

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Anne Learned-Ellis. Commissioners present: Ruthanne Morris, Jonathan Mix and Ricky Dyson. Excused were Cora Warfield and Terri Neimann.

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

ELECTION OF OFFICERS FOR THE 2021-2022 FISCAL YEAR:

This item was moved to the end of the agenda.

VISITORS: Norman Thompson, Wayne Secrist, Dustin Capri, Kayla Murphy, Kylie Williams, Li Alligood, Lisa Figueroa, Shauna Childress, Sheila Stiley, Lorna Davis, Paul Steenkolk, Elaine Howard, Steve Vogel, Mark Zeman

APPROVAL OF THE JUNE 9, 2021, MINUTES:

It was moved and seconded (Dyson/Morris) to approve the June 9, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Warfield and Neimann.

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:

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, President Learned-Ellis reported she conducted a drive-by site visit. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He stated the request is a modification of an approved minor partition request. The minor partition was approved by the Planning Commission in April, but the City is now requesting to modify the parcel line to reduce Parcel 1 by approximately 300 square feet and transferring the area to Parcel 2. This modified line follows the zone designation line and the floodplain boundary, removing the floodplain area from Parcel 1. Parcel 1 would be 1.7 acres and Parcel 2 would be over 20 acres.

CP Peterson reviewed the decision criteria and development constraint for the property, including the conservation easement that affects Parcel 2. He clarified there is a water line, sewer line, and power line on the site which will need to be protected (mostly contained on Parcel 1). Proposed conditions of approval were also reviewed for the modification request. Because Parcel 2 is in the Natural Resource Zone, has a conservation easement, and contains wetlands, there are no plans to develop the site. The proposed modified property line meets criteria standards.

Applicant Testimony: None.

Proponent Testimony: None.

Opponent Testimony: Wayne Secrist of 1650 SE 16th Place, Toledo, reported this is not the first time this has been reviewed. The City looked at a partition several years ago and several neighbors were opposed to the partition at that time. He added that he has lived in the general area since 1995. The property sits on a bad corner of Sturdevant Road and there is a lot of traffic, often travelling at high rates of speed. There is no sidewalk, stop light, and a bus stop is in the area.

Other Interested Parties: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Dyson/Morris) that 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 the conditions of approval for MP-2-21(mod), and allowing for the correction of typographical and grammatical errors.

1. Partitioning of the property shall be in compliance with the proposed partition plan as described in the application, plan and drawings submitted and included in Exhibit A of this report.
2. The applicant shall provide a final minor partition plat prepared by a registered surveyor and meeting the plat standards of the City of Toledo and including an approval signature line for the City Manager's signature. The applicant shall submit the final plat to the Lincoln County Surveyor for review, and to the City of Toledo to review for compliance with conditions of approval prior to recording. The applicant shall record the approved final plat with the Lincoln County Surveyor. A copy of the recorded plat shall be submitted by the applicant to the City of Toledo.
3. In accordance with TMC Chapter 16, the final partition plat shall be recorded within one year from the effective date of the Planning Commission approval. One extension of time, not to exceed one year, may be granted to complete the partition if an application for an extension of time is made in writing prior to the expiration date.
4. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed parcels for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.
5. Any driveway 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.

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

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:

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, President Learned-Ellis reported she conducted a drive-by site visit. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. The request is from Norwest Coastal Housing to allow a 30-unit apartment building in the Single-Family Residential (RS) Zone and a variance to reduce the rear yard setback from 15 feet to one foot. Multi-family residential use is a conditional use permit in the RS Zone. The 1.7 acre site is City-owned property, located along SE Sturdevant Road. There are water, sewer, and power line easements on the site.

CP Peterson reviewed the submitted comments, noting that the request was also sent to DSL, ODFW, Lincoln County Road Department and Lincoln County Planning/Building Department for comments. One letter from a neighbor was received after the staff report was completed and it was distributed to Planning Commissioners tonight. City water and sewer service is available to the site. CP Peterson continued review of the staff report, highlighting the goals and objectives from the Comprehensive Plan, reviewing findings, and listing the proposed conditions of approval. The proposal complies with the conditional use criteria. It was noted that the existing barn will be removed from the site.

The property will have access to Sturdevant Road, a Lincoln County road. There are concerns with the two driveway access approach and the applicant met with Lincoln County Road Department to discuss the proposed access plan and potential improvements. The applicant may have additional information to present during applicant testimony, but CP Peterson noted the condition of approval that Lincoln County Public Works and Toledo Fire Department will have to review and approve the

final driveway plan. A parking plan was included and shows the utility easements will be protected. Toledo Fire requested a fire lane be provided for access to the structure and a fire hydrant be added in the area.

