin J. Capri

A3-2



STORMWATER NOTES:
PRE-DEV. = 1.0 ACRE, +/-
POST-DEV. = IMPERVIOUS, 1.0 ACRE +/-
DEVELOPMENT STORM = 100 YR-60 MIN.
NO INFILTRATION - STORM CAPTURE ONLY
CATCHBASINS - LYNCH STYLE W/GRATE FILTERS



NORTHWEST COASTAL HOUSING
OLALLA MEADOWS
SCHEMATIC STORMWATER EXHIBIT
A PORTION OF TAX MAP T11-R10W-S17, PARCEL 800
LINCOLN COUNTY, OREGON

Otak
4253-A Hwy 101 N.
Seaside, Oregon 97138
Phone: 503.738.3425
Fax: 503.738.7455
Internet: www.otak.com

20086 C20086X500.DWG
Project No. Drawing No.
STORM
Sheet No.
Copyright 2021 ©

NO.	DATE	BY	REVISION COMMENTS
Design	JGF	JGF	Drawn
Checked	JGF	KKA	Initial Issue Date:
			June 16, 2021

NW COASTAL HOUSING - OLALLA MEADOWS APARTMENTS

CONCEPTUAL DESIGN PHASE - 15 JUNE 2021

capriarchitecture
541.961.0503 info@capriarchitecture.com

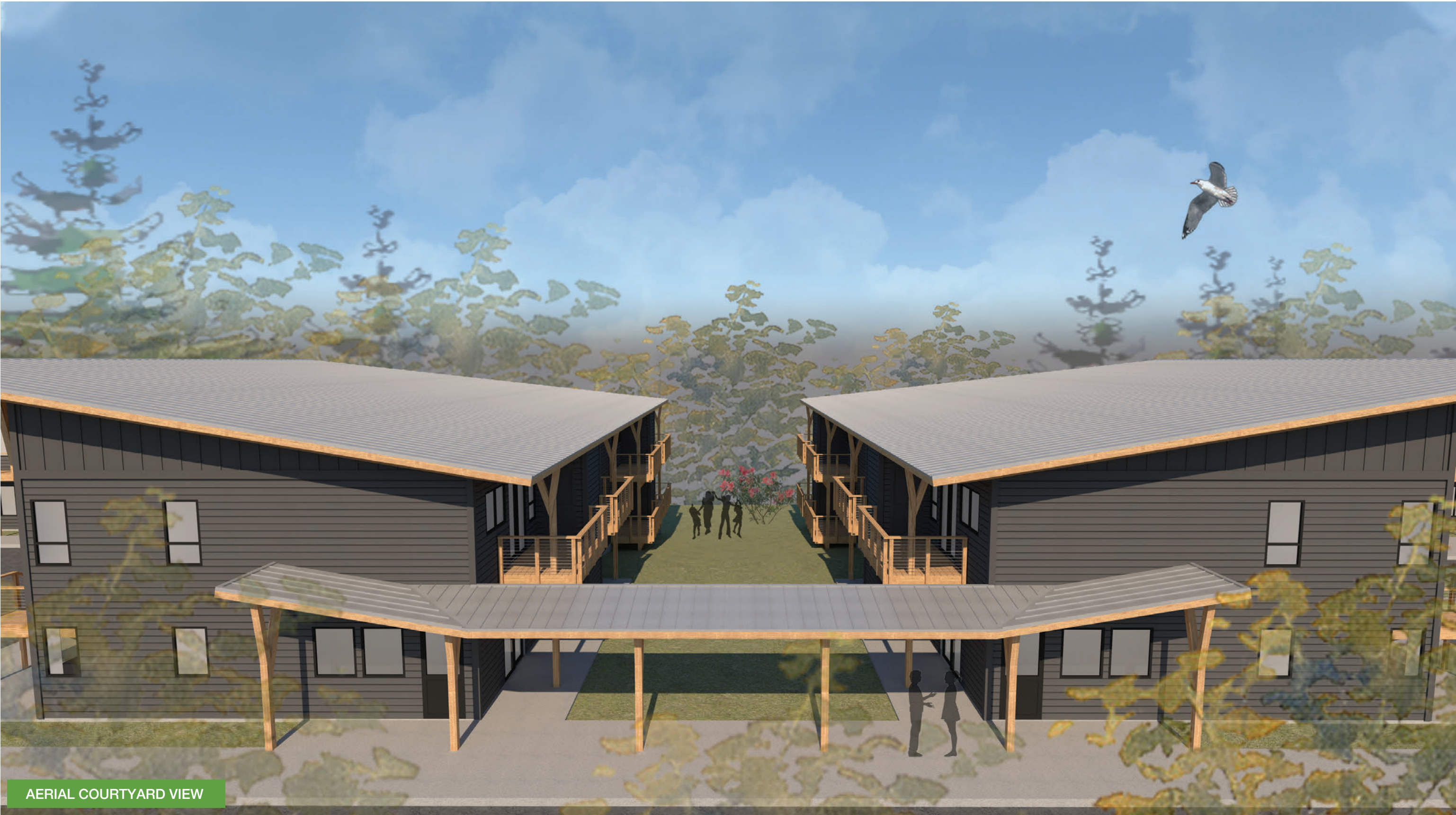


CENTER COURTYARD VIEW

NW COASTAL HOUSING - OLALLA MEADOWS APARTMENTS

CONCEPTUAL DESIGN PHASE - 15 JUNE 2021

capriarchitecture
541.961.0503 info@capriarchitecture.com



AERIAL COURTYARD VIEW

NW COASTAL HOUSING - OLALLA MEADOWS APARTMENTS

CONCEPTUAL DESIGN PHASE - 15 JUNE 2021

capriarchitecture
541.961.0503 info@capriarchitecture.com



SOUTHEAST PERSPECTIVE

NW COASTAL HOUSING - OLALLA MEADOWS APARTMENTS

CONCEPTUAL DESIGN PHASE - 15 JUNE 2021

capriarchitecture

541.961.0503 info@capriarchitecture.com



SOUTHWEST PERSPECTIVE

NW COASTAL HOUSING - OLALLA MEADOWS APARTMENTS

CONCEPTUAL DESIGN PHASE - 15 JUNE 2021

capriarchitecture

541.961.0503 info@capriarchitecture.com



AERIAL PERSPECTIVE VIEW

B395 P1053

WARRANTY DEED -- STATUTORY FORM
INDIVIDUAL GRANTOR

After recording Return to: City of Toledo P. O. Box 220 Toledo, OR 97391	Until a change is requested, all tax statements shall be sent to the following address: City of Toledo P. O. Box 220 Toledo, OR 97391
Western Title & Escrow Company Escrow No. 215979-SWC	11-10-17-DB-100 & 11-10-17-00-800

ROBERT L. STEENKOLK and PHYLLIS A. STEENKOLK, husband and wife, Grantor, conveys and warrants to CITY OF TOLEDO, a municipal corporation Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in County, Oregon, to-wit:

The Property described in Exhibit 'A' attached hereto and made a part hereof.

The property is free from encumbrances except

See Exhibit 'A' attached hereto and made a part hereof.

The true consideration for this conveyance is \$135,000.00.
(Here comply with the requirements of ORS 93.030)

Dated this 29th day of December, 19 99


Robert L. Steenkolk


Phyllis A. Steenkolk

James Ruggeri hereby accepts this
conveyance on behalf of the City of Toledo.

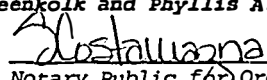

James L. Ruggeri, City Attorney

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Lincoln)ss.

This instrument was acknowledged before me on December 29, 19 99
by Robert L. Steenkolk and Phyllis A. Steenkolk




Notary Public for Oregon
My commission expires 12/5/02

SPACE RESERVED FOR RECORDER'S USE

DEC 30 1999

B395 P1054

Exhibit 'A'

PARCEL I:

That part of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point that is 422 feet West of the corner common to Sections 16, 17, 20 and 21, Township 11 South, Range 10 West, Willamette Meridian; thence North 26 feet to the center of the County Road; thence Northerly along the center line of said county road to its intersection with the Easterly extension of the South line of 10th Street South; thence West to a point where the South line of said street crosses the East bank of Olalla Slough; thence Southwesterly and Southeasterly along the said East bank of said slough to the meander corner on the South line of Section 17 aforesaid; thence East to the point of beginning.

EXCEPTING THEREFROM that part thereof conveyed by J.G. Marsh and wife to Arthur J. Renken and wife by Deed recorded August 25, 1948, in Book 127, page 615, Deed Records.

EXCEPTING also that part thereof lying Southerly of a line described as follows:

Beginning at a point on the East bank of Olalla Slough which point is North 164.29 feet and West 1299.72 feet from the corner common to Sections 16, 17, 20, and 21 of Township 11 South, Range 10 West, Willamette Meridian; thence South 84 deg. 43' East 394.5 feet; thence South 13 deg. 50' West 57.5 feet; thence North 77 deg. 13' East 317 feet to the center of the Olalla County Road No. 53.

PARCEL II:

Part of the Northwest quarter of the Southeast quarter of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point East 520 feet and South 60 feet from the center of Section 17, Township 11 South, Range 10 West, Willamette Meridian; thence East along the South line of the first tract described in Deed to Oregon Mesabi Corporation, recorded July 26, 1939, in Volume 81, page 544, Deed Records, 208 feet, more or less, to a point on the East line of East Slope Road, said point being the true point of beginning; thence South along said East line, 650 feet, more or less, to the North line of the second tract conveyed to Oregon Mesabi Corp. by Deed recorded July 26, 1939, in Book 81, page 544, Deed Records of Lincoln County, Oregon; thence East along the North line of said Oregon Mesabi Corp. tract to the Westerly bank of Olalla Slough; thence Northeasterly along said Slough to a point that is South 230 feet and East 817 feet from the place of beginning; thence North 230 feet, more or less, to the South line of said Oregon Mesabi Corporation first tract; thence West along said South line 609 feet, more or less, to the true point of beginning.

Continued on next page

STATE OF OREGON,

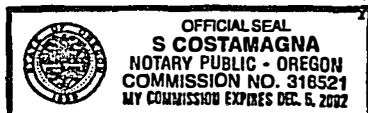
County of Lincoln

ss.

FORM No. 23—ACKNOWLEDGMENT.
Stevens-Ness Low Publishing Co. NL
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 30th day of December, 1999, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named James L. Ruggeri, City Attorney on behalf of the City of Toledo

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

S. Costamagna
Notary Public for Oregon
My commission expires 12/5/02

DEC. 30 1999

RECEIVED - continued

EXCEPTING any portion outside of the Northwest quarter of the Southeast quarter of said Section 17, and EXCEPTING any portion below high water mark of Ollalla Slough and EXCEPTING tract described in Deed recorded August 6, 1924, in Book 45, page 65, Deed Records of Lincoln County, Oregon.

SUBJECT TO THE FOLLOWING:

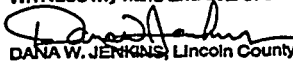
1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the Olalla Slough, including any ownership rights which may be claimed by the State of Oregon, below high water mark as it now exists or at any time has existed.
5. Easement, including the terms and provisions thereof, to construct and permanently maintain a transmission line, from U.F. Early to West Coast Power Company, a private corporation, recorded December 9, 1937, in Volume 77, page 154, Deed Records.
(Affects Parcel I)
6. Easement, including the terms and provisions thereof, disclosed by instrument from Inman-Poulsen Timber Corporation, an Oregon corporation et al, to Central Lincoln Peoples Utility District, recorded May 15, 1957, in Volume 185, page 75, Deed Records.
(Affects Parcel II)
7. Easement, including the terms and provisions thereof, granted by Gertrude Woldman to Benton-Lincoln Electric Cooperative, Inc., a corporation, recorded July 2, 1958, in Volume 192, page 479, Film Records.
(Location not discernible from the record)
8. Easement for water pipeline, including the terms and provisions thereof, from Ray Fieber and Lurena Fieber to The City of Toledo, Oregon, a municipal corporation of the State of Oregon, recorded October 31, 1968, in Volume 3, page 459, Film Records.
(Affects Parcel I)
9. Easement for pipeline, including the terms and provisions thereof, from Ray Fieber and Lurena Fieber, husband and wife, to Georgia-Pacific Corporation, recorded October 20, 1970, in Volume 21, page 1503, Film Records.
(Affects Parcel II)

STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book 395 Page 1053

WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

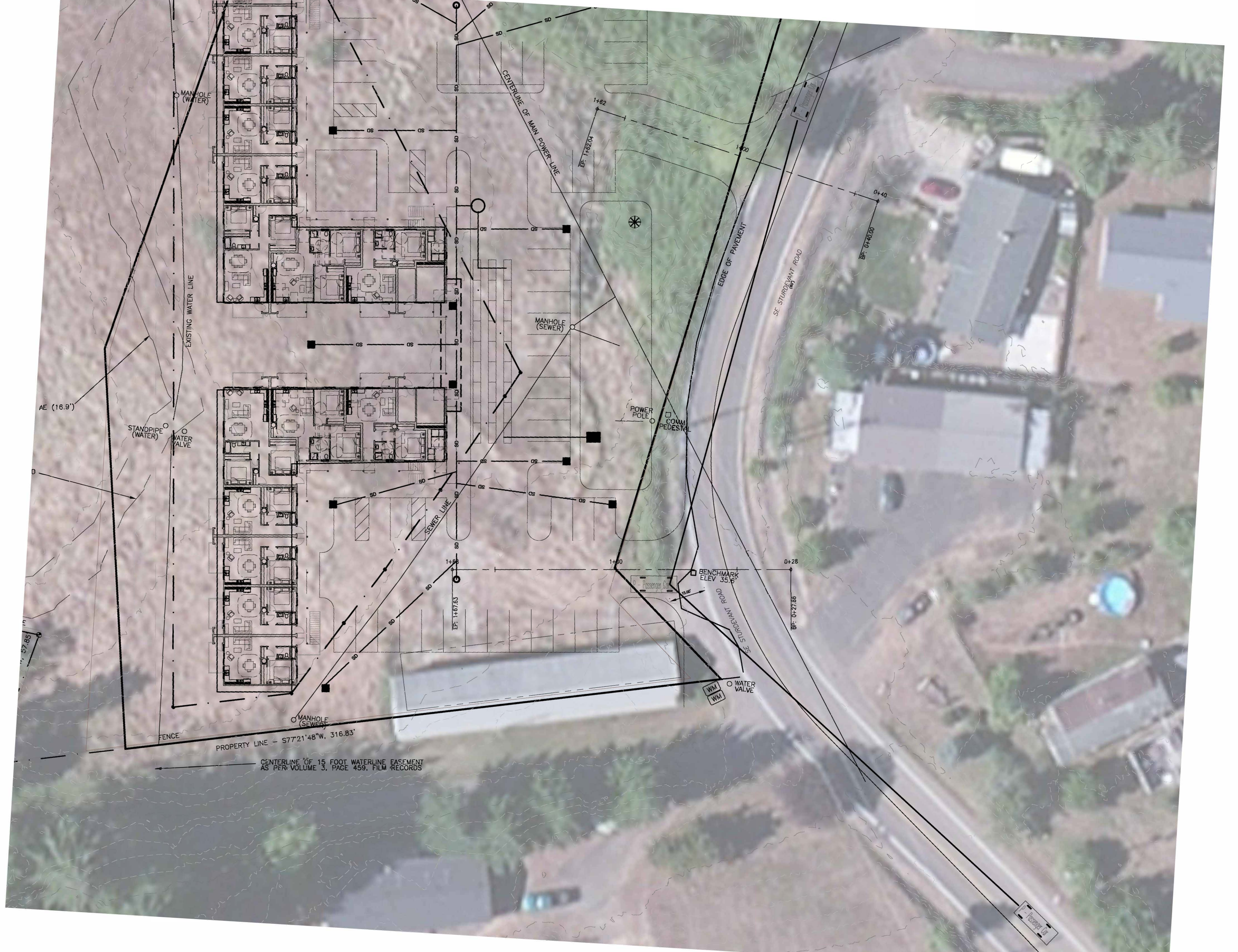
Doc : 6221809

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12/30/1999 02:58:06pm



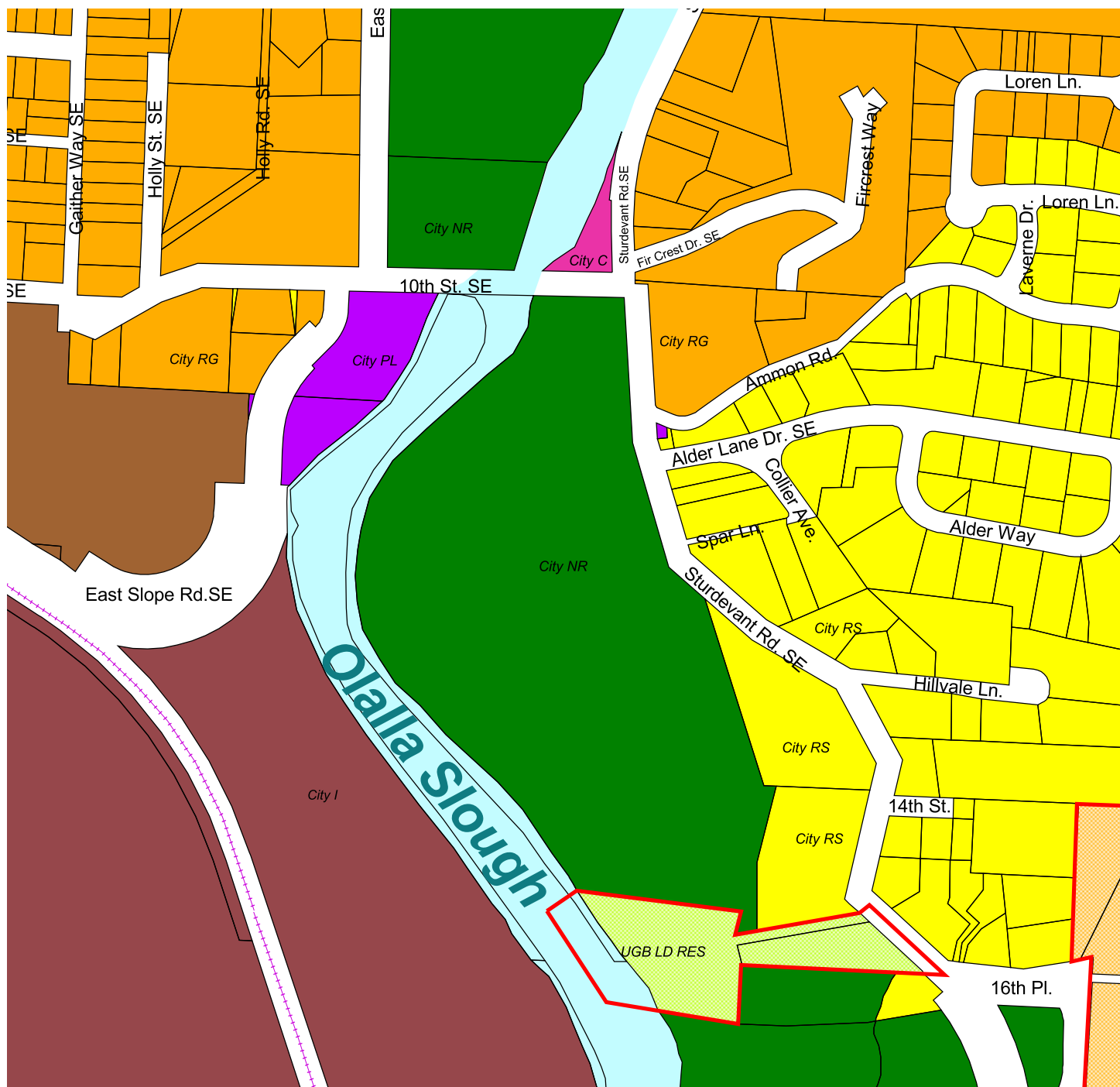




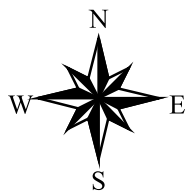
ATTACHMENT B

Zoning Map

(City of Toledo File #CU-4-21/VAR-1-21)

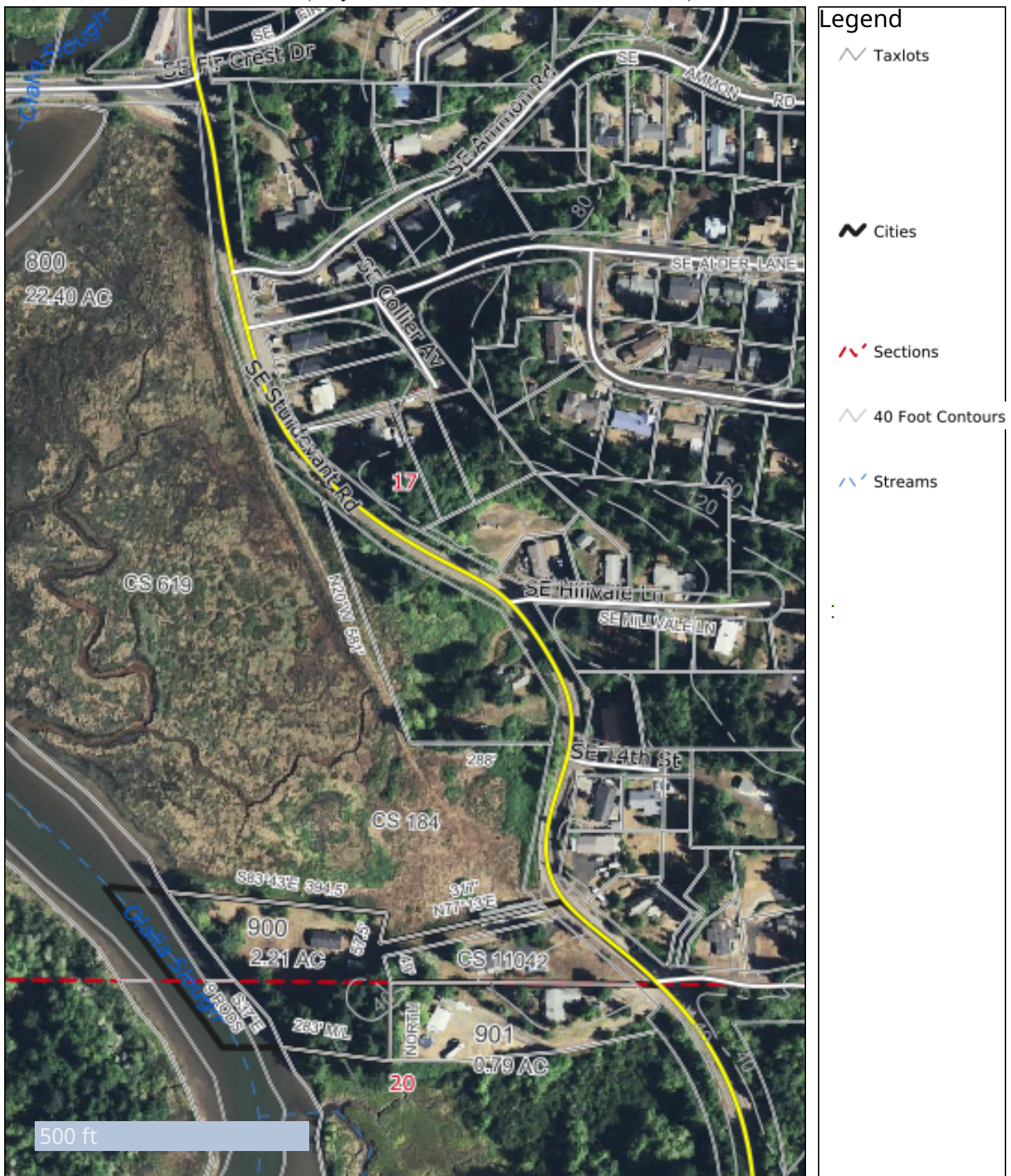


200 0 200 400 Feet



- City Limits
- UGB
- Parcels
- Railroad
- 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

Aerial Map
(City of Toledo File #CU-4-21/VAR-1-21)



Printed on 7 / 7 / 2021

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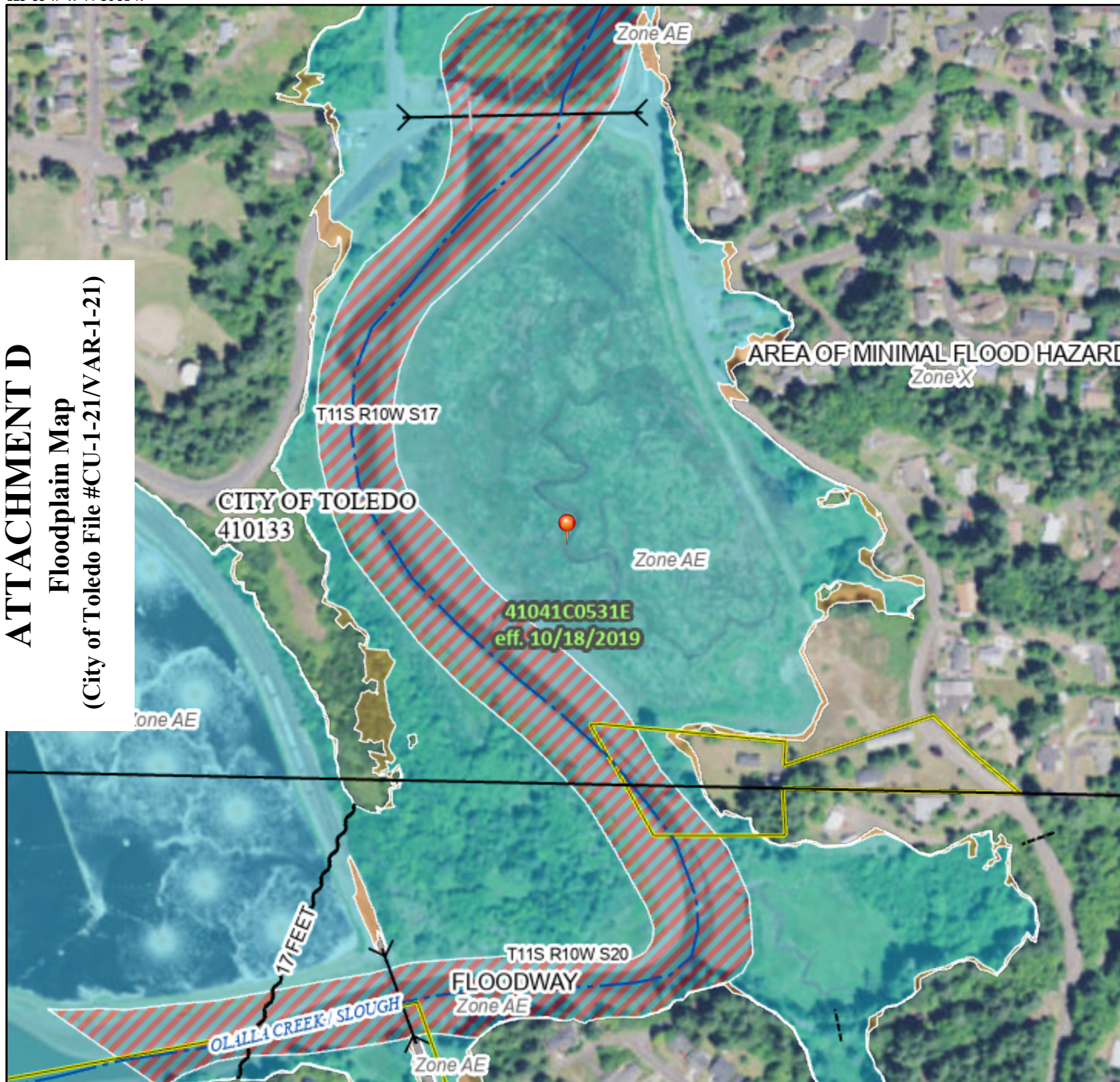


National Flood Hazard Layer FIRMette



123°55'47"W 44°36'51"N

ATTACHMENT D
Floodplain Map
(City of Toledo File #CU-1-21/VAR-1-21)



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/7/2021 at 8:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

123°55'9"W 44°36'26"N

ATTACHMENT E
City and County Comments
(City of Toledo File #CU-4-21/VAR-1-21)

Arlene Inukai

From: Greg Musil
Sent: Wednesday, July 07, 2021 9:56 AM
To: Arlene Inukai
Cc: Justin Peterson
Subject: RE: Northwest Coastal Housing/City of Toledo Land Use Application
Attachments: Fire Hydrant GPM & Location Requirments.pdf

Fire Code Comments:

The west parking curb running north/south along the breezing way, between the north and south parking lots shall be painted bright red and be labeled in white lettering "No Parking Fire Lane" per Oregon Fire Code 503.3.

Fire hydrants shall provide the needed gallons per minute per Code Fire Code Appendix B. Fire hydrant placement shall be in accordance with Oregon Fire Code Appendix C. Appendix B and C are attached in this email.

Captain Greg Musil
Fire Inspector
Toledo Fire Department

From: Arlene Inukai
Sent: Tuesday, June 29, 2021 4:15 PM
To: Larry Robeson <firemain@cityoftoledo.org>; Greg Musil <Greg.Musil@cityoftoledo.org>; 301 <michael.pace@cityoftoledo.org>; Public Works Director <pwdirector@cityoftoledo.org>; Roy Kinion <rkinion@co.lincoln.or.us>; derek.r.wilson@odfw.oregon.gov
Cc: Justin Peterson (jpeterson@ocwcog.org) <jpeterson@ocwcog.org>
Subject: Northwest Coastal Housing/City of Toledo Land Use Application

Hi All,
Attached, please see the Conditional Use Permit and Variance request from Northwest Coastal Housing for a 30-unit apartment complex and variance to the rear yard setback standards (Lincoln County Assessors Map 11-10-17 Tax Lot 800, Proposed Parcel 1).

Please review and return any comments/conditions. The staff report will be finalized on July 7th. Comments can still be submitted to the Planning Commission at the July 14th meeting.

Let me know if you have any problems with the attachment or want to view the original application packet.

Thanks,
Arlene

Arlene Inukai
Planning Assistant



City of Toledo, Oregon

TABLE B105.1(2)
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. Types of construction are based on the *International Building Code*.

b. Measured at 20 psi residual pressure.

TABLE B105.2
REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire flow shall be not less than 1,000 gallons per minute.

b. The reduced fire flow shall be not less than 1,500 gallons per minute.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

The provisions contained in this appendix are adopted by the State of Oregon.

User note:

About this appendix: Appendix C focuses on the location and spacing of fire hydrants, which is important to the success of fire-fighting operations. The difficulty with determining the spacing of fire hydrants is that every situation is unique and has unique challenges. Finding one methodology for determining hydrant spacing is difficult. This particular appendix gives one methodology based on the required fire flow that fire departments can work with to set a policy for hydrant distribution around new buildings and facilities in conjunction with Section 507.5.

SECTION C101 GENERAL

C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

SECTION C102 NUMBER OF FIRE HYDRANTS

C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1.

TABLE C102.1
REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS^h

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c, f, g} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^{d, f, g}
1,750 or less	1	500	250
1,751–2,250	2	450	225
2,251–2,750	3	450	225
2,751–3,250	3	400	225
3,251–4,000	4	350	210
4,001–5,000	5	300	180
5,001–5,500	6	300	180
5,501–6,000	6	250	150
6,001–7,000	7	250	150
7,001 or more	8 or more ^c	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- Reduce by 100 feet for dead-end streets or roads.
- Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- Reduce by 50 feet for dead-end streets or roads.
- One hydrant for each 1,000 gallons per minute or fraction thereof.
- A 50-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 of the *International Fire Code*.
- A 25-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.2 or 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*.
- The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

User note:

Previous editions of Table C102.1 had large gaps between *fire-flow* requirements. These gaps provided the *fire code official* with discretion based on site-specific considerations. "Note h" provides that same discretion based on the jurisdiction's determination that conditions particular to a location justify either an increase or a decrease in the number of hydrants, or a change in their arrangement. Any decreases in the general fire protection scheme should take into account possible future development that may occur.

SECTION C103 FIRE HYDRANT SPACING

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

C103.2 Average spacing. The average spacing between fire hydrants shall be in accordance with Table C102.1.

Exception: The average spacing shall be permitted to be increased by 10 percent where existing fire hydrants provide all or a portion of the required number of fire hydrants.

C103.3 Maximum spacing. The maximum spacing between fire hydrants shall be in accordance with Table C102.1.

SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties are allowed to be considered as available to meet the requirements of Sections C102 and C103 provided that a fire apparatus access road extends between properties and that an easement is established to prevent obstruction of such roads.

SECTION C105 REFERENCED STANDARD

ICC IRC—18 International Residential Code Table C102.1

Arlene Inukai

From: Justin Peterson <jpeterson@ocwcog.org>
Sent: Wednesday, July 07, 2021 11:15 AM
To: Roy Kinion
Cc: Kelly Foley; Arlene Inukai
Subject: RE: CU-4-21 and VAR-1-21 - Multi-family housing development

Roy,

Thank you for the update. Is the meeting before the public hearing on July 14th?

Thank you,

Justin Peterson

Community and Economic Development Planner
Oregon Cascades West Council of Governments
1400 SE Queen Ave, Suite 205
Albany, OR 97322
541-924-8420
www.OCWCOG.org

PUBLIC RECORDS LAW DISCLOSURE: This email communication is subject to the State of Oregon Records Retention Schedule and may be made available to the Public. OCWCOG is an equal opportunity employer and provider.

From: Roy Kinion [mailto:rkinion@co.lincoln.or.us]
Sent: Tuesday, July 6, 2021 1:49 PM
To: Justin Peterson <jpeterson@ocwcog.org>
Cc: Kelly Foley <kfoley@co.lincoln.or.us>
Subject: Re: CU-4-21 and VAR-1-21 - Multi-family housing development

WARNING: This is an EXTERNAL email. Do not open attachments or click links unless you recognize the sender and know the contents are safe.

