

Toledo Fire Department
285 NE Burgess Rd. Toledo OR
August 11, 2021
6:30 pm

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting at the Toledo Fire Department. 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. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE MAY 12, 2021, AND JULY 14, 2021 MINUTES as circulated and reviewed by the Planning Commission
4. PUBLIC HEARING: Minor Partition to create two parcels at 497/499 SE East Slope Road and Variance to the street frontage requirement (File #MP-3-21/VAR-2-21), requested by Joe and Janyce Steenkolk
5. PUBLIC HEARING: Minor Partition to create two parcels for property located at 1731/1739 NW Hwy 20 (File #MP-4-21), requested by Daniel Barrett
6. DISCUSSION ITEMS:
 - a. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. 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: Ricky Dyson, Terri Neimann, Jonathan Mix and Ruthanne Morris. Excused was Cora Warfield. It was noted that Robert Duprau was recently appointed to fill the vacancy on the City Council, now leaving one vacant position on the Planning Commission.

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

VISITORS: Kelly Foley, Chuck Lerwick, Jeff Hausmann

APPROVAL OF THE APRIL 14, 2021, MINUTES:

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

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

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

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

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

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

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

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

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

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

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

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

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

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

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

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

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

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

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

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

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

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

President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. Commissioner Mix stated he conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were previously read.

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

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

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

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

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

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

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

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

DISCUSSION ITEM: WILDFIRE PREPAREDNESS:

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

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

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

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

DISCUSSION ITEM: UPDATES AND REPORTS: None.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: None.

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

Secretary

President

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

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-17 AC as Tax Lot 402 (497/499 SE East Slope Road)

APPLICATION #: MP-3-21 and VAR-2-21

APPLICANT: Joe and Janyce Steenkolk

APPLICATION DATE: July 13, 2021

HEARING DATE: Planning Commission – August 11, 2021

REQUEST: The applicant is requesting a minor partition to create two parcels, as marked on the attached Exhibit A to this staff report, and a variance to the frontage requirement.

LOCATION: The subject property is located at 497/499 SE East Slope Road, adjacent to SE Olson Road. The subject Tax Lot 402 has frontage along SE Olson Road and the existing duplex takes access from SE East Slope Road across the neighboring lot. The parcels are further identified on Lincoln County Assessors Map# 11-10-17 AC as Tax Lot 402.

PARCEL SIZE: Tax Lot 402 is approximately 0.66 acres (28,749 square feet). Proposed Parcel 1 would be approximately 15,043 square feet and proposed Parcel 2 would be approximately 13,797 square feet.

I. REPORT OF FACTS:

1. Plan Designation: General Residential (R-G)
2. Zone Designation: General Residential (R-G)
3. Existing Structures: Duplex
4. Topography: Based on the Lincoln County Assessor's contour lines the property is relatively flat on the eastern portion with steeper slopes on the western half of the property.
5. Development Constraints: Access to the existing duplex is across the neighboring property to the east. The Statewide Wetlands (SWI) Map indicates that wetlands may be located on the subject property. Also, a PUD easement is located on the property.
6. City water: Public water main lines are located in the SE 4th Street right-of-way and the SE East Slope Road right-of-way. The existing duplex is connected to city water.
7. City sewer: Public sewer main lines are located in the SE Olson Road right-of-way and runs across the neighboring property to the

- east. The existing duplex is connected to city sewer.
8. Notice of Public Hearing: Notices mailed to 40 property owners and 19 public/service agencies on July 16, 2021.
 9. Notice Published: July 28, 2021 and August 4, 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). The Department of Statelands submitted comments stating that a Wetland Delineation may be required before development.
 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. DSL Comments

II. APPLICABLE CRITERIA FOR EVALUATING THE MINOR PARTITION AND VARIANCE 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.

Medium-Density Residential -This designation provides for either lower or higher density housing. This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.

2. **2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(B) – Zoning Map Designations:**

General Residential (R-G) -The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas and the facilities and services which go along with those residences.