If there are any slopes at 25%, a geo-tech report will be required. The 1.7 acre proposed site is adjacent to a Natural Resource zoned parcel and the area should be protected. The conditions of approval list a 'no trespass' sign to be posted to protect the Natural Resource parcel and a stormwater management plan be prepared. DSL also request a wetland delineation report if there are any wetlands on the site, which is noted in the conditions. The minor partition plat will also need to be finalized and recorded before development occurs. Commissioners discussed the geo-tech requirement and if it could be required, regardless of the slopes. CP Peterson confirmed that it could be a condition of approval.

The request is also for a variance to the rear yard setback to allow a one foot setback yard. The RS Zone requires a 15 rear yard setback. CP Peterson reviewed variance criteria and proposed conditions of approval. The variance request should not cause a significant impact to the neighboring lot, as it is a Natural Resource zoned property that will remain vacant. The property is constrained by the multiple utility easements on the site. Commissioners reviewed the site plan, location of the building in relation to the property line, and weight of the building on the slopes near the utility lines. A wetland delineation report would show if there are any wetlands on the site.

Applicant Testimony: Li Alligood of Otak, 808 SW 3rd Ave Suite 800, Portland, reported she represents the applicant, Northwest Coastal Housing. Ms. Alligood provided a PowerPoint presentation for the proposed project. The project is called Olalla Meadows to create 30 affordable units for low and very low income households. She introduced the other team members who are available for questions tonight.

Sheila Stiley, Executive Director of Northwest Coastal Housing, 127 NE 54th Street, Newport, reported the organization has been in Lincoln County since the 1990s and is expanding along the coast. She reported on the lack of housing in Lincoln County and throughout Oregon. This particular parcel was suggest by the City for development.

Ms. Alligood continued with the presentation stating they will avoid the constraints and protect wetlands, while continuing to work with the City and Lincoln County. She reviewed steps for the project, including the funding application dateline of August 17th.

Dustin Capri of 747 SW 13th Street, Newport, reviewed the survey of the property, floor plan, and site plan for the project. He reiterated the need for housing in the area. They tried to keep a minimal impact and noted the large setback from Sturdevant Road.

Ms. Alligood noted a preliminary stormwater plan has been submitted. There are some challenges with the loop driveway points, but they are working with Lincoln County to discuss the options. One of the driveways could be a right-turn only, or they could close the north driveway point entirely. They will continue the conversation with the County and work out an approved plan with the County and Toledo Fire. She stated that Lincoln County is in support of the project. A geo-tech report has already been completed as it is a standard part of the development process. A copy will be submitted to the City.

Ms. Alligood requested approval of the applications. Based on Commissioner questions, the applicant's team provided the following information:

- There will be four full-ADA units with wheelchair accessibility, including lower clearance kitchens, showers, grab bars, etc. ADA parking spaces will be provided to the units
- There will be a covered breeze-way for pedestrian access, linking the two buildings.
- Fire vehicle access will be along the driveway, with a "no-parking" marked fire lane. They are working with Toledo Fire for all of the development standards, including a new fire hydrant. The breezeway is elevated, but it would not allow fire vehicle access. The buildings would have a fire department connection for a fire suppression systems.
- The application packet contains an older site plan that shows the incorrect lot line. This is an earlier drawing showing 32 units and the site plan was changed to show a one-foot rear yard setback. The correct site plan is shown as A1-1 in the applicant's packet.
- The one foot setback on the back is only a small area. It is at the angle on the northwest corner and the remaining rear yard has more setback area. There would be enough area for access and maintenance to the back of the building. The conservation easement and wetlands will be protected. The proposed property line (approved earlier tonight) removed the 100-year floodplain area from the lot.
- The proposed building will sit below Sturdevant Road, having about a 5-10' elevation change from the road. It would appear like a single-story building.
- Final design work will need to be completed, as the submitted application contains conceptual plans and not construction plans. If the plans change significantly, they will have to be reviewed by the Planning Commission.
- A preliminary geo-tech report was done last spring to determine issues at the site. The report showed that it is suitable for residential development. Foundation work, utilities, excavation etc., can accommodate the geo-tech findings and analysis. Suitable soils are found on the site and various construction methods can accommodate special circumstances. Construction will avoid the utility lines, protecting them from disturbance and weight impacts.

Commissioners discussed if a fence should be required to protect the neighboring wetland area.

Proponent Testimony: None.

Opponent Testimony: Norman Thompson of 1681 Sturdevant Road, Toledo, reported he also owns 1675 SE Sturdevant Road and has been associated with the properties since 1963. He provided photographs of the site from his property, showing wildlife in the area and a stand pipe for the water line. He has been in contact with Public Works to view the area where his property has washed away because of the removal of the dike. He has lost several feet of property and objected to the removal of the dike several years ago. He reviewed the history of the property, noting that the City asked for an advisory vote, but the public's vote did not count. He believes the site should be publically accessible and noted the rezoning to build on the property. He is concerned with flooding in the area and if kids are in the apartments, how would they be protected from going to the water? Mr. Thompson also voiced concerns with the driveway and the corner on the north end. President Learned-Ellis stated that the applicant is still working with Lincoln County to address the access concerns. Mr. Thompson added that there will be a direct impact to his property. He is not sure that the property can support 30 units. Mr. Thompson's photos were labeled and entered into the record.