Justin,

I am scheduled to meet with Dustin Capri next week to discuss the Sturdevant Road Housing project. The County has several concerns regarding access on to Sturdevant Road. Site distance for the north access is questionable. The guardrail at this location will have to be redesigned to accommodate the two accesses and we may request widening of the roadway on the curve between the proposed accesses. This section of road way is the only section that does not have at least one paved shoulder adjacent to the travel way. We will discuss these issues with the applicants and architect next week.

Roy L. Kinion
Public Works Director
Lincoln County, Oregon
541-574-1211
rkinion@co.lincoln.or.us

On Wed, Jun 30, 2021 at 2:32 PM Justin Peterson <jpeterson@ocwcog.org> wrote:

Roy,

Thank you for the update. The City will wait for the additional comments.

Justin Peterson

Community and Economic Development Planner

Oregon Cascades West Council of Governments

1400 SE Queen Ave, Suite 205

Albany, OR 97322

541-924-8420

www.OCWCOG.org

PUBLIC RECORDS LAW DISCLOSURE: This email communication is subject to the State of Oregon Records Retention Schedule and may be made available to the Public. OCWCOG is an equal opportunity employer and provider.

From: Roy Kinion [mailto:rkinion@co.lincoln.or.us]

Sent: Wednesday, June 30, 2021 1:55 PM

To: Justin Peterson <jpeterson@ocwcog.org>

Cc: Arlene Inukai <planning@cityoftoledo.org>; Kelly Foley <kfoley@co.lincoln.or.us>; James Hodge <jhodge@co.lincoln.or.us>

Subject: Re: CU-4-21 and VAR-1-21 - Multi-family housing development

WARNING: This is an EXTERNAL email. Do not open attachments or click links unless you recognize the sender and know the contents are safe.

Justin,

We have not spoken with the applicants but we have looked at the plans. We have multiple questions regarding the accesses, site distance and the current guardrail system that is located near this site. Lincoln County Public Works will have comments after our site visit and further review of the plans. The applicants will be required

to obtain approved access permits from Lincoln County before they will be able proceed with this project.

Roy L. Kinion

Public Works Director

Lincoln County, Oregon

541-574-1211

rkinion@co.lincoln.or.us

On Wed, Jun 30, 2021 at 12:00 PM Justin Peterson <jpeterson@ocwcog.org> wrote:

Roy,

Arlene sent the application packet for the conditional use and variance for a 30 unit multi-family development yesterday. I believe the applicants may have reached out to you directly about the project. Does the County have any comments on the proposed project? The City Staff will be recommending a condition of approval that the driveway improvements are coordinated with Lincoln County and Toledo Fire.

I can resend the application packet if needed.

Thank you,

Justin Peterson

Community and Economic Development Planner

Oregon Cascades West Council of Governments

1400 SE Queen Ave, Suite 205

Albany, OR 97322

541-924-8420

www.OCWCOG.org

Arlene Inukai

From: Al Eames <aeames@co.lincoln.or.us>
Sent: Friday, July 02, 2021 8:20 AM
To: Arlene Inukai
Subject: Re: Northwest Coastal Housing/City of Toledo Conditional Use/Variance Application

Arlene

Should be no problem for me. We need 3 sets of engineered plans and an application submitted. The building would be required to be sprinklered.

Al

On Wed, Jun 30, 2021 at 3:54 PM Arlene Inukai <planning@cityoftoledo.org> wrote:

Hi Al and Onno,

Attached, please see the Conditional Use Permit and Variance request from Northwest Coastal Housing for a 30-unit apartment complex and variance to the rear yard setback standards (reduced from 15-feet to one-foot). The property is at 11-10-17 Tax Lot 800, Proposed Parcel 1.

Let us know if you have any comments or conditions that should be noted in the request. The staff report will be finalized on July 7th, with the Planning Commission meeting held July 14th.

Any feedback will be appreciated!

Thanks,

Arlene

Arlene Inukai

Planning Assistant



ATTACHMENT F
Public Comments
(City of Toledo File #CU-4-21/VAR-1-21)

Dear City Of Toledo Planning Dept.

My name is Kylie Williams, I am a graduate of Toledo High and have been a resident here almost 31 years. I recently received your letter about the City's plan to turn tax lot 800 into low income housing apartments. To say that I was frustrated would be an understatement. Who would think that putting a housing development right there would be a good idea? You already have a traffic problem, vehicle and people on foot. We already struggle with people dealing drugs right out front of our home. We call the cops and nothing was done about it. To think that this could be happening more, completely terrifies me. I'm trying to raise two young boys in a nice quiet neighborhood. This will not be possible if you continue on with your ridiculous plan.

Another topic of concern is the wildlife in the slough. So many Canadian geese use that as their nesting grounds. Every year so many babies are born and use that as a safe haven. Deer have fawns out there. They feel it safe enough to leave their babies while they forage for food. Could you imagine how chaotic it would be if there was housing right next to them? So much wildlife uses that area, and here you go wanting to push them out. I hope ODFW gets involved and shuts this down. This will have such a negative impact on their lives. The extra noise, all the trash, the complete disturbance to their homes. Just because the city wants to get this tax lot off their hands, don't disrupt our lives. You are going to have a huge push back from most of the people in the surrounding neighborhoods, and I, my family and I are a few of them.

Do you think somebody buys a house and hopes that one day right down the road low income housing will be put in? Probably not. My husband and I have worked very hard to get to where we are. We enjoy our spot and the way it is now. If you're trying to turn this into Newport, I am completely disappointed in the city that I love. People live here for a reason. Find somewhere else to develop and leave this area alone. I agree people need somewhere to live, but there are plenty of other spots you can pick. How about that massive spot down from Cup of Sass? Some apartments could fit there.

In conclusion I hope this gets squashed into the dirt and never gets tried again. You will be responsible for ruining what people have worked so hard

RECEIVED
CITY OF TOLEDO
DATE 7/7/21
BY AK

for. Don't squash my American dream, or my neighbors. DON'T DEVELOP
HERE!!!!!!!

Arlene Inukai

From: Lisa Figueroa
Sent: Wednesday, June 30, 2021 5:54 AM
To: Arlene Inukai
Subject: Fwd: Form submission from: Contact Us

This came through the website.

----- Forwarded message -----

From: Toledo Oregon <toledo-or@unicodeweb.com>
Date: Jun 27, 2021 10:49 AM
Subject: Form submission from: Contact Us
To: Lisa Figueroa <administration@cityoftoledo.org>
Cc:

Submitted on Sunday, June 27, 2021 - 10:48am

Submitted by anonymous user: 66.169.242.112

Submitted values are:

First Name Kylie
Last Name Williams
Email flywiththefishes@yahoo.com
Question/Comment

I think where you are trying to build on tax lot 800 is a terrible idea. The driveway would be on a very sharp corner, which people already fly around. I feel you would be disrupting the Canadian geese in the slough. There does not need to be anymore cars or foot traffic along this road. We enjoy our neighborhood how it is. Don't Newport our Toledo. Find land elsewhere.

The results of this submission may be viewed at:

<https://www.cityoftoledo.org/node/7/submission/1103>

CITY OF TOLEDO



TO: City of Toledo Planning Commission

FROM: Judy Richter City Manager

DATE: July 7, 2021

SUBJECT: Toledo Urban Renewal Plan

PURPOSE

The focus of the Planning Commission's review and recommendation is the conformance of the Plan with the Toledo Comprehensive Plan. This action does not require a public hearing, and the Planning Commission is not being asked to approve the Plan but rather make a recommendation to the City Council on the conformance to the Comprehensive Plan issue. There are no explicit review criteria for a Planning Commission for the review of an urban renewal plan. The Oregon Revised Statute (ORS) ORS 457.089(1) states that "An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations, prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095". The generally accepted practice is for the Planning Commission to provide input on the relationship of the Plan to the Local Goals and Objectives (Section XIII of the Plan), and particularly to its conformance to the City of Toledo Comprehensive Plan.

The reason for urban renewal is to provide a financing mechanism to fund improvements including economic development assistance, improvements to public buildings, provide recreation improvements, and improve the utility infrastructure. Urban renewal is unique in that it brings its own financing source: tax increment financing. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established – are used to repay borrowed funds. The funds borrowed are used to pay for urban renewal projects.

BACKGROUND

The city of Toledo completed an urban renewal feasibility study in April of 2021. The study indicated that significant tax increment funds could be raised in their proposed urban renewal area to warrant creation of an urban renewal plan. The Toledo City Council reviewed the feasibility study and instructed staff to proceed with preparation of an urban renewal plan for their consideration.

PROPOSAL

The Toledo Urban Renewal Plan Area (Area), shown in Figure 1 of the Plan, consists of approximately 327 acres of land including rights of way.

The Plan contains goals, objectives, and projects for the development of the Area. The goals of the Plan are listed in Section III of the attached Plan. The specific projects proposed in this Plan are outlined in Sections IV and V of the Plan and include the improvement and construction of streets and utilities. The overall purpose of the Plan is to use tax increment financing to overcome obstacles to the proper development of the Area.

The proposed maximum indebtedness is \$31,300,000. The Plan is projected to take 30 years of tax increment revenue collection.

The Plan relates to local planning and development objectives contained within the *Toledo Comprehensive Plan* and the *Toledo Transportation Systems Plan*.

Section XIII of the Plan describes the purpose and intent of the Comprehensive Plan, the particular goals and policies within the Comprehensive Plan to which the proposed Plan relates, and an explanation of how the Plan relates to these goals and policies. The numbering of the goals, policies, and implementation strategies will reflect the numbering that occurs in the original document. Italicized text is text that *has* been taken directly from an original planning document. The Comprehensive Plan designations are shown in Figure 2 of the attached Plan. The proposed land uses conform to Figure 2, the comprehensive plan designations and the maximum densities and building requirements can be found in Title 17 of the Toledo Development Code.

This is not a comprehensive list of all parts of the Toledo Comprehensive Plan that are supported by this Plan. This list includes the major Goals and Policies from the comprehensive plans that are in conformance with the urban renewal plan, however, there may be other Goals and Policies that are not listed, but are still in conformance with this Plan.

PROCESS

The process for approval of the Toledo Urban renewal Plan will include the following steps, in accordance with ORS 457.

1. Preparation of a plan including opportunity for citizen involvement.
2. A feasibility study was completed in 2021. It was reviewed by the Toledo City Council who directed staff to move forward with the creation of an urban renewal plan for their consideration.
3. Toledo Urban Renewal Agency July 7, 2021 review of the proposed Plan and accompanying Report.
4. Review and recommendation by the Toledo Planning Commission on July 14, 2021.
5. Presentation of the Plan to the Lincoln County Commission for a briefing
6. Notice to all citizens of Toledo of a hearing before the City Council.
7. Forwarding a copy of the proposed Plan and the Report to the governing body of each taxing district. The formal taxing districts letters will be sent out on July 8, 2021.
8. Hearing by City Council and adoption of the proposed Plan and accompanying Report by a non-emergency ordinance. The hearing by City Council will be held on August 25, 2021 and the vote on the ordinance will be on the same night. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Toledo voters if a sufficient number of signatures are obtained on a referral petition.

9. Due to the Public Building projects in the Plan, these public building projects must be approved by resolution of the board of 3 of the 4 taxing districts levying the most permanent rate taxes in the area. These are the City of Toledo, Toledo School District Greater Toledo Pool and Lincoln County.

STAFF RECOMMENDATION

Staff recommends that the Toledo Urban Renewal Agency pass the following motion.

Draft motion: "I move that the Toledo Planning Commission finds, based upon the information provided in the staff report and the provided attachments, that the Toledo Urban Renewal Plan conforms with the Toledo Comprehensive Plan."

Attachments:

Toledo Urban Renewal Plan

Report on the Toledo Urban Renewal Plan

Toledo Urban Renewal Plan

This document remains draft until vote by the City Council adoption of the Toledo Urban Renewal Plan.



Toledo Urban Renewal Plan
Adopted by the City of Toledo

DATE

Ordinance No. 2021 -

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

LIST OF PARTICIPANTS

Mayor

Rod Cross

City Council

Joshua Smith, Council President

Robert Duprau

Betty Kamikawa

Todd Michels

Jackie Kauffman

Planning Commission

Anne Learned-Ellis, President

Cora Warfield, Vice-President

Jonathan Mix

Frederick "Ricky" Dyson

Terri Neimann

Ruthanne Morris

City of Toledo Staff

Judy Richter, City Manager

Bill Zuspan, Public Works Director

Lisa Figueroa, Executive Assistant/City
Recorder

Arlene Inukai, Planning Assistant

Consulting Team

Elaine Howard Consulting, LLC

Elaine Howard, Scott Vanden Bos

Tiberius Solutions LLC

Nick Popenuk, Ali Danko, Rob Wyman

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DEFINITIONS

“Agency” means the Toledo Urban Renewal Agency. This Agency is responsible for administration of the urban renewal plan.

“Area” means the properties and rights-of-way located within the Toledo Urban Renewal Boundary.

“Blight” is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the urban renewal plan.

“Board of Commissioners” means the Lincoln County Board of Commissioners.

“City” means the City of Toledo, Oregon.

“City Council” or “Council” means the Toledo City Council.

“Comprehensive Plan” means the City of Toledo comprehensive land use plan and its implementing ordinances, policies, and standards.

“County” means Lincoln County, Oregon.

“Fiscal year ending” means the year commencing on July 1 of one year and closing on June 30 of the next year.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within an urban renewal area at the time of adoption. The County Assessor certifies the assessed value after the adoption of an urban renewal plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

“ORS” means Oregon Revised Statutes. Chapter 457 specifically relates to urban renewal.

“Planning Commission” means the Toledo Planning Commission.

“Revenue sharing” means under-levying tax increment proceeds to effectively share a portion of the revenue with the other taxing districts that levy permanent rate taxes in the urban renewal area as defined in ORS 457.470.

“Tax increment financing (TIF)” is a method of funding urban renewal projects and programs through incurring debt that is repaid by the division of taxes accomplished through the adoption of an urban renewal plan.

“Tax increment finance revenues” means the funds allocated by the assessor to an urban renewal area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban renewal area (URA)” means a blighted area included in an urban renewal plan or an area included in an urban renewal plan under ORS 457.160.

“Urban renewal plan” or “Plan” means a plan, as it exists or is changed or modified from time to time, for one or more urban renewal areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Urban renewal project” or “Project” means any work or undertaking carried out under ORS 457 in an urban renewal area.

“Urban renewal report” or “Report” means the official report that accompanies the urban renewal plan pursuant to ORS 457.087.

INTRODUCTION

A. Plan Overview

The city of Toledo completed an urban renewal feasibility study in April of 2021. The study indicated that significant tax increment funds could be raised in their proposed urban renewal area to warrant creation of an urban renewal area. The Toledo City Council (City Council) reviewed the feasibility study and instructed staff to proceed with preparation of an urban renewal plan for their consideration.

Opportunities for public Involvement included:

- a) briefing for the City Council presentation of the Feasibility Study
- b) Toledo Urban Renewal Agency (Agency) meeting on July 7, 2021,
- c) Planning Commission meeting on July 14, 2021
- d) City Council public hearing which was noticed to all utility customers in the City of Toledo via the utility bills.

The Toledo Urban Renewal Plan Area (Area), shown in Figure 1, consists of approximately 327 total acres: 254 acres of land in tax lots and 73 acres of public rights-of-way. It is anticipated that the Plan will take thirty years of tax increment collections to implement. The maximum amount of indebtedness that may be issued for the Plan is \$31,300,000 (Thirty-One Million, Three Hundred Thousand Dollars). Detailed financial analysis is in the Report accompanying the Toledo Urban Renewal Plan.

Goals and objectives developed for the Plan are intended to guide tax increment finance (TIF) revenue investment in the Area over the life of the Plan. The project category descriptions and list of projects are similarly intended to aid future decision makers when considering how best to expend TIF revenue. The Plan is to be administered by the Agency. Substantial amendments to the Plan must be approved by City Council as outlined in Section VII. All amendments to the Plan are to be listed numerically on the inside of the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the ORS 457.085 requirements is shown in Table 1. The specific reference in the table is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 1 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V, VI
ORS 457.085(2)(b)	V, VI
ORS 457.085(2)(c)	XIV
ORS 457.085(2)(d)	XIII
ORS 457.085(2)(e)	XIII
ORS 457.085(2)(f)	IX
ORS 457.085(2)(g)	VIII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VII
ORS 457.085(2)(j)	Not applicable

B. Urban Renewal Overview

Urban renewal allows for the use of tax increment financing, a funding source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for urban renewal projects and cannot exceed the maximum indebtedness amount set by the urban renewal plan.

The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in Oregon Revised Statutes (ORS) 457.010. These areas can have deteriorated buildings, public spaces that need improvements, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development.

In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces. This Area meets the definition of blight due to the

condition of the buildings, utility infrastructure deficiencies, and underdeveloped and undeveloped properties. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report.