3. **TMC Sections 17.12.10 – 17.12.040, 17.12.060 – R-G Zone.**

TMC Section 17.12.010 – R-G Zone – Purpose.

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.

TMC Section 17.12.020 – R-G Zone – Uses permitted outright.

In the R-G zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.12.040.

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.*
- D. Accessory dwelling units.*
- E. Home occupations which comply with Chapter 17.46.
- F. Accessory use structures.
- G. Registered and licensed residential care facility and residential care homes.
- H. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC Section 17.12.030 – R-G 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, or medical clinic.
- D. School: nursery, primary, elementary, junior high, or senior high.
- E. Pumping station and utility substation.
- F. Boarding house, bed and breakfast facility, hostel, or residency hotel.
- G. Child day care center.*
- H. Manufactured dwellings that do not meet the minimum standards in Section 17.12.040(B).
- I. Professional office use, bakery/catering, art gallery/studio, eating establishment, or other similar type of commercial use in conjunction with the residential use of the property that exceeds the standards for a home occupation.

TMC Section 17.12.060 – R-G Zone – Lot size.

The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

Staff Analysis: The subject property is approximately 0.66 acres. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being approximately 15,043 square feet and proposed Parcel 2 being approximately 13,797 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 6,000 square feet.

4. **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 redevelopable lots in areas already serviced or where services can be economically provided.

Staff Analysis: The existing structure at 497/499 SE East Slope Road is a duplex. Future development of proposed Parcel 1 must comply with TMC 17.12 (General Residential Zone) standards. The R-G Zone allows various residential uses, specifically, single-family homes (both site built and manufactured), multi-family, and accessory dwelling units are allowed outright. 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.

5. 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 city street (SE Olson Rd.) 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 standards.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

6. 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 August 4, 2021, the minor partition 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 Olson Road, a City street. The applicant shows a new proposed access location for Parcel 1 onto SE Olson Road. Proposed Parcel 2 would not have frontage on a street and the variance criteria is discussed below. Proposed Parcel 2 will have an access easement to SE East Slope Road. The existing duplex is currently accessed from SE East Slope Road by crossing the neighboring property to the east. The preliminary partition plat shows that an access easement will be included on the plat.

Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development of Parcel 1 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.

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: 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 Olson Road is not required, nor is a deferred development agreement required, because SE Olson Road is not a collector street or there is not an existing sidewalk within 500 feet.

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.

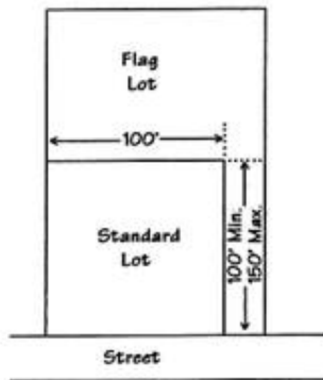
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4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

Staff Analysis: Proposed Parcel 1 could be further divided based on the minimum lot size requirement in the R-G Zone. However, based on the topography of the lot further division is unlikely. Proposed Parcel 2 is unlikely to be further divided because of the existing duplex location on the parcel and the minimum lot size requirements. 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-G zone. Proposed Parcel 1 will have more than 20 feet of frontage onto SE Olson Road (a city street). Proposed Parcel 2 will not have frontage on a street and will cross a parcel to the east to access SE East Slope Road. This is the standard that the applicant needs a variance and the variance standards are discussed below.

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 result of the partition will be a parcel with a single frontage and a parcel without frontage. The proposal will not create a double frontage lot.

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 configuration for Parcels 1 and 2 will be close to perpendicular to SE Olson Road and SE East Slope 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 15,043 square feet and proposed Parcel 2 would be approximately 13,797 square feet. Accordingly, proposed Parcels 1 and 2 do not exceed twenty-five thousand (25,000) square feet in area, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 153 feet and width is approximately 128 feet, so does not exceed a depth to width ratio of two and one-half to one. As to Parcel 2, the depth of the parcel is approximately 100 feet and width is approximately 128 feet, so it does not exceed a depth to width ratio of two and one-half to one. Therefore, as drawn on the proposed map, both parcels will not exceed a depth to width ratio of two 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 natural or piped drainages were identified, however, any identified drainage must be preserved or replaced on the site.