Wayne Secrist of 1650 SE 16th Place, Toledo, reiterated his earlier concerns with the sharp corner,

access points, and traffic impacts from 30 additional units.

The Planning Commission held a short break and the meeting was reconvened at 8:25 pm.

Mr. Secrist stated that kids in the area should be able to get to the parks, but he is concerned that they will play in the wetlands. The building project will affect the views, property values, adds 60 cars to the area, and garbage entering the wetlands and slough. He stated that this particular property is not the place for a 30-unit apartment. He recalled the floodwater of 1996 was at the barn. The geo-tech evaluation was performed last spring, after a very dry winter. He expressed concerns when the normal rains return or another 1996 flood occurs. He has been in Toledo since 1995 and worked for Central Lincoln PUD for years. He posted this information to a community website and received 30 responses, none were positive. He urged the City to make the public aware of this request.

Commissioner Morris read a letter of opposition into the record from Antwan Annette Norrick, submitted July 13, 2021, and provided to Commissioners tonight.

President Learned-Ellis clarified that the public hearing notice was sent to 51 property owners, 19 public agencies. CP Peterson added that the notice was also published in the paper June 30th and July 7th. The notice provides a description of the request and how to attend the meeting. CA Robinson confirmed that the notice complied with the public hearing requirements.

Other Interested Parties: None.

Rebuttal by Applicant: Ms. Alligood understands the concerns with the wetlands, kids on-site, and traffic. The project will provide open space and opportunities for children to stay on-site. They are aware of the concerns with access and traffic and continue to work with Lincoln County for any needed improvements and safety considerations. She clarified that the units will provide housing for working families with 60-80% median income. They have addressed erosion and are working with DEQ for a stormwater management plan for containment and to protect the Natural Resource area.

Ms. Stiley added that multiple generations of her family have been in Lincoln County and she lives and works in the County. The project is important and a lot of factors go into their projects. They take care in what is created, where it is located and who the project will serve. They take care of their buildings, they are well-managed buildings, and they want to be a good neighbor. The units will be one or two bedrooms, which is what the County needs. Typically, this will house one couple without children, but it may also be a single-parent with children. Because of the income levels, residents will be working class or seniors. The plan provides 47 parking spaces, a playground area, and community room. There will be an on-site manager. President Learned-Ellis noted there are only eight two-bedroom units, which would be the common size for a family with children.

Ms. Alligood requested Planning Commission approval of the proposal. It is a critical path to obtain funding and move the project forward.

Mr. Capri added that he grew up in Newport and there is a housing shortage in the area. The project will benefit the community

Questions by Commission: Commissioner Mix asked if Lincoln County will require sidewalks for the project. Ms. Allgood clarified that road improvements have not been finalized with the County yet.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Morris expressed concerns with the traffic impact and flooding in the area. Commissioners discussed the added traffic and if the site has experienced flooding. Commissioners acknowledged the need for affordable housing.

Commissioner Mix understood Mr. Thompson's concerns with erosion and water intrusion, but the modified property line may help. There could be liquefaction of the soils, based on the location. He announced he may lose his telephone connection to the meeting.

President Learned-Ellis stated it is an RS Zone and any development would increase traffic onto Sturdevant Road. The applicant must work with Lincoln County and they need an approved access plan. She would like to see a geo-tech report, regardless of the slopes. She noted that the low-profile building will be setback, the elevation is below Sturdevant Road, and there is a public need for housing. The Planning Commission must consider if the application meets criteria.

Commissioner Morris agreed with the need for additional housing but questioned this location. She is opposed to the request as presented.

Commissioner Dyson would like more information on the flood risk and elevation. CP Peterson noted that the modified property line will remove the floodplain from the western side.

Commissioner Mix also express concerns with the floodplain and erosion.

Commissioners discussed the option of denying the request or continuing the public hearing. CP Peterson clarified that the application does not have to have the same detail or engineering as a building permit application. The plans provide a conceptual drawing. If there is a significant change to an approved plan, it would have to come back to the Planning Commission for review. If the Commissioners deny the application, it needs to be based on criteria and facts and findings need to be established for the criteria standards. Commissioner Mix recommended a continuation. Commissioners continued discussion of an access and road improvement plan, geo-tech plan, and continuing the hearing.

At this time, Commissioner Mix lost connection to the meeting, causing a lack of quorum. Remaining Commissioners discussed a continuation date and agreed to the applicant's request that the record stay open to allow new information.

Due to a lack of quorum, the meeting was adjourned at 9:10 pm and will be continued to July 20, 2021, at 6:30 pm at the Toledo Fire Department. It was confirmed that if there are any changes to the date/location, notice will be provided to all participants.

Secretary

President