The Report contains the information required by ORS 457.087, including:

- A description of the physical, social, and economic conditions in the area;
- Expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the area; and
- A relocation report.

MAXIMUM INDEBTEDNESS

Maximum indebtedness is the amount of indebtedness secured by a pledge of tax increment revenue that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is \$31,300,000 (Thirty-One Million, Three Hundred Thousand Dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness or interest earned on bond proceeds.

PLAN GOALS

The goals of the Toledo Urban Renewal Plan are listed below. The urban renewal plan is an implementation tool to enable the city to undertake projects for which there are no other funding sources or are limited funding sources.

The goals of the Plan represent its basic intents and purposes. Accompanying each goal are objectives, which generally describe how the Agency intends to achieve each goal. The urban renewal projects identified in Sections V and VI of the Plan are the specific means of meeting the objectives. The goals and objectives will be pursued as economically as is feasible and at the discretion of the Agency. The goals and objectives are not listed in any order of importance or priority. A matrix of how the projects align with the goals and objectives is shown in Table 2.

Goal A: ECONOMIC DEVELOPMENT

Provide tools to assist in maintaining a strong economic base and improving the Area.

Provide programs to improve the conditions of storefronts and buildings in the Area.

Improve utility infrastructure to meet existing and future demands, enabling future economic development.

Provide enhanced multi-modal transportation opportunities in the Area.

Enhance the downtown area to promote increased economic activity.

Goal B: RECREATION

Provide enhanced indoor and outdoor recreational opportunities for the residents of Toledo.

Goal C: PUBLIC BUILDINGS

Provide improved conditions for the operation of the public safety personnel.
Ensure the Public Safety building is out of the flood plain.

Ensure that the existing City Hall is kept in good condition and has the appropriate upgrades to provide good working conditions for staff.

Table 2 – Relationship of Projects to Toledo Urban Renewal Plan Goals

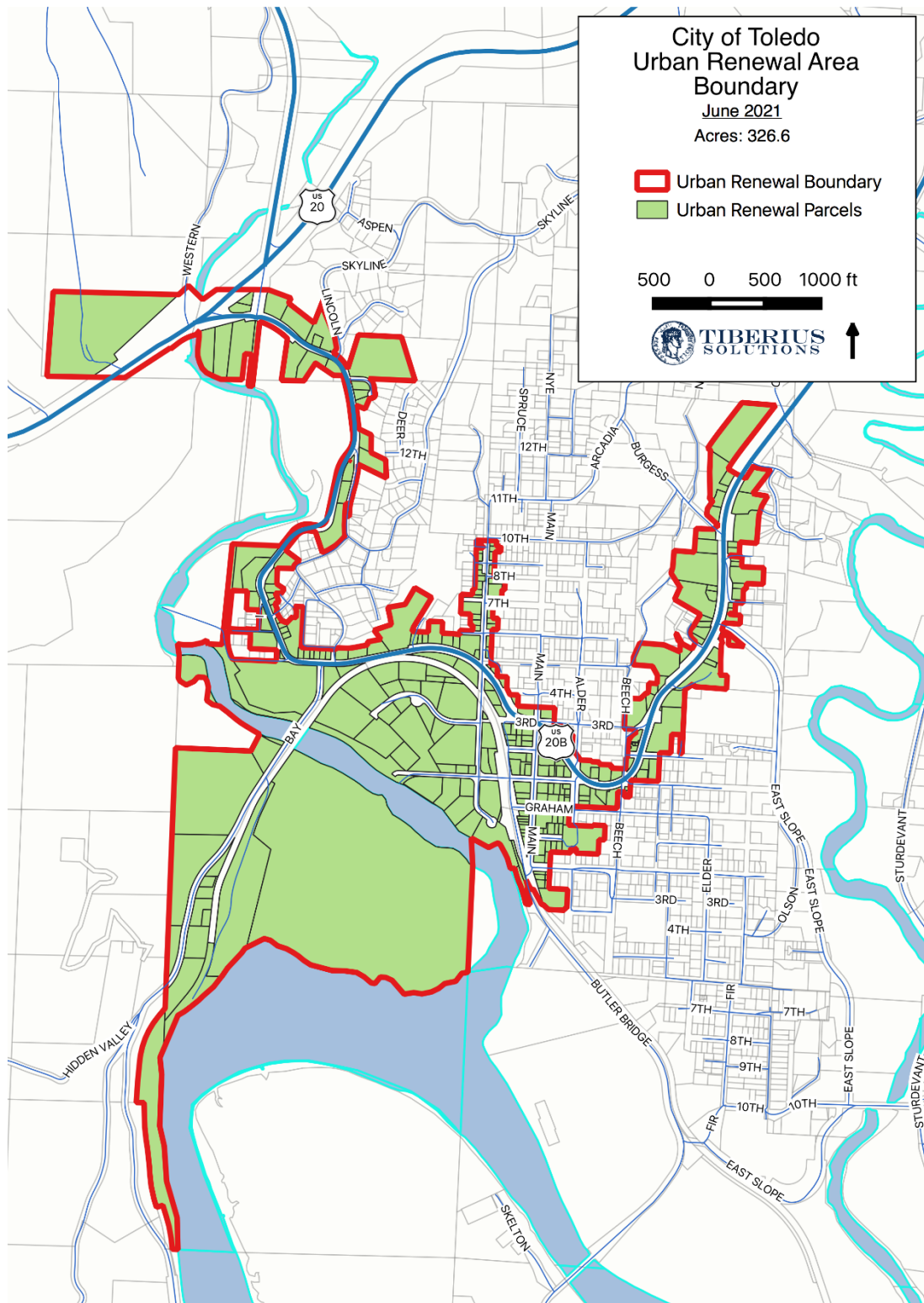
Project Category	Goals
Economic Development	A,C,D
Public Buildings	B
Recreation Improvements	A,C
Utility Infrastructure	A,D
Pedestrian Improvements	E
Acquisition/Disposition	A
Administration	A,B,C, D, E,F,G

URBAN RENEWAL PROJECT CATEGORIES

The projects within the Area fall into the following categories.

- A. Economic Development**
- B. Public Buildings**
- C. Recreation Improvements**
- D. Utility Infrastructure**
- E. Pedestrian Improvements**
- F. Acquisition/Disposition**
- G. Administration**

Figure 1 – Toledo Urban Renewal Plan Area Boundary



URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan are described below. They are not listed in any priority order. The Agency will determine the order of the projects and may add and remove projects in the future through the amendment process defined in Section VII of this Plan. The projects identified for the Area are described below, including how they relate to the existing conditions in the Area.

A. Building Improvements

1. Establish a loan/grant fund for businesses and property owners including but not limited to
 - a. Improve storefronts
 - b. Encourage new businesses to locate in vacant storefronts
 - c. Provide necessary equipment to help existing and new businesses flourish (must be fixed assets, not assets that would be removed upon closing of business)
 - d. Provide safe and code compliant upper floor uses
 - e. Improve the exterior of buildings in the Area.
 - f. Install solar panels for resiliency during power outages.
2. Acquire buildings and improve the site for re-use either through clearance and remediation or through rehabilitation.

B. Public Buildings¹

1. Relocate the Public Safety building bring the proposed new facility up to building code standards for use. A new Public Services building serves and benefits the Area by improving the workplace for the public safety employees and placing the public safety employees outside of the flood zone providing them with the ability to assist the community during any emergency event.
2. Upgrade City Hall with new wiring and other improvements to maintain the functionality of the building. The improvements to City Hall serve and benefit the Area by keeping an existing structure in workable condition, reducing the costs for a need for a new facility

¹ The two public building projects in the Plan were approved by resolutions of the boards of 3 of the 4 taxing districts that are estimated to forego the most taxes in the Area: City of Toledo, Toledo School District, Greater Toledo Pool

and providing safe and up to date working conditions for the employees in City Hall.

C. Recreation Improvements

1. Provide recreation improvement including but not limited to
 - a. Arcadia Park – Includes but not limited to resurface tennis courts, replace lighting and fencing, and safety upgrades for basketball court
 - b. Balcony above Arcadia Park – work with Pool District to develop outdoor fenced area for gatherings
 - c. Community Center – Area for community gatherings, town hall meetings. This facility would serve and benefit the Area by providing additional indoor recreational opportunities for our residents. Statutory definitions of a public building in ORS 457.010(12)(b) excludes this recreational facility from the public buildings definition referred to in ORS 457.089(3)(a) which require taxing district approval.
 - d. Memorial Field Park – play area improvements
 - e. Port improvements for recreation - splash park

D. Utility Infrastructure

1. Sewer System
 - a. Install approximately 150 sewer manhole liners to support the structure of the manholes
 - b. Reline sections of the N Main Street sewer line
 - c. Business 20 sewer line replacement - replace heavily “bellied” sections of sewer line to reduce Inflow & Infiltration (I &I) to meet Wastewater Treatment Plant and Department of Environmental Quality specifications and create smoother flow
 - d. Sewer Main CIPP liner installation on A street from pump station to Business 20 intersection
 - e. Construct lift station at A Street to replace existing station that is nearing the end of its life expectancy
2. Water System
 - a. Water meter upgrades in Area
 - b. Replace sections of 8” A.C. watermain from Business 20 continuing east on French Street

E. Pedestrian Improvements

1. Provide pedestrian improvements including but not limited to
 - a. Install walkway from NW I Street to Highway 20
 - b. Remove overgrown trees and replace with recommended trees and repair sidewalks accordingly
 - c. Install sidewalk from Port of Toledo offices to Ridge Drive.
 - d. Install benches, planters, family friendly activity trail along Main Street, Business 20, and A Street.

F. Acquisition

Acquisition and Disposition activities are allowed in the Plan. Prior to any property being acquired, it must be identified in the Plan in Section VIII.

G. Administration

Authorizes expenditures for the administrative costs associated with managing the Area including budgeting and annual reporting, planning and the implementation of projects in the Area.

AMENDMENTS TO PLAN

The Plan may be amended as described in this section. Adding other properties to the Developer Incentives Program does not require an amendment to the Plan.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan, under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission, the County, and adoption by the City Council by non-emergency ordinance after a hearing. If there are unincorporated parcels within the Area at the time a Substantial Amendment is considered, it must also be approved by Lincoln County through adoption of a resolution by the Board of County Commissioners.

Notice of such hearing shall be provided to individuals or households within the City of Toledo, as required by ORS 457.120.

Notice of adoption of a Substantial Amendment shall be provided in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:²

1. Add land to the urban renewal area, except for an addition of land that totals not more than a cumulative 1% of the existing area of the urban renewal area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments or Council Approved Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

² Unless otherwise permitted by state law, no land equal to more than 20 percent of the total land area of the original Plan shall be added to the urban renewal area by amendments, and the aggregate amount of all amendments increasing the maximum indebtedness may not exceed 20 percent of the Plan's initial maximum indebtedness, as adjusted, as provided by law and by concurrence provisions in ORS 457.470.

C. Amendments to the Toledo Comprehensive Plan and/or Toledo Municipal Code.

Amendments to the Toledo Comprehensive Plan and/or Toledo Municipal Code that affect the Plan and/or the Area shall be incorporated automatically within the Plan without any separate action required by the Agency or City Council. If a Substantial Amendment is prepared, the Section of this Plan on Relationship to Local Objectives should be updated.

PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(g). If property acquisition includes a public building, how that public building serves and benefits the Area must be identified per ORS 457.085(2)(j).

A. Property acquisition for public improvements

The Agency may acquire any property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the Area that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the urban renewal agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of its improvements within a period of time that the Agency determines is reasonable.

D. Properties to be acquired

This Plan must provide an indication of which real property may be acquired and the anticipated disposition of said real property whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition. This may be added at a date when the property is identified and may be added through a Minor Amendment.

RELOCATION METHODS

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Agency will comply with all applicable state law in providing these potential benefits.

There are plans to acquire land for infrastructure which may trigger relocation benefits in the future in the Area. All acquisitions will be reviewed for potential of relocation benefits.

TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the debt are used to finance the urban renewal projects authorized in the Plan. Debt may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative increase in assessed value within an urban renewal area over the frozen base value (i.e., total assessed value at the time an urban renewal plan is adopted). The property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan, including costs associated with the preparation of the Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

VALIDITY

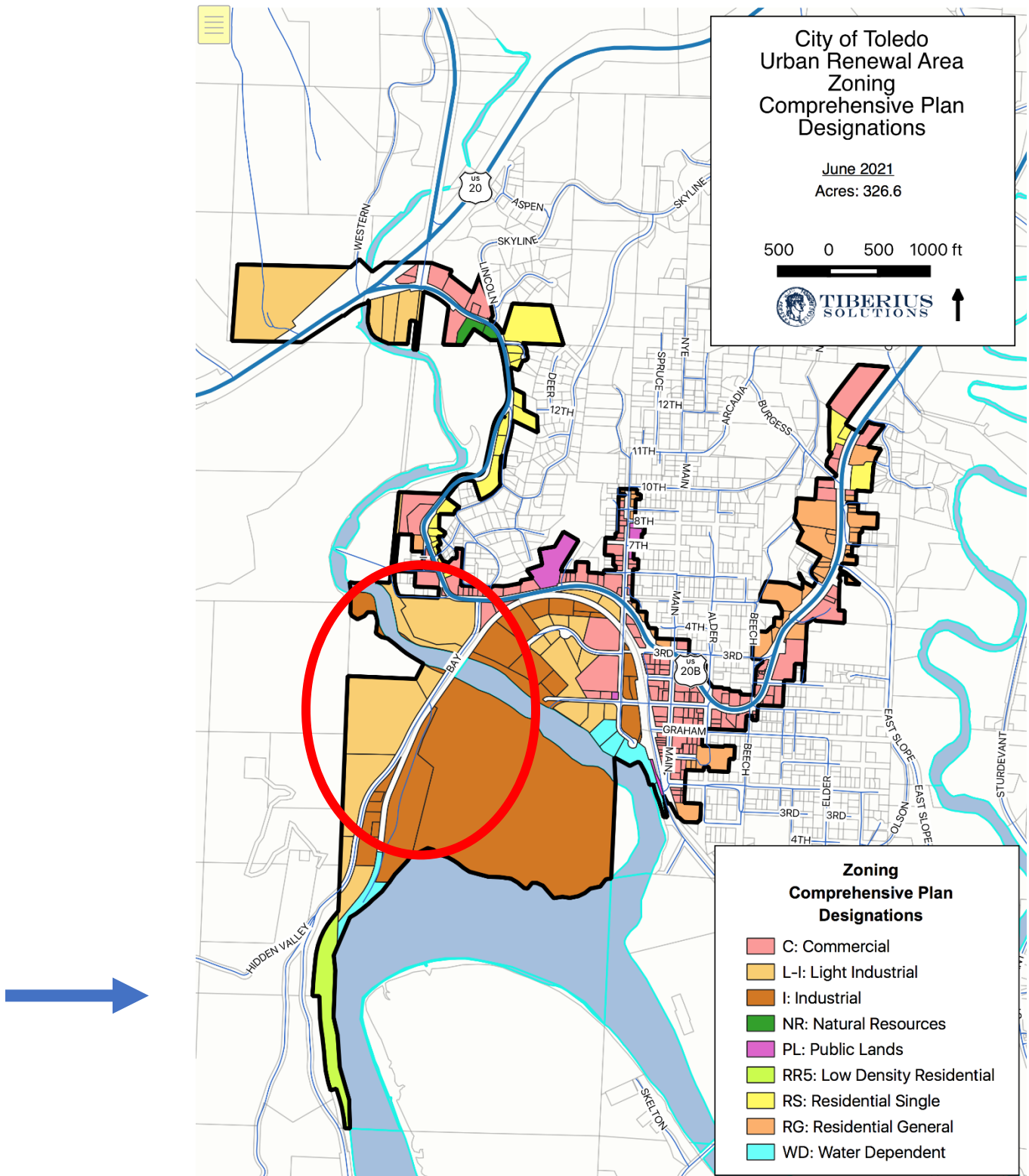
Should a court of competent jurisdiction find any work, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts

shall be unaffected by such findings and shall remain in full force and effect for the duration of this Plan.

ANNUAL REPORT

The Agency shall file an Annual Report in compliance with ORS 457.460.

Figure 2 - Comprehensive Plan and Zoning Designations



RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives including the comprehensive plan and economic development plan of a locality. This section provides that analysis. Relevant local planning and development objectives are contained within the *Toledo Comprehensive Plan* (Comprehensive Plan), *Toledo Transportation System Plan*, and *Toledo Municipal Code Title 17* (Municipal Code). The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan relates to the applicable goals and policies. The analysis covers the most relevant sections of the documents but may not cover every section of the documents that relate to the Plan.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. *Italicized text* is text that has been taken directly from an original document and therefore cannot be changed.

Comprehensive Plan and Zoning designations for all land in the Area are shown in Figure 2. All proposed land uses conform to Figure 2. Maximum densities and building requirements for all land in the Area are contained in the Toledo Municipal Code.