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 4th Street and the SE East Slope Road right-of-way and the public sewer line is located in the SE Olson Road right-of-way and on the adjacent property to the east. When Parcel 1 is developed, separate 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 1 that may cross proposed Parcel 2.

IMPROVEMENTS

7. 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

8. 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. 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 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 variance will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.

VARIANCE TO THE MINOR PARTITION STANDARDS

9. TMC16.30.040 Variances - Purpose.

This section provides standards and procedures for variances, which are modifications to the development standards in Title 16 of this code that are not otherwise permitted elsewhere in this code as exceptions to code standards. This code cannot provide standards to fit every potential development situation. The city's varied geography and complexities of land development require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the code. The variance procedure provides relief from specific code provisions in Title 16 when they have the unintended effect of preventing reasonable development that is in conformance with all other codes. The variance procedure is intended to provide flexibility while ensuring that the purpose of each development standard is met. Variances are necessary when the applicant requests a deviation from numerical standards of more than 10 percent or a variance from non-numerical development standards.

TMC 16.30.060 Regulations which may and may not be varied

A. Unless listed in subsection (B) of this section, all regulations in this code may be modified using the variance process.

B. Variances are prohibited for the following items:

1. As an exception to any restrictions on uses or development which contain the word "prohibited."
2. As an exception to a threshold for a review, such as the characteristics that would distinguish a minor partition from a major partition or subdivision.
4. As an exception to a definition or classification.
5. As an exception to the procedural steps of a procedure or to change assigned procedures.

Staff analysis: The variance requested is not prohibited or described in TMC 16.30.060(B).

Accordingly, the variance requested may be granted, pursuant to TMC 16.30.060(A), related to the 20 foot minimum frontage requirement (TMC 16.04.050 (E)(1)).

TMC 16.30.070 Variance – Review Criteria

The Planning Commission may approve an application for a variance if the applicant has shown that all of the following criteria have been met:

- A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;
- B. A hardship to development exists that is peculiar to the lot size or shape, topography, pre-existing structure(s), wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;
- C. The development proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- E. The hardship is not self-imposed; and
- F. The variance request is the minimum variance that would alleviate the hardship.

Staff analysis: The variance requested related to the minimum frontage requirement of 20 feet (TMC 16.04.050 (E)(1)) meet the criteria in TMC 16.30.070.

As to all of the variances needed for approval, the variances are not materially detrimental to the purposes of this code, to any other applicable policies or standards, or to other properties in the same zoning district or in the vicinity. Specifically the variance will allow the development of a use allowed in TMC 17.12 the same as any other partition in the R-G zone.

A hardship to development exists that is peculiar to the lot size or shape of Tax Lot 402 and pre-existing structures. The existing lot accesses SE East Slope Road by crossing the adjacent property to the east. An easement will be created when the partition plat is recorded.

The partition into two tax lots is greater than the minimum lot size required in the zone, upholding this title and city standards to the greatest extent reasonably practicable while allowing for the reasonable economic development of the land.

The existing parcel has frontage on SE Olson Road and an access to SE East Slope Road. The existing lot configuration makes further division difficult without a variance application. The applicant did not create the existing street configuration. The hardship is not self-imposed.

The variance requested is to the minimum frontage requirement. As proposed Parcel 2 would not have any frontage. This is the minimum variance required is a full variance otherwise a flag lot configuration would have to be created. The variance requested is the minimum variance to alleviate the hardship.

III. FURTHER STAFF ANALYSIS:

The current owner, Joe and Janyce Steenkolk, have correctly indicated that the minor partition would create two lots. The applicant's request would be compatible with surrounding land uses. General Residential zoning is located to the north, south, west, and east. See Zoning Map attachment C.