A. 2020 Vision for Toledo Oregon, the 2000 Toledo Comprehensive Plan

The Toledo Comprehensive Plan provides a framework for making better decisions regarding the use of land and community resources. The plan is a means of controlling the urban environment, conserving Toledo's existing values and guiding growth in the desired directions. The plan is a policy statement based upon the existing assets, problems and needs within the community. It predicts future conditions and sets forth City policies in an effort to guide the development of Toledo in a positive and productive manner. The plan is designed to help Toledo to know its past and present and to develop a future which reflects the community's values and goals. The plan is a guideline for both short and long term development and is written to assure a comprehensive view of how individual projects can contribute to the community as a whole.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. This section of the Plan should be updated if there is a substantial amendment completed in the future.

Article 1: CITIZEN INVOLVEMENT

Plan Details

GOAL: *Provide a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process so as to provide useful guidance to and an understanding of the overall planning process.*

Finding: A Feasibility Study was completed and reviewed in an open public meeting. The Agency, Planning Commission and City Council hearing were open public meetings which allowed for public comment.

Article 8: RECREATION NEEDS

Plan Details

GOALS:

1. Provide and maintain a diversified system of safe and attractive parks, open spaces, recreation programs and facilities for the use and enjoyment by all of Toledo's citizens and visitors.

2. Promote the parks and recreation programs as cornerstones of Toledo's attractiveness as a place to visit, live and conduct business.

Finding: There are projects specified in the Plan that will improve the park and recreation facilities in the Area helping to provide and maintain a diversified system of safe and attractive parks, open spaces and recreation and facilities.

Article 9: ECONOMIC DEVELOPMENT

Plan Details

GOALS:

1. Improve the economic position of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses into the community.

3. Diversify the economic base of the Toledo area and strengthen the role as the industrial center for Lincoln County.

4. Encourage employment and business opportunities that assist Toledo's residents to maintain the highest per household average income in Lincoln County.

6. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Toledo's residents and others. Reduce the need for Toledo's residents to go to other communities for retail purchases and services.

Finding: The projects identified in the Plan provide for assistance to businesses and for improvement of the conditions of the buildings in the Area. These improvements are intended to enhance the Area and make it more inviting for businesses to remain in the Area and for new businesses to establish in the Area.

Article 10 – HOUSING

Plan Details

GOAL: *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.*

Finding: The projects in the Plan are intended to improve the overall condition in the Area by improving the building stock, enhancing the visual perception of the Area, providing recreation opportunities in the Area all of which will make both the Area and the city of Toledo more attractive to builders/developers, encouraging an increased supply of housing in Toledo.

Article 11: PUBLIC FACILITIES AND SERVICES

Plan Details

GOALS:

- 1. Provide reliable, high quality, efficient, and cost effective public facilities and services for the residents of Toledo.*
- 2. Plan, develop and maintain an orderly and efficient arrangement of public, urban-level facilities and services to serve as a framework for urban development within the City of Toledo and the Urban Growth Boundary.*
- 3. Provide safe and reliable water in an orderly and efficient manner to the citizens of Toledo and as a water purveyor to regional or local water agencies that enter into contracts with the City of Toledo.*
- 6. Provide safe and reliable wastewater collection and treatment for Toledo residents in an orderly and efficient manner.*

Finding: There are specific projects within the Plan that will provide for improvements to the sewer, water and wastewater utility systems in the Area.

Article 12: TRANSPORTATION

Plan Details

GOAL:

1. Provide a safe and efficient, multi-modal transportation system which provides linkages in a manner that enhances Toledo's neighborhoods, environment, economy, and social and scenic values.

Finding: The transportation improvements in the Plan are centered on improving the multi-modal transportation system.

B. City of Toledo Transportation System Plan December 4, 2013 Ordinance #1352

The *City of Toledo Transportation System Plan* (TSP) provides a long-term guide for City transportation investments by incorporating the vision of the community into an equitable and efficient transportation system. The plan evaluates the current transportation system and outlines policies and projects that are important to protecting and enhancing the quality of life in Toledo through the next 20 years.

Plan Details

2.1 Goals:

1. Provide a safe and efficient, multi-modal transportation system which provides linkages in a manner that enhances Toledo's neighborhoods, environment, economy, and social and scenic values.

2. Minimize the adverse social, economic, energy, and environmental impact costs of constructing, maintaining, and using transportation facilities and services in cooperation with county, state, and other public agencies and the private sector.

3. Encourage safe, efficient, convenient, and economic modes of travel that reduce reliance upon one form of transportation, minimize energy consumption and air quality impacts.

5. Provide safe, accessible, and convenient pedestrian and bicycle facilities while taking into account Toledo's topography, current street use and widths, and current funding levels for major improvements.

Finding: The multi-modal projects in the Plan are in conformance with the above stated goals in the *City of Toledo Transportation System Plan*.

2010 Toledo Economic Opportunities Analysis, Oregon Cascades West Council of Governments

Plan Details

The 2010 Toledo Economic Opportunities Analysis reiterates the goals identified in the Economic Development Section of the Comprehensive Plan, listed above.

Finding: The projects identified in the Plan provide for assistance to businesses and for improvement of the conditions of the buildings in the Area. These improvements are intended to enhance the Area and make it more inviting for businesses to remain in the Area and for new businesses to establish in the Area.

C. Toledo Municipal Code Title 17 Development Code

The land uses in the Area will conform to the zoning designations in the Municipal Code, Title 17 Development Code including the maximum densities and building requirements and are incorporated by reference herein. They are listed in the order that they occur in Title 17 of the Municipal Code known as the Toledo Zoning Ordinance. The verbiage that comes directly from the Municipal Code is in *italics*. The existing zoning is shown in Figure 2.

As the Municipal Code is updated, this document will be automatically updated. If a substantial amendment is completed in the future, this section will be updated to match the current zoning designations.

Existing Zoning Categories

R-S Single-Family Residential

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.

R-G General Residential

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.

C- Commercial Zone

The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses

including public, civic, and institutional uses are also allowed. Residential use above the commercial main floor or located as not to prevent the main commercial use are allowed and encouraged especially in the Main Street District area.

L-I Light Industrial District.

The intent of the L-I zone is to provide areas for lighter industrial development around the areas of heavy industry for manufacturing, related establishments, and certain commercial uses which have a limited impact on surrounding properties.

I Industrial

The purpose of the I zone is to provide sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. At the same time, the undesirable results of industrial development (noise, air, and water discharges) should be kept, as much as is possible, from adversely affecting the commercial and residential areas of the city.

N-R Natural Resource

The purpose of the N-R zone is to protect land and water important as habitat for plant, animal, or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities, and opportunities.

W-D Water-Dependent

The purpose of the W-D zone is to provide for water-dependent uses which need contact with or use of the water for water-borne transportation, recreation, energy production, or water supply.

P-L Public Lands

The purpose of the P-L zone is to indicate lands owned by public agencies, recognizing that such lands may be put to varied uses water for water-borne transportation, recreation, energy production, or water supply.

Finding: The Plan conforms with Title 17 of the Toledo Municipal Code as the projects will support the development of parcels in the Area and those parcels will be developed in accordance with the Municipal Code through the normal City of Toledo development review process.

LEGAL DESCRIPTION

Report Accompanying the Toledo Urban Renewal Plan

This document remains draft until the City Council adoption of the Toledo Urban
Renewal Plan.



Toledo Urban Renewal Plan adopted by the City of Toledo

Date

Ordinance No. 2021-

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I. INTRODUCTION

The Report Accompanying the Toledo Urban Renewal Plan (Report) contains background information and project details that pertain to the Toledo Urban Renewal Plan (Plan). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the Toledo City Council as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.087, including financial feasibility. The Report accompanying the Plan contains the information required by ORS 457.087, including:

- A description of the physical, social, and economic conditions in the area and expected impact of the plan, including fiscal impact in light of increased services; (ORS 457.087(1))
- Reasons for selection of the plan Area; (ORS 457.087(2))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.087(3))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.087(4))
- The estimated completion date of each project; (ORS 457.087(5))
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired; (ORS 457.087(6))
- A financial analysis of the plan; (ORS 457.087(7))
- A fiscal impact statement that estimates the impact of tax increment financing (TIF) upon all entities levying taxes upon property in the urban renewal area; (ORS 457.0857(8))
- A relocation report. (ORS 457.087(9))

The relationship of the sections of the Report and the ORS 457.087 requirements is shown in Table 1. The specific reference in the table below is the section of this Report that most addresses the statutory reference. There may be other sections of the Report that also address the statute.

Table 1 - Statutory References

Statutory Requirement	Report Section
ORS 457.087 (1)	X
ORS 457.087 (2)	XI
ORS 457.087 (3)	II
ORS 457.087 (4)	III
ORS 457.087 (5)	VI
ORS 457.087 (6)	IV,V
ORS 457.087 (7)	IV,V
ORS 457.087 (8)	VIII
ORS 457.087 (9)	XII

The Report provides guidance on how the Plan might be implemented. As the Toledo Urban Renewal Agency (Agency) reviews revenues and potential projects each year, it has the authority to make adjustments to the implementation assumptions in this Report. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan.

City of Toledo
Urban Renewal Area
Boundary
 June 2021
 Acres: 326.6

Legend:
 Urban Renewal Boundary (Red line)
 Urban Renewal Parcels (Green fill)

Scale: 0 500 1000 ft

North Arrow

TIBERIUS SOLUTIONS

Map Labels: WESTERN, ASPEN, SKYLINE, LYNN, DEER, 12TH, 11TH, 10TH, 8TH, 7TH, 4TH, 3RD, GRAHAM, BUTLER BRIDGE, SKELTON, HIDDEN VALLEY, BURRESS, ARCADE, NYE, SPRUCE, MAIN, AIDER, BECH, ELDER, 3RD, 4TH, 7TH, 8TH, 9TH, 10TH, EAST SLOPE, STURDEVANT.

II. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL PROJECTS AND THE EXISTING CONDITIONS IN THE URBAN RENEWAL AREA

The projects identified for the Area are described below, including how they relate to the existing conditions in the Area.

A. Building Improvements

1. Establish a loan/grant fund for businesses and property owners including but not limited to
 - a. Improve storefronts
 - b. Encourage new businesses to locate in vacant storefronts
 - c. Provide necessary equipment to help existing and new businesses flourish (must be fixed assets, not assets that would be removed upon closing of business)
 - d. Provide safe and code compliant upper floor uses
 - e. Improve the exterior of buildings in the Area.
 - f. Install solar panels for resiliency during power outages.
2. Acquire buildings and improve the site for re-use either through clearance and remediation or through rehabilitation.

EXISTING CONDITIONS: There are many buildings in the Area that are in need of improvement. A visual survey by consultant on June 18, 2021 identified that approximately half of the structures in downtown need significant improvements. In addition, there are derelict buildings outside of downtown but within the Area. There is presently no consistent funding source to address the needs for storefront improvements, building acquisition and rehabilitation, nor for assistance to businesses in the Area.

B. Public Buildings

1. Relocate the Public Safety building and bring the proposed new facility up to building code standards for use.

EXISTING CONDITIONS: The present public safety building is undersized and in need of upgrading. This facility is located in a repurposed bank building on Business Highway 20. It houses the police and 911 call center offices as well as the radio communications center.

There are two structures on site; the main office building and a small generator/lockup storage shed. It is in the flood plain zone. The city owns a building located at 222 NE Business Highway 20 which may be used as a future

public service building. The building requires significant rehabilitation prior to occupancy. It is out of the flood plain. Placing the public safety employees outside of the flood zone would provide them the ability to assist the community during any emergency event. A new Public Services building also serves and benefits the Area by improving the workplace for the public safety employees.

2. Upgrade City Hall with new wiring and other improvements to maintain the functionality of the building.

EXISTING CONDITIONS: This historic facility i houses City administrative offices and the City Council chambers. It was constructed long before modern building codes and has undergone multiple renovations and additions. The structure has significant deficiencies due to its age and condition. The city has diligently provided upgrades in trying to keep it as a functioning building. There are upgrades needed to allow city staff to continue using the building and keeping it up to code and safe for all employees. The improvements to City Hall serve and benefit the Area by keeping an existing structure in workable condition, reducing the costs for a need for a new facility and providing safe and up to date working conditions for the employees in City Hall.

C. Recreation Improvements

- a. Arcadia Park – Includes but not limited to resurface tennis courts, replace lighting and fencing and safety upgrades for basketball court

EXISTING CONDITIONS: The tennis courts in Arcadia Park are in need of surface repair, the lighting and fencing are not sufficient and safety upgrades are needed for the basketball court.

- b. Balcony above Arcadia Park – work with Pool District to develop outdoor fenced area for gatherings

EXISTING CONDITIONS: The pool is an excellent resource for Toledo. Improving the area around the pool will provide additional recreational opportunities for Toledo residents. This balcony does not presently exist.

- c. Community Center – Area for community gatherings, town hall meetings

EXISTING CONDITIONS: A Community Center does not exist in the Area. This facility would serve and benefit the Area by providing additional indoor recreational opportunities for our residents.

- d. Memorial Field Park

EXISTING CONDITIONS: Memorial Field Park is an existing actively used park. Additional park facilities could add to the park usage by Toledo residents.

- e. Port Improvements for recreation - splash park

EXISTING CONDITIONS: The community has desired a splash park and this is a potential location.

D. Utility Infrastructure

1. Sewer System

- a. Install approximately 150 sewer manhole liners to support the structure of the existing infrastructure.

EXISTING CONDITIONS: The sewer manholes in the Area are in need of rehabilitation and the installation of liners will provide a support structure to these manholes.

- b. Reline sections of the N Main Street sewer line

EXISTING CONDITIONS: The sewer line on N Main Street is A small pipe segment just north of Business 20 on Main Street is experiencing broken and leaking joints. Because it is short and in reasonable condition this pipe segment is recommended for lining. Both laterals are also leaking and suggested to have lateral liners installed. A second pipe on the opposite side of the hill is in considerably better condition. However, this pipe contains many leaking joints and should be lined as well. Both pipe segments have been combined into this project.

- c. Business 20 sewer line replacement - replace heavily “bellied” sections of sewer line to reduce Inflow & Infiltration (I & I) and create smoother flow

EXISTING CONDITIONS:

There are sections of this line that are heavily “bellied” which creates an uneven flow.

- d. Sewer Main CIPP liner installation on A street from pump station to Business 20 intersection
- e. Construct lift station at A Street to replace existing station that is nearing the end of its life expectancy

EXISTING CONDITIONS: Heavily bellied pipe is buried under Business 20 near the police station. This pipe was suspected of heavy flows during flow mapping. Television inspection was unsuccessful due to very poor pipe grade forcing the camera underwater through most of the survey. The

portions that were visible contained heavy leaks at every joint. The current pipe is 8-inch concrete and observed flow lines indicate a full pipe is often experienced in this section.

Significant settlement is occurring in the pipe along its current alignment, likely due to its placement near a tidal lowland area. There is also concern that the sanitary sewer mapping shows the pipe could be located underneath an existing building. The lift station is 50+ years old and nearing the end of life expectancy. Projected flows are unable to be met with the current equipment.

3. Water System

a. Water meter upgrades in Area

EXISTING CONDITIONS: The water meters in the Area are outdated and in need of either replacement or upgrades.

b. Replace sections of 8" A.C. water main from Business 20 continuing East on French Street.

EXISTING CONDITIONS: The water main is a 8" A C (asbestos containing cement) & has surpassed its life expectancy line. The present line needs to be replaced.

E. Pedestrian Improvements

a. Install walkway from NW I Street to Highway 20.

EXISTING CONDITIONS: There is no separate walkway on NW I Street to Business 20. Pedestrians must use the roadbed for passage in this area.

b. Remove overgrown trees on Main Street and replace with recommended trees and repair sidewalks accordingly.

EXISTING CONDITIONS: There are many trees on Main Street that are breaching the sidewalk and causing the sidewalk to bulge and crack.

c. Install sidewalk from Port of Toledo offices to Ridge Drive for pedestrian use.

EXISTING CONDITIONS: There are no sidewalks in this location.

d. Install benches, planters, family friendly activity trail along Main Street, Business 20 and A Street.

EXISTING CONDITIONS: There are some pedestrian improvements along Main Street that could be upgraded and there are limited pedestrian improvements along Business 20.

E. Acquisition/Disposition

Acquisition/Disposition are allowed in the Plan. Prior to any property being acquired, it must be identified in the Plan in Section VIII.

EXISTING CONDITIONS:

An urban renewal plan does not exist, so there is no existing urban renewal authority to acquire or dispose of property.

F. Administration

Authorizes expenditures for the administrative costs associated with managing the URA including budgeting and annual reporting, planning and the implementation of projects in the Area.

EXISTING CONDITIONS:

Once an urban renewal plan with its associated requirements for administration exists there will also be a need for administrative funds to be allocated for that administration.

III. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

Table 2 shows the costs of the projects in FYE 2021 constant dollars and the estimated year of expenditure dollars. These costs are also shown in “year of expenditure” costs, which assumes inflation of 3.0% annually. City Staff provides cost estimates and are reviewed by City Council. These estimates are ballpark estimates and will be refined in the annual budgeting process with the acknowledgement of the limiting total cost factor of the maximum indebtedness. Different allocations may be made to different line items within the Plan.

The Plan assumes that the Agency/City will use other funds to assist in the completion of the projects within the Area. The Agency/City may pursue regional, county, state, and federal funding, private developer contributions, and any other sources of funding that may assist in the implementation of the programs.

Table 2 - Estimated Cost of Each Project in Constant FYE 2021 as Compared to Year of Expenditure Costs

Project Title	Constant FYE 2021	Year of Expenditure Project Cost
Storefront Loan/Grant	(\$500,000)	(\$712,674)
Public Safety Building	(\$5,500,000)	(\$6,567,550)
Buy and Rehabilitate Empty Buildings	(\$2,000,000)	(\$3,304,710)
Redevelopment Loan Fund - Includes Solar	(\$1,600,845)	(\$2,730,649)
Arcadia Park	(\$250,000)	(\$335,975)
Balcony Above Arcadia Park	(\$500,000)	(\$734,250)
Sewer Manhole Liners, Approx 150	(\$525,000)	(\$842,468)
Install Sidewalk	(\$250,000)	(\$413,200)
A Street Pump Station Replacement with Downstream Main	(\$2,400,000)	(\$4,085,760)
N Main Street Sewer Re-Line	(\$65,000)	(\$110,656)
Main Street Tree/Sidewalk Replacement	(\$500,000)	(\$958,050)
Walkway to D.Q. from NW I St. at Bus.20	(\$450,000)	(\$862,245)
Bus 20 Sewer Line Replacement Project	(\$250,000)	(\$508,200)
AC Watermain Replacement	(\$600,000)	(\$1,293,960)
Amenities Along Streets	(\$200,000)	(\$444,260)
Upgrades to City Hall	(\$500,000)	(\$1,143,950)
Sewer Main CIPP Liner Install	(\$90,000)	(\$212,085)
Community Center	(\$1,000,000)	(\$2,322,200)
Water Meter Upgrade	(\$200,000)	(\$500,000)
Playground at Memorial Field	(\$500,000)	(\$1,213,600)
Port Project – Splash Park	(\$500,000)	(\$1,250,000)
Financing Fees	(\$147,995)	(\$208,000)
Administration	(\$365,000)	(\$573,684)
Total Expenditures	(\$18,893,840)	(\$31,328,126)

Source: City of Toledo and Tiberius Solutions

IV. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through Fiscal Year End (FYE) 2052 are calculated based on projections of the assessed value within the Area and the consolidated tax rate that will apply in the Area.

The long-term projections for FYE 2022 and beyond assume an annual growth rate of 3.5% for assessed value in the area (equal to 3% maximum annual appreciation for existing property and .5% growth from rehabilitation and new development). There are also projections for sizable new development to occur by two property owners within the Area. These projections of growth are the basis for the projections in Table 6, through Table 13.

These projections of growth were informed by conversations with City staff based on the large amount of development occurring within the Area. If actual assessed value growth is less than forecast, then it would reduce the financial capacity of the URA to fund projects listed in the Plan over the anticipated duration of the Plan.

Table 3 shows the incremental assessed value, tax rates, and tax increment revenues each year, adjusted for discounts, delinquencies, and truncation loss. The tax rate used in this table reflects a blended rate of the incorporated as they have different tax rates. As properties incorporate, their tax rates will change and future projections will vary from these original projections.

The first year of tax increment collections is anticipated to be fiscal year ending 2023. Gross tax increment financing (TIF)¹ is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is “tax rate times assessed value used divided by one thousand.” The consolidated tax rate includes permanent tax rates only, and excludes general obligation bonds and local option levies as they will not be impacted by this Plan.

Figure 2 - TIF Projections shows expected TIF revenues over time and the projected tax revenues after termination of the Area.

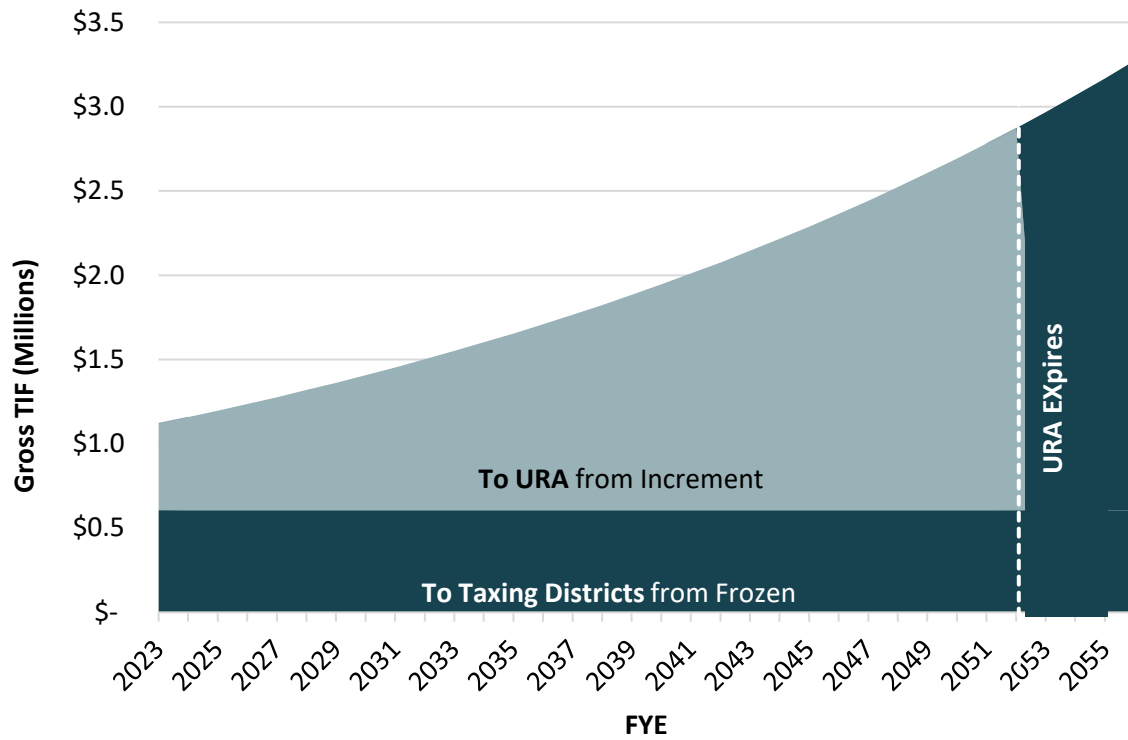
¹ TIF is also used to signify tax increment revenues

Table 3 - Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Total AV	Frozen Base AV	Increment Applied	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2023	76,382,820	41,222,631	35,160,189	14.647	514,991	(25,750)	489,242	-	489,242
2024	78,895,098	41,222,631	37,672,467	14.647	551,789	(27,589)	524,199	7,339	531,538
2025	81,490,473	41,222,631	40,267,842	14.647	589,803	(29,490)	560,313	7,863	568,176
2026	84,171,707	41,222,631	42,949,076	14.647	629,075	(31,454)	597,621	8,405	606,026
2027	86,941,657	41,222,631	45,719,026	14.647	669,647	(33,482)	636,164	8,964	645,129
2028	89,803,272	41,222,631	48,580,641	14.647	711,561	(35,578)	675,983	9,542	685,525
2029	92,759,604	41,222,631	51,536,973	14.647	754,862	(37,743)	717,119	10,140	727,259
2030	95,813,804	41,222,631	54,591,173	14.647	799,597	(39,980)	759,617	10,757	770,374
2031	98,969,129	41,222,631	57,746,498	14.647	845,813	(42,291)	803,522	11,394	814,917
2032	102,228,947	41,222,631	61,006,316	14.647	893,560	(44,678)	848,882	12,053	860,934
2033	105,596,733	41,222,631	64,374,102	14.647	942,887	(47,144)	895,743	12,733	908,476
2034	109,076,086	41,222,631	67,853,455	14.647	993,850	(49,692)	944,157	13,436	957,593
2035	112,670,720	41,222,631	71,448,089	14.647	1,046,500	(52,325)	994,175	14,162	1,008,338
2036	116,384,476	41,222,631	75,161,845	14.647	1,100,896	(55,045)	1,045,851	14,913	1,060,763
2037	120,221,322	41,222,631	78,998,691	14.647	1,157,094	(57,855)	1,099,239	15,688	1,114,927
2038	124,185,360	41,222,631	82,962,729	14.647	1,215,155	(60,758)	1,154,397	16,489	1,170,886
2039	128,280,826	41,222,631	87,058,195	14.647	1,275,141	(63,757)	1,211,384	17,316	1,228,700
2040	132,512,103	41,222,631	91,289,472	14.647	1,337,117	(66,856)	1,270,261	18,171	1,288,432
2041	136,883,719	41,222,631	95,661,088	14.647	1,401,148	(70,057)	1,331,091	19,054	1,350,144
2042	141,400,352	41,222,631	100,177,721	14.647	1,467,303	(73,365)	1,393,938	19,966	1,413,904
2043	146,066,839	41,222,631	104,844,208	14.647	1,535,653	(76,783)	1,458,870	20,909	1,479,780
2044	150,888,177	41,222,631	109,665,546	14.647	1,606,271	(80,314)	1,525,958	21,883	1,547,841
2045	155,869,532	41,222,631	114,646,901	14.647	1,679,233	(83,962)	1,595,272	22,889	1,618,161
2046	161,016,241	41,222,631	119,793,610	14.647	1,754,617	(87,731)	1,666,886	23,929	1,690,815
2047	166,333,824	41,222,631	125,111,193	14.647	1,832,504	(91,625)	1,740,878	25,003	1,765,882
2048	171,827,982	41,222,631	130,605,351	14.647	1,912,977	(95,649)	1,817,328	26,113	1,843,441
2049	177,504,611	41,222,631	136,281,980	14.647	1,996,122	(99,806)	1,896,316	27,260	1,923,576
2050	183,369,801	41,222,631	142,147,170	14.647	2,082,030	(104,101)	1,977,928	28,445	2,006,373
2051	189,429,849	41,222,631	148,207,218	14.647	2,170,791	(108,540)	2,062,252	29,669	2,091,920
2052	195,691,263	41,222,631	154,468,632	14.647	2,262,502	(113,125)	2,149,377	30,934	2,180,311
TOTAL:					37,730,489	(1,886,525)	35,843,963	505,419	36,349,383

Source: Tiberius Solutions

Figure 2 - TIF Projections



Source: Tiberius Solutions

I. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 4 shows a summary of the financial capacity of the URA, including how total TIF revenue translates to the ability to fund urban renewal projects in constant 2021 dollars in five-year increments. Table 6, Table 7, Table 8 and Table 9 show more detailed tables on the allocation of tax revenues to debt service. Table 10, Table 11, Table 12, and Table 13 show potential allocations to projects, programs, and administration over time.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the urban renewal area in FYE 2052, a 30-year urban renewal plan. The Toledo Urban Renewal Plan has a specific duration provision of 30 years. If growth in assessed value is slower than projected, the Agency may not be able to complete all projects in the Plan. If growth in assessed value is more robust than the projections, it may take a shorter time period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is \$31,300,000 (Thirty-One Million Three Hundred Thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of \$31,300,000 is \$36,349,382 and is from permanent rate tax levies. The increase over the maximum indebtedness is due to the projected cost of the interest on borrowings (loans).

The financial analysis projects capacity of funding for projects in five-year increments is shown below in Table 4.

Table 4 - TIF Capacity of the Area in FYE 2020 Constant Rounded Numbers

Total Net TIF	\$	36,300,000
Maximum Indebtedness	\$	31,300,000
Capacity (2020\$)	\$	18,900,000
Years 1-5	\$	5,800,000
Years 6-10	\$	1,300,000
Years 11-15	\$	2,100,000
Years 16-20	\$	3,800,000
Years 21-25	\$	2,700,000
Years 26-30	\$	3,100,000

Source: Tiberius Solutions

This financial analysis shows projected borrowings as identified in Table 5. This is only one scenario for how the Agency may decide to implement this Plan, and this scenario is financially feasible. The Agency may decide to do borrowings at different times or for different amounts, depending on their analysis at the time. The timeframes on these borrowings are designed to have all borrowings repaid at the termination of the District in FYE 2052. The amounts shown are the principal amounts of the borrowings. The total amounts, including interest, are shown in the second column of Table 6.

Table 5 - Estimated Borrowings and Amounts

Loan	Loan A	Loan B	Loan C
Principal Amount	\$ 5,000,000	\$ 4,100,000	\$ 1,300,000
Interest Rate	5.00%	5.00%	5.00%
Loan Term	20	14	10
Loan Year	2026	2039	2043
Interest Payment Start	2026	2039	2043
Principal Payment Start	2026	2039	2043
Annual Payment	(\$401,213)	(\$414,198)	(\$168,356)

Source: Tiberius Solutions

Table 6 - Tax Increment Revenues and Allocations to Debt Service, page 1

	Total	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028	FYE 2029
Resources								
Beginning Balance		-	-	-	-	-	-	-
TIF: Current Year	35,843,963	489,242	524,199	560,313	597,621	636,164	675,983	717,119
TIF: Prior Years	505,419	-	7,339	7,863	8,405	8,964	9,542	10,140
Total Resources	36,349,382	489,242	531,538	568,176	606,026	645,129	685,525	727,259
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(8,024,259)	-	-	-	(401,213)	(401,213)	(401,213)	(401,213)
Loan B	(5,798,776)	-	-	-	-	-	-	-
Loan C	(1,683,559)	-	-	-	-	-	-	-
Total Debt Service	(16,086,166)	-	(531,538)	(568,176)	(401,213)	(401,213)	(401,213)	(401,213)
Debt Service Coverage Ratio					1.51	1.61	1.71	1.81
Transfer to URA Projects Fund	(20,263,216)	(489,242)	(531,538)	(568,176)	(204,813)	(243,916)	(284,312)	(326,046)
Total Expenditures	(36,349,382)	(489,242)	(531,538)	(568,176)	(606,026)	(645,129)	(685,525)	(727,259)
Ending Balance		-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 7 - Tax Increment Revenues and Allocations to Debt Service, page 2

	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036	FYE 2037
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	759,617	803,522	848,882	895,743	944,157	994,175	1,045,851	1,099,239
TIF: Prior Years	10,757	11,394	12,053	12,733	13,436	14,162	14,913	15,688
Total Resources	770,374	814,917	860,934	908,476	957,593	1,008,338	1,060,763	1,114,927
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)
Loan B	-	-	-	-	-	-	-	-
Loan C	-	-	-	-	-	-	-	-
Total Debt Service	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)
Debt Service Coverage Ratio	1.92	2.03	2.15	2.26	2.39	2.51	2.64	2.78
Transfer to URA Projects Fund	(369,161)	(413,704)	(459,721)	(507,263)	(556,380)	(607,125)	(659,550)	(713,714)
Total Expenditures	(770,374)	(814,917)	(860,934)	(908,476)	(957,593)	(1,008,338)	(1,060,763)	(1,114,927)
Ending Balance	-	-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 8 - Tax Increment Revenues and Allocations to Debt Service, page 3

	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044	FYE 2045
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	1,154,397	1,211,384	1,270,261	1,331,091	1,393,938	1,458,870	1,525,958	1,595,272
TIF: Prior Years	16,489	17,316	18,171	19,054	19,966	20,909	21,883	22,889
Total Resources	1,170,886	1,228,700	1,288,432	1,350,144	1,413,904	1,479,780	1,547,841	1,618,161
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)	(401,213)
Loan B	-	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)
Loan C	-	-	-	-	-	-	-	-
Total Debt Service	(401,213)	(815,411)	(815,411)	(815,411)	(983,767)	(983,767)	(983,767)	(815,411)
Debt Service Coverage Ratio	2.92	1.51	1.58	1.66	1.73	1.50	1.57	1.64
Transfer to URA Projects Fund	(769,673)	(413,289)	(473,021)	(534,733)	(598,493)	(496,012)	(564,074)	(634,394)
Total Expenditures	(1,170,886)	(1,228,700)	(1,288,432)	(1,350,144)	(1,413,904)	(1,479,780)	(1,547,841)	(1,618,161)
Ending Balance	-	-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 9 - Tax Increment Revenues and Allocations to Debt Service, page 4

	FYE 2046	FYE 2047	FYE 2048	FYE 2049	FYE 2050	FYE 2051	FYE 2052
Resources							
Beginning Balance	-	-	-	-	-	-	-
TIF: Current Year	1,666,886	1,740,878	1,817,328	1,896,316	1,977,928	2,062,252	2,149,377
TIF: Prior Years	23,929	25,003	26,113	27,260	28,445	29,669	30,934
Total Resources	1,690,815	1,765,882	1,843,441	1,923,576	2,006,373	2,091,920	2,180,311
Expenditures							
Debt Service							
Scheduled Payments							
Loan A	-	-	-	-	-	-	-
Loan B	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)	(414,198)
Loan C	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)
Total Debt Service	(582,554)	(582,554)	(582,554)	(582,554)	(582,554)	(582,554)	(582,554)
Debt Service Coverage Ratio	2.90	3.03	3.16	3.30	3.44	3.59	3.74
Transfer to URA Projects Fund	(1,108,261)	(1,183,328)	(1,260,887)	(1,341,022)	(1,423,819)	(1,509,366)	(1,597,757)
Total Expenditures	(1,690,815)	(1,765,882)	(1,843,441)	(1,923,576)	(2,006,373)	(2,091,920)	(2,180,311)
Ending Balance	-	-	-	-	-	-	-

Source: Tiberius Solutions

II. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency. Annual expenditures for program administration are also shown. These are predicated on the fact that urban renewal activities will start off slowly in the beginning years and increase in the later years of the Area.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2052, a 30-year program.

The amount of money available for projects in 2021 constant dollars for the Area is approximately \$18,900,000. See Table 2 for the individual project analysis. This \$18,900,000 is calculated by taking the maximum indebtedness (MI) and bringing it back to constant 2021 dollars. This is done as the Agency's cost estimates are typically in constant dollars, so understanding how that relates to the overall MI over 30 years is important to enable the Agency to make projections on the allocation of funds throughout the life of the Area.

Table 10, Table 11, Table 12 and Table 13 show the approximate \$18,900,000 of 2021 constant dollars for projects inflated over the life of the Area including administrative expenses. All costs shown in Table 10, Table 11, Table 12 and Table 13 are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation. The year of expenditure total cost is \$31,328,126.

The 3% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.

The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan. The following tables are prepared to show that the Area is financially feasible as required by ORS 457. It assumes completion of projects as funding becomes available. If the City is able to jumpstart the Area by providing alternative funding sources which are repaid when tax increment revenues are available, or if other outside funding sources are secured, including but not limited to, developer contributions, the timing on projects can be moved up

Table 10 - Programs and Costs in Year of Expenditure Dollars, Page 1

	Total	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028	FYE 2029
Resources								
Beginning Balance		-	-	-	-	-	-	-
Transfer from TIF Fund	20,842,788	-	-	489,242	178,470	215,109	252,959	292,061
Bond/Loan Proceeds	10,400,000	-	-	-	4,400,000	-	-	-
Total Resources	31,328,126	-	-	489,242	4,578,470	215,109	252,959	292,061
Expenditures (YOE \$)								
Storefront Loan/Grant program	(712,674)	(26,523)	(27,318)	(28,138)	(28,983)	(29,853)	(30,748)	(31,670)
Public Safety Building	(6,567,550)					(6,567,550)		
Buy and Rehabilitate Empty Buildings	(3,304,710)						(122,990)	(126,680)
Redevelopment Loan Fund	(2,730,649)						(92,243)	(95,010)
Arcadia Park	(335,975)							
Balcony Above Arcadia Park	(734,250)							
Sewer Manhole Liners, approximately 150	(842,468)							
Install Sidewalk	(413,200)							
A St. Pump Station Replace w Downstream Main	(4,085,760)							
N Main Street Sewer Re-Line	(110,656)							
Main Street Tree/Sidewalk Replacement	(958,050)							
Walkway to D.Q. from NW I St. at Bus.20	(862,245)							
Bus 20 Sewer Line Replacement Project	(508,200)							
AC Watermain Replacement	(1,293,960)							
Amenities Along Streets	(444,260)							
Upgrades to City Hall	(1,143,950)							
Sewer Main CIPP Liner Install	(212,085)							
Community Center	(2,322,200)							
Water Meter Upgrade	(500,000)							
Memorial Field Improvements	(1,213,600)							
Port – Splash Park	(1,250,000)							
Financing Fees	(208,000)				(100,000)			
Administration	(573,684)	(79,568)	(10,927)	(11,255)	(11,593)	(11,941)	(12,299)	(12,668)
Total Expenditures	(31,328,126)	(106,091)	(38,245)	(39,393)	(140,576)	(6,609,344)	(258,280)	(266,028)

Table 11 - Programs and Costs in Year of Expenditure Dollars, Page 2

	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036	FYE 2037
Resources								
Beginning Balance	237,497	333,837	131,015	300,709	510,078	26,373	315,983	649,934
Interest Earnings	1,187	1,669	655	1,504	2,550	132	1,580	3,250
Transfer from TIF Fund	369,161	413,704	459,721	507,263	556,380	607,125	659,550	713,714
Bond/Loan Proceeds	-	-	-	-	-	-	-	-
Total Resources	607,845	749,210	591,391	809,476	1,069,009	633,629	977,114	1,366,898
Expenditures (YOE \$)								
Storefront Loan/Grant program	(32,620)	(33,598)	(34,605)	(35,643)	(36,713)	(37,815)	(38,950)	(40,118)
Public Safety Building								
Buy and Rehabilitate Empty Buildings	(130,480)	(134,390)	(138,420)	(142,570)	(146,850)	(151,260)	(155,800)	(160,470)
Redevelopment Loan Fund	(97,860)	(100,793)	(103,815)	(106,928)	(110,138)	(113,445)	(116,850)	(120,353)
Arcadia Park		(335,975)						
Balcony Above Arcadia Park					(734,250)			
Sewer Manhole Liners, approximately 150								(842,468)
Install Sidewalk								
A St. Pump Station Replace w/ Downstream Main								
N Main Street Sewer Re-Line								
Main Street Tree/Sidewalk Replacement								
Walkway to D.Q. from NW I St. at Bus.20								
Bus 20 Sewer Line Replacement Project								
AC Watermain Replacement								
Amenities Along Streets								
Upgrades to City Hall								
Sewer Main CIPP Liner Install								
Community Center								
Water Meter Upgrade								
Memorial Field Improvements								
Port – Splash Park								
Financing Fees								
Administration	(13,048)	(13,439)	(13,842)	(14,257)	(14,685)	(15,126)	(15,580)	(16,047)
Total Expenditures	(274,008)	(618,195)	(290,682)	(299,398)	(1,042,636)	(317,646)	(327,180)	(1,179,456)

Table 12 - Programs and Costs in Year of Expenditure Dollars, Page 3

Resources	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044	FYE 2045
Beginning Balance	187,442	197,764	76,122	181,287	337,645	547,162	145,136	344,820
Interest Earnings	937	989	381	906	1,688	2,736	726	1,724
Transfer from TIF Fund	769,673	413,289	473,021	534,733	598,493	496,012	564,074	634,394
Bond/Loan Proceeds	-	4,100,000	-	-	-	1,300,000	-	-
Total Resources	958,052	4,712,042	549,523	716,927	937,826	2,345,910	709,936	980,937
Expenditures (YOE \$)								
Storefront Loan/Grant program	(41,320)	(42,560)	(43,838)	(45,153)	(46,508)			
Public Safety Building								
Buy and Rehabilitate Empty Buildings	(165,280)	(170,240)	(175,350)	(180,610)	(186,030)	(191,610)	(197,360)	(203,280)
Redevelopment Loan Fund	(123,960)	(127,680)	(131,513)	(135,458)	(139,523)	(143,708)	(148,020)	(152,460)
Arcadia Park								
Balcony Above Arcadia Park								
Sewer Manhole Liners, approximately 150								
Install Sidewalk	(413,200)							
A St. Pump Station Replace w Downstream Main		(4,085,760)						
N Main Street Sewer Re-Line		(110,656)						
Main Street Tree/Sidewalk Replacement						(958,050)		
Walkway to D.Q. from NW I St. at Bus.20						(862,245)		
Bus 20 Sewer Line Replacement Project								(508,200)
AC Watermain Replacement								
Amenities Along Streets								
Upgrades to City Hall								
Sewer Main CIPP Liner Install								
Community Center								
Water Meter Upgrade								
Memorial Field Improvements								
Port – Splash Park								
Financing Fees		(82,000)				(26,000)		
Administration	(16,528)	(17,024)	(17,535)	(18,061)	(18,603)	(19,161)	(19,736)	(20,328)
Total Expenditures	(760,288)	(4,635,920)	(368,236)	(379,282)	(390,664)	(2,200,774)	(365,116)	(884,268)

Table 13 - Programs and Costs in Year of Expenditure Dollars, Page 4

Resources	FYE 2046	FYE 2047	FYE 2048	FYE 2049	FYE 2050	FYE 2051	FYE 2052
Beginning Balance	96,669	818,060	312,547	1,108,524	144,309	154,950	427,219
Transfer from TIF Fund	483	4,090	1,563	5,543	722	775	2,136
Bond/Loan Proceeds	1,108,261	1,183,328	1,260,887	1,341,022	1,423,819	1,509,366	1,597,757
Total Resources	1,205,413	2,005,478	1,574,997	2,455,088	1,568,850	1,665,091	2,027,112
Expenditures (YOE \$)							
Storefront Loan/Grant program							
Public Safety Building							
Buy and Rehabilitate Empty Buildings	(209,380)	(215,660)					
Redevelopment Loan Fund	(157,035)	(161,745)					(252,112)
Arcadia Park							
Balcony Above Arcadia Park							
Sewer Manhole Liners, approximately 150							
Install Sidewalk							
A St Pump Station Replace w Downstream Main							
N Main Street Sewer Re-Line							
Main Street Tree/Sidewalk Replacement							
Walkway to D.Q. from NW I St. at Bus.20							
Bus 20 Sewer Line Replacement Project							
AC Watermain Replacement		(1,293,960)					
Amenities Along Streets			(444,260)				
Upgrades to City Hall				(1,143,950)			
Sewer Main CIPP Liner Install					(212,085)		
Community Center				(1,143,950)	(1,178,250)		
Water Meter Upgrade							(500,000)
Memorial Field Improvements						(1,213,600)	
Port – Splash Park							(1,250,000)
Financing Fees							
Administration	(20,938)	(21,566)	(22,213)	(22,879)	(23,565)	(24,272)	(25,000)
Total Expenditures	(387,353)	(1,692,931)	(466,473)	(2,310,779)	(1,413,900)	(1,237,872)	(2,027,112)

V. REVENUE SHARING

Revenue sharing targets are not projected to be reached as the threshold set in ORS 457 (annual tax increment revenues in excess of 10 percent of the maximum indebtedness) is not met during the expected life of the Plan.

Revenue sharing means that, at thresholds defined in ORS 457.470, the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan (\$3,080,000). At the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold.

The second threshold is set at 12.5% of the maximum indebtedness (\$3,850,000). If this threshold is met, revenue for the Area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts.

If assessed value in the Area grows more quickly than projected, the revenue sharing triggers could be reached earlier.

VI. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2052 and are shown in Table 14 and Table 15.

The Lincoln County School District and the Linn Benton Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 14 and Table 15 show the projected impacts to permanent rate levies of taxing districts as a result of this Plan. Table 14 shows the general government levies, and Table 15 shows the education levies.

Table 14 - Projected Impact on Taxing District Permanent Rate Levies - General Government

FYE	Lincoln County	Lincoln County Animal	Lincoln County Extension	Lincoln County Transportation	Greater Toledo Pool	Port of Toledo	City of Toledo	Sub-total Gen. Gov't
2023	(94,201)	(3,674)	(1,506)	(3,253)	(25,720)	(7,833)	(173,023)	(309,211)
2024	(102,345)	(3,992)	(1,637)	(3,535)	(27,943)	(8,510)	(187,982)	(335,943)
2025	(109,399)	(4,267)	(1,749)	(3,778)	(29,869)	(9,097)	(200,939)	(359,099)
2026	(116,687)	(4,551)	(1,866)	(4,030)	(31,859)	(9,703)	(214,325)	(383,021)
2027	(124,216)	(4,845)	(1,986)	(4,290)	(33,915)	(10,329)	(228,154)	(407,734)
2028	(131,994)	(5,148)	(2,111)	(4,559)	(36,038)	(10,975)	(242,440)	(433,266)
2029	(140,030)	(5,462)	(2,239)	(4,836)	(38,232)	(11,643)	(257,199)	(459,642)
2030	(148,331)	(5,786)	(2,372)	(5,123)	(40,499)	(12,334)	(272,447)	(486,892)
2031	(156,908)	(6,120)	(2,509)	(5,419)	(42,841)	(13,047)	(288,200)	(515,044)
2032	(165,768)	(6,466)	(2,651)	(5,725)	(45,260)	(13,784)	(304,475)	(544,128)
2033	(174,922)	(6,823)	(2,797)	(6,041)	(47,759)	(14,545)	(321,288)	(574,175)
2034	(184,379)	(7,192)	(2,949)	(6,368)	(50,341)	(15,331)	(338,659)	(605,218)
2035	(194,150)	(7,573)	(3,105)	(6,705)	(53,009)	(16,144)	(356,605)	(637,290)
2036	(204,244)	(7,966)	(3,266)	(7,054)	(55,765)	(16,983)	(375,145)	(670,424)
2037	(214,673)	(8,373)	(3,433)	(7,414)	(58,612)	(17,850)	(394,301)	(704,656)
2038	(225,448)	(8,793)	(3,605)	(7,786)	(61,554)	(18,746)	(414,091)	(740,024)
2039	(236,580)	(9,228)	(3,783)	(8,171)	(64,593)	(19,672)	(434,537)	(776,563)
2040	(248,081)	(9,676)	(3,967)	(8,568)	(67,733)	(20,628)	(455,662)	(814,315)
2041	(259,963)	(10,140)	(4,157)	(8,978)	(70,978)	(21,616)	(477,487)	(853,319)
2042	(272,240)	(10,619)	(4,354)	(9,402)	(74,330)	(22,637)	(500,036)	(893,616)
2043	(284,923)	(11,113)	(4,556)	(9,840)	(77,793)	(23,691)	(523,333)	(935,251)
2044	(298,028)	(11,624)	(4,766)	(10,293)	(81,371)	(24,781)	(547,403)	(978,267)
2045	(311,568)	(12,153)	(4,983)	(10,760)	(85,068)	(25,907)	(572,272)	(1,022,710)
2046	(325,557)	(12,698)	(5,206)	(11,244)	(88,887)	(27,070)	(597,967)	(1,068,629)
2047	(340,011)	(13,262)	(5,437)	(11,743)	(92,833)	(28,272)	(624,515)	(1,116,073)
2048	(354,945)	(13,844)	(5,676)	(12,259)	(96,911)	(29,514)	(651,944)	(1,165,092)
2049	(370,374)	(14,446)	(5,923)	(12,791)	(101,123)	(30,797)	(680,284)	(1,215,739)
2050	(386,316)	(15,068)	(6,178)	(13,342)	(105,476)	(32,122)	(709,566)	(1,268,068)
2051	(402,788)	(15,710)	(6,441)	(13,911)	(109,973)	(33,492)	(739,820)	(1,322,136)
2052	(419,807)	(16,374)	(6,713)	(14,499)	(114,620)	(34,907)	(771,080)	(1,378,000)
TOTAL:	(6,998,876)	(272,986)	(111,921)	(241,717)	(1,910,905)	(581,960)	(12,855,179)	(22,973,545)

Table 15 - Projected Impact on Taxing District Permanent Rate Levies – Education

FYE	Lincoln County School District	Oregon Coast CC	Linn-Benton ESD	Subtotal Education	Total All Gen Gov't and Education
2023	(163,978)	(5,869)	(10,184)	(180,031)	(489,242)
2024	(178,154)	(6,376)	(11,065)	(195,595)	(531,538)
2025	(190,434)	(6,816)	(11,827)	(209,077)	(568,176)
2026	(203,120)	(7,270)	(12,615)	(223,005)	(606,026)
2027	(216,226)	(7,739)	(13,429)	(237,394)	(645,129)
2028	(229,766)	(8,223)	(14,270)	(252,259)	(685,525)
2029	(243,754)	(8,724)	(15,139)	(267,617)	(727,259)
2030	(258,204)	(9,241)	(16,037)	(283,482)	(770,374)
2031	(273,134)	(9,775)	(16,964)	(299,873)	(814,917)
2032	(288,557)	(10,327)	(17,922)	(316,806)	(860,934)
2033	(304,492)	(10,898)	(18,911)	(334,301)	(908,476)
2034	(320,954)	(11,487)	(19,934)	(352,375)	(957,593)
2035	(337,962)	(12,096)	(20,990)	(371,048)	(1,008,338)
2036	(355,534)	(12,725)	(22,081)	(390,339)	(1,060,763)
2037	(373,687)	(13,374)	(23,209)	(410,271)	(1,114,927)
2038	(392,443)	(14,046)	(24,374)	(430,862)	(1,170,886)
2039	(411,821)	(14,739)	(25,577)	(452,137)	(1,228,700)
2040	(431,841)	(15,456)	(26,821)	(474,117)	(1,288,432)
2041	(452,525)	(16,196)	(28,105)	(496,826)	(1,350,144)
2042	(473,895)	(16,961)	(29,433)	(520,288)	(1,413,904)
2043	(495,974)	(17,751)	(30,804)	(544,529)	(1,479,780)
2044	(518,786)	(18,567)	(32,221)	(569,574)	(1,547,841)
2045	(542,355)	(19,411)	(33,685)	(595,451)	(1,618,161)
2046	(566,707)	(20,282)	(35,197)	(622,186)	(1,690,815)
2047	(591,866)	(21,183)	(36,760)	(649,809)	(1,765,882)
2048	(617,862)	(22,113)	(38,374)	(678,349)	(1,843,441)
2049	(644,720)	(23,075)	(40,042)	(707,837)	(1,923,576)
2050	(672,471)	(24,068)	(41,766)	(738,305)	(2,006,373)
2051	(701,144)	(25,094)	(43,547)	(769,784)	(2,091,921)
2052	(730,770)	(26,154)	(45,387)	(802,310)	(2,180,311)
TOTAL:	(12,183,136)	(436,036)	(756,670)	(13,375,837)	(36,349,384)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section.