SE Olson Road is a 15' wide paved street without curbs or sidewalks. Because of erosion and stability concerns, SE Olson Road is no-longer a through street and dead ends before the intersection with SE East Slope Road.

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 Medium-Density Residential designation as contained in the Comprehensive Plan is to provide for either lower or higher density housing. This designation shall be implemented through the zoning map's Single-family Residential (R-S) or General Residential (R-G) zone designation, which the current maps indicate.

Based on the Statewide Wetlands Inventory (SWI) proposed Parcels 1 and 2 may have wetlands on the subject property. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on June 23, 2021. DSL responded and state no permit is need for the partition, however, site investigation by a wetland professional is advised at the time of development. The applicant shall be responsible for obtaining any required DSL permits and

any other state or federal permits.

FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 0.66 acres in size into two parcels. Based upon the information received by city staff through August 4, 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 402 appears to be a lawfully created unit of land and, according to the Lincoln County Assessor's records, the existing duplex on 497/499 SE East Slope Road was built in 1993.
2. The subject property is approximately 0.66 acres. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being approximately 15,043 square feet and proposed Parcel 2 being approximately 13,797 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 6,000 square feet.
3. The existing structure at 497/499 SE East Slope Road is a duplex. Future development of proposed Parcel 1 must comply with TMC 17.12 (General Residential Zone) standards. The R-G Zone allows various residential uses, specifically, single-family homes (both site built and manufactured), multi-family, and accessory dwelling units are allowed outright. 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 standards.
5. Based upon the information received by City staff through August 4, 2021, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.
6. Proposed Parcel 1 would have adequate frontage along SE Olson Road, a City street. The applicant shows a proposed access location for Parcel 1 onto SE Olson Road. Proposed Parcel 2 would not have frontage on a street and the variance criteria is discussed below. Proposed Parcel 2 will have an access easement to SE East Slope Road. The existing duplex is currently accessed from SE East Slope Road by crossing the neighboring property to the east. The preliminary partition plat shows that an access easement will be included on the plat.
7. The minor partition criteria for evaluation in TMC 16.08.070 has been met.
8. Proposed Parcel 1 could be further divided based on the minimum lot size requirement in the R-G Zone. However, based on the topography of the lot further division is unlikely. Proposed Parcel 2 is unlikely to be further divided because of the existing duplex location on the parcel. The current request does not preclude the efficient division of land in the future.
9. The request meets TMC 16.04.050(E)(2-8), 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-G zone. Proposed Parcel 1 will have more than 20 feet of frontage onto SE Olson Road (a city street).

Proposed Parcel 2 will not have frontage on a street and will cross a parcel to the east to access SE East Slope Road. This is the standard that the applicant needs a variance and the variance standards are discussed below.

- 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 result of the partition will be a parcel with a single frontage and a parcel without frontage. The proposal will not create a double frontage lot.
- 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 configuration for Parcels 1 and 2 will be close to perpendicular to SE Olson Road and SE East Slope 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 15,043 square feet and proposed Parcel 2 would be approximately 13,797 square feet. Accordingly, proposed Parcels 1 and 2 do not exceed twenty-five thousand (25,000) square feet in area, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 153 feet and width is approximately 128 feet, so does not exceed a depth to width ratio of two and one-half to one. As to Parcel 2, the depth of the parcel is approximately 100 feet and width is approximately 128 feet, so it does not exceed a depth to width ratio of two and one-half to one. Therefore, as drawn on the proposed map, both parcels will not exceed a depth to width ratio of two 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 natural or piped drainages were identified, however, any identified drainage must be preserved or replaced on the site.

10. No new streets are required or proposed by the proposed partition. Proposed Parcel 1

- will both abut and have primary access from SE Olson Road. Proposed Parcel 2 will take access across a neighboring property to the east to SE East Slope Road.
11. 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 variance will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.
 12. Driveway, utility, and street development specifications are currently contained in the Public Works Infrastructure Design Standards Manual and are not part of TMC Title 16 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.
 13. 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. 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.