Table 16 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated. These projections are for FYE 2053.

The Frozen Base is the assessed value of the Area established by the County Assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base.

Table 16 - Additional Revenues Obtained after Termination of TIF - FYE 2053

Taxing District	Type	Tax Rate	From Frozen Base	From Excess Value	Total
General Government					
Lincoln County General	Permanent	2.8202	116,256	453,878	570,134
Lincoln County Animal Services	Permanent	0.11	4,534	17,703	22,237
Lincoln County Extension	Permanent	0.0451	1,859	7,258	9,117
Lincoln County Transportation	Permanent	0.0974	4,015	15,675	19,690
Greater Toledo Pool	Permanent	0.77	31,741	123,922	155,663
Port of Toledo	Permanent	0.2345	9,667	37,740	47,407
City of Toledo	Permanent	5.18	213,533	833,660	1,047,193
Subtotal		9.2572	381,605	1,489,836	1,871,441
Education					
Lincoln County School District	Permanent	4.9092	202,370	790,077	992,447
Oregon Coast CC	Permanent	0.1757	7,243	28,277	35,520
Linn-Benton ESD	Permanent	0.3049	12,569	49,070	61,639
Subtotal		5.3898	222,182	867,424	1,089,606
TOTAL:		14.6470	603,787	2,357,260	2,961,047

Source: Tiberius Solutions

VII. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base (assumed to be FYE 2021 values), including all real, personal, personal, manufactured, and utility properties in the Area, is projected to be \$41,222,631. The Lincoln County Assessor will certify the frozen base once the urban renewal plan is adopted.

The percentage of total City assessed value in urban renewal areas is 9.71%, below the 25% threshold.

The Area contains approximately 326 acres, including public rights-of-way. The City of Toledo contains 1,591 acres. This puts 20.05% of the City's acreage in an urban renewal area, which is below the 25% threshold.

Table 17 - Urban Renewal Area Conformance with Assessed Value and Acreage Limits

	Acreage	Assessed Value
Toledo Urban Renewal Area	326	\$41,222,631
City of Toledo	1,591	\$424,189,670
% of City	20.05%	9.71%

Source: Compiled by Elaine Howard Consulting, LLC with data from Tiberius Solutions, City of Toledo, and Lincoln County Department of Assessment and Taxation (FYE 2021)

VIII. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Toledo Urban Renewal Area and documents the occurrence of “blighted areas,” as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures approximately 327 total acres in size, which is composed of 306 individual parcels encompassing 254 acres, and an additional 73 acres in public rights-of-way. An analysis of FYE 2021 property classification data from the Lincoln County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, Miscellaneous uses account for the most prevalent land use within the Area (28.17%). The assessor defines miscellaneous uses as a variety of uses characterized by being vacant. This was followed by Exempt uses (27.60%). Detailed land use designations in the Area can be seen in Table 18.

Table 18 - Land Use in the Area

Land Use	Parcels	Acreage	Percent of Acreage
Miscellaneous	11	71.55	28.17
Exempt	74	70.09	27.60
Commercial	109	51.75	20.38
Residential	93	32.54	12.81
Industrial	12	16.03	6.31
Forrest	3	9.10	3.58
Farm	1	1.61	0.64
Multi-Family	3	1.31	0.52
TOTAL:	306	254.00	100.00

Source: Compiled by Elaine Howard Consulting, LLC with data from the Tiberius Solutions using the Lincoln County Department of Assessment and Taxation database (FYE 2021)

2. Comprehensive Plan and Zoning Designations

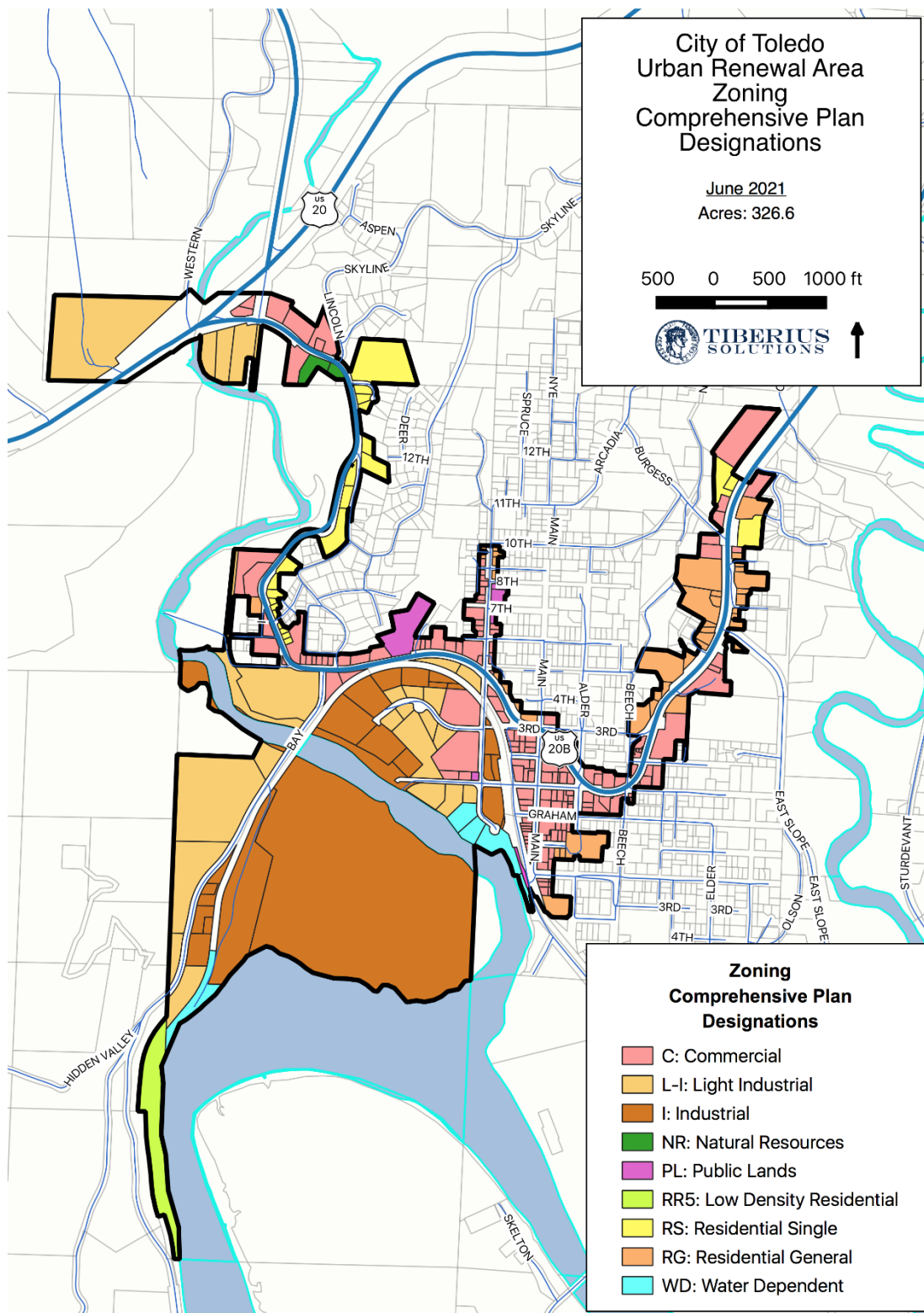
Toledo has a one map system. The comprehensive plan and zoning designations in the Area can be seen in Table 19 – Comprehensive Plan and Zoning Designations in the Area. The most prevalent comprehensive plan designation in the Area is Mixed Zoning (38.97%). This designation represents tax lots that have more than one comprehensive plan and zoning designation on a single tax lot.

Table 19 – Comprehensive Plan and Zoning Designations in the Area

Comprehensive Plan and Zoning	Parcels	Acreage	Percent of Acreage
Mixed	26	98.99	38.97%
C Commercial	160	42.56	16.76%
L-I Light Industrial	27	51.91	20.44%
I Industrial	23	18.90	7.44%
R-G General Residential	40	16.84	6.63%
R-S Low Density Residential	18	7.85	3.09%
WD Water Dependent	7	13.07	5.15%
PL Public Lands	5	3.88	1.53%
TOTAL:	306	254	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the Tiberius Solutions using the Lincoln County Department of Assessment and Taxation database (FYE 2021)

Figure 3 - Toledo Urban Renewal Area Comprehensive Plan and Zoning Designations



B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the urban renewal plan.** There are projects identified by the City of Toledo in itemizing blighting conditions in the Area. **This does not mean that all of these projects are included in the urban renewal plan.** The specific projects that are included in the Plan are listed in Sections II and III of this report.

Table 20 - Blighting Infrastructure Conditions in the Area

Sewer System	
Sewer manhole liners, approx. 150	Badly needed rehab to reduce I & I, and support structure of sewer manholes
N Main St sewer re-line	2011 I & I study (pg 47-48) to reline sections of sewer line on N. Main
Bus 20 sewer line replacement project	Also in 2011 I & I study (pg 41) to replace heavily "bellied" sections of sewer line to reduce I & I create smoother flow.
Sewer main CIPP liner install	Install CIPP liner in approx 1000' of main line to reduce I & I in sewer system on A Street from pump station to Bus 20 intersection.
Water System	
A.C. watermain replacement	Replace section of 8" A.C. watermain from N.W. 5th St. @ Bus 20 to French St.
Water meter upgrade	Replace/upgrade water meters within URD
Wastewater System	
A Street pump station replacement w downstream main	As per WW Facilities plan of 2014 , lift station is 50 + years old nearing the end of life expectancy, projected flows are unable to be met with current equipment.
Transportation System	
Main Street Tree/sidewalk replacement	Remove overgrown trees that are causing sidewalk damage and tripping hazards to public. replace with recommended trees Repair sidewalks due to damage.
Walk way to Dairy Queen from NW I St. to Business 20	Install walkway with Business 20 crosswalk approx. 4000'
Amenities along streets	Benches, planters, family friendly activity trail along main street and Business 20
Install sidewalk	Build and pour approx. 1800' of sidewalk from port offices to Ridge Drive for pedestrian use

Table 21 - Blighting Infrastructure Conditions in the Area, page 2

Public Buildings	
Upgrades to City Hall	New wiring, and other improvements to maintain functionality of City Hall
Public safety building	To bring building up to standards for use
Parks	
Arcadia Park	Resurface tennis courts, replace lighting and fencing, safety upgrades for basketball court
Memorial Field Park	Upgrade/Improve children's playground facilities
Port' s Recreation Facilities	Install a splash park at the Waterfront Park
Community Center	Area for community gatherings, town hall meetings

C. Social Conditions

The Area does not include a significant portion of developed residential land, therefore the following demographics are presented for the City of Toledo as a whole.

The following social conditions were taken from the American Community Survey 2015-2019 Five Year Estimates. The most common age bracket in the Area is between 55-64 years, with five other ten year brackets about evenly distributed at just over 10%, showing an even distribution of residents of working age.

Table 22 - Age in the Area

Age	Number	Percentage
Under 5 years	150	4%
5 to 9 years	231	6%
10 to 14 years	357	10%
15 to 17 years	167	5%
18 to 24 years	209	6%
25 to 34 years	414	12%
35 to 44 years	433	12%
45 to 54 years	446	12%
55 to 64 years	519	15%
65 to 74 years	408	11%
75 to 84 years	164	5%
85 years and over	81	2%
Total	3,579	100%

Source: American Community Survey 2015-2019 Five Year Estimates

The analysis of race and origin are shown in the table below with over 90% of the residents identifying themselves as white alone.

Table 23 – Hispanic or Latino Origin by Race in the Area

	Number	Percentage
Not Hispanic or Latino	3,462	97%
White alone	3,272	91%
Black or African American alone	-	0%
American Indian and Alaska Native alone	46	1%
Asian alone	-	0%
Native Hawaiian and Other Pacific Islander alone	49	1%
Some other race alone	-	0%
Two or more races	95	3%
Hispanic or Latino	117	3%
White alone	104	3%
Black or African American alone	-	0%
American Indian and Alaska Native alone	-	0%
Asian alone	-	0%
Native Hawaiian and Other Pacific Islander alone	-	0%
Some other race alone	-	0%
Two or more races	13	0%
TOTAL:	3,579	100%

Source: American Community Survey 2015-2019 Five Year Estimates

Forty-five percent of the residents reported an education that included less than high school or gaining a high school diploma. Seventeen percent had a bachelor's degree, master's degree or a professional school degree.

Table 24 -Education in the Area

Education	Number	Percentage
Less than high school	242	10%
High school graduate (includes equivalency)	866	35%
Some college	680	28%
Associate's degree	241	10%
Bachelor's degree	305	12%
Master's degree	103	4%
Professional school degree	28	1%
Doctorate degree	-	0%
TOTAL:	2,465	100%

Source: American Community Survey 2015-2019 Five Year Estimates

A standard income analysis was performed on the Area. The most prevalent income bracket in the Area was \$60,000 – \$74,999, with twenty-three percent in this range.

Table 25 - Income in the Area

Income Range	Number	Percentage
Less than \$10,000	111	8%
\$10,000 to \$19,999	210	15%
\$20,000 to \$29,999	81	6%
\$30,000 to \$39,999	138	10%
\$40,000 to \$49,999	114	8%
\$50,000 to \$59,999	20	1%
\$60,000 to \$74,999	314	23%
\$75,000 to \$99,999	175	13%
\$100,000 to \$124,999	98	7%
\$125,000 to \$149,999	30	2%
\$150,000 to \$199,999	24	2%
\$200,000 or more	80	6%
TOTAL:	1,395	100%

Source: American Community Survey 2015-2019 Five Year Estimates

Additional data from the American Community Survey 2015-2019 Five Year Estimates shows that 84% of the responders drove alone to work and that 67% of those drove more than 10 minutes to work.

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Lincoln County Department of Assessment and Taxation for FYE 2021 including all real, personal, manufactured, and utility properties, is estimated to be \$146,961,849.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In urban renewal areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives.

Table 26 shows the improvement to land ratios (I:L) for properties within the Area. In the Area, 74 parcels representing 43.6% of the non-exempt acreage have I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0. One hundred and six of the non-exempt parcels in the Area, totaling 17.51% of the acreage have I:L ratios of 2.0 or more as determined by an analysis of the real market values from the Lincoln County Assessor data for FYE 2020-2021. In summary, the area is underdeveloped and not contributing significantly to the tax base in Toledo. There are 74 parcels listed as Exempt from taxation, so they have no assessed value. No improvement value means there are no taxable structures on the tax lot.

Table 26 - Improvement to Land Ratios in the Area

Improvement to Land (I:L) Ratio	Parcels	Acreage	Percent of Acreage
Exempt	74	70.09	27.60%
No Improvement Value	41	21.85	8.60%
0.01-0.50	12	3.29	1.29%
0.51-1.00	21	85.51	33.66%
1.01-1.50	26	13.33	5.25%
1.51-2.00	26	15.72	6.19%
2.01-2.50	21	10.57	4.16%
2.51-3.00	23	4.75	1.87%
3.01-4.00	25	22.21	8.75%
> 4.00	37	6.68	2.63%
TOTAL:	306	254	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the Lincoln County Department of Assessment and Taxation (FYE 2020-2021)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area (affected taxing districts) is described in Section VIII of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of urban renewal funding are for facilitating improvement and redevelopment of properties, recreation improvements, utility improvements, multi-modal improvements and plan administration. The use of tax increment allows the city to add an additional funding source to the City of Toledo general fund to allow these projects to be completed.

It is anticipated that these improvements will catalyze development on the undeveloped and underdeveloped parcels in the Area. This development will require city services. However, as the property is within the city limits, the city has anticipated the need to provide services to the Area. As the development will be new construction or rehabilitation, it will be up to current building code which will aid in any fire protection needs.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the City.

III. REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area. The outcome of implementing these projects is anticipated to be an increase to the economic growth in Toledo by providing assistance to upgrade and rehabilitate buildings, providing recreational activities to support local residents, and providing infrastructure improvements inside the Area to assist with economic development.

IV. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Agency will comply with all applicable state law in providing these potential benefits.