- 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 variance will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.
14. SE Olson Road is a 15' wide paved street without curbs or sidewalks. Because of erosion and stability concerns, SE Olson Road is no-longer a through street and dead ends before the intersection with SE East Slope Road.
 15. Proposed Parcel 1 would have adequate frontage along SE Olson Road, a City street. The applicant shows a new proposed access location for Parcel 1 onto SE Olson Road. Proposed Parcel 2 would not have frontage on a street and the variance criteria is discussed below. Proposed Parcel 2 will have an access easement to SE East Slope Road. The existing duplex is currently accessed from SE East Slope Road by crossing

- the neighboring property to the east. The preliminary partition plat shows that an access easement will be included on the plat.
16. The public sewer line is located in the SE Olson Road right-of-way and on the adjacent property to the east. Any private sewer laterals crossing proposed Parcel 2 should be identified and easements recorded.
 17. The public water line is located in the SE 4th Street and the SE East Slope Road right-of-way and available to connect to. Private water service lines and other utility lines should be identified and easements recorded if existing utilities for Parcel 1 cross Parcel 2.
 18. When Parcel 1 is developed, separate utility connections to water and sewer will be required.
 19. Based on the Statewide Wetlands Inventory (SWI) proposed Parcels 1 and 2 may have wetlands on the subject property. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on June 23, 2021. DSL responded and state no permit is need for the partition, however, site investigation by a wetland professional is advised at the time of development.
 20. The variance requested is not prohibited or described in TMC 16.30.060(B). Accordingly, the variance requested may be granted, pursuant to TMC 16.30.060(A), related to the 20 foot minimum frontage requirement (TMC 16.04.050 (E)(1)).
 21. As to the variance requested, to the minimum frontage requirement (TMC 16.04.050 (E)(1)).

The variance requested related to the minimum frontage requirement of 20 feet (TMC 16.04.050 (E)(1)) meet the criteria in TMC 16.30.070.

As to all of the variances needed for approval, the variances are not materially detrimental to the purposes of this code, to any other applicable policies or standards, or to other properties in the same zoning district or in the vicinity. Specifically the variance will allow the development of a use allowed in TMC 17.12 the same as any other partition in the R-G zone.

A hardship to development exists that is peculiar to the lot size or shape of Tax Lot 402 and pre-existing structures. The existing lot accesses SE East Slope by crossing the adjacent property to the east. An easement will be created when the partition plat is recorded.

The partition into two tax lots is greater than the minimum lot size required in the zone, upholding this title and city standards to the greatest extent reasonably practicable while allowing for the reasonable economic development of the land.

The existing parcel has frontage on SE Olson Road and an access to SE East Slope Road. The existing lot configuration makes further division difficult without a variance application. The applicant did not create the existing street configuration. The hardship is not self-imposed.

The variance requested is to the minimum frontage requirement. As proposed Parcel 2 would not have any frontage. This is the minimum variance required is a full

variance otherwise a flag lot configuration would have to be created. The variance requested is the minimum variance to alleviate the hardship.

22. Notification to 40 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of August 4, 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-3-21 and VAR-2-21 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, and approve the variance, pursuant to the variance review criteria in 16.30.070, which variance is needed for the frontage standard.

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. Authorization of the variance shall be void after one year if the final plat has not been recorded or an extension granted.
4. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed parcels for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.

5. Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development of Parcel 2 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.
6. 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.
7. 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.
8. The applicant shall be responsible for obtaining any required Department of Statelands (DSL) permits and any other applicable state or federal permits.

PLANNING COMMISSION DECISION

PROPOSED MOTION (MP-3-21 AND VAR-2-21):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON AUGUST 11, 2021, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY JOE AND JANYCE STEENKOLK (MP-3-21/VAR-2-21) COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE, TITLES 16 AND 17, INCLUDING THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE, SECTION 16.08.070 AND 16.30.070. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AS FINDINGS, AS WELL AS THE CONDITIONS OF APPROVAL FOR MP-3-21/VAR-2-21, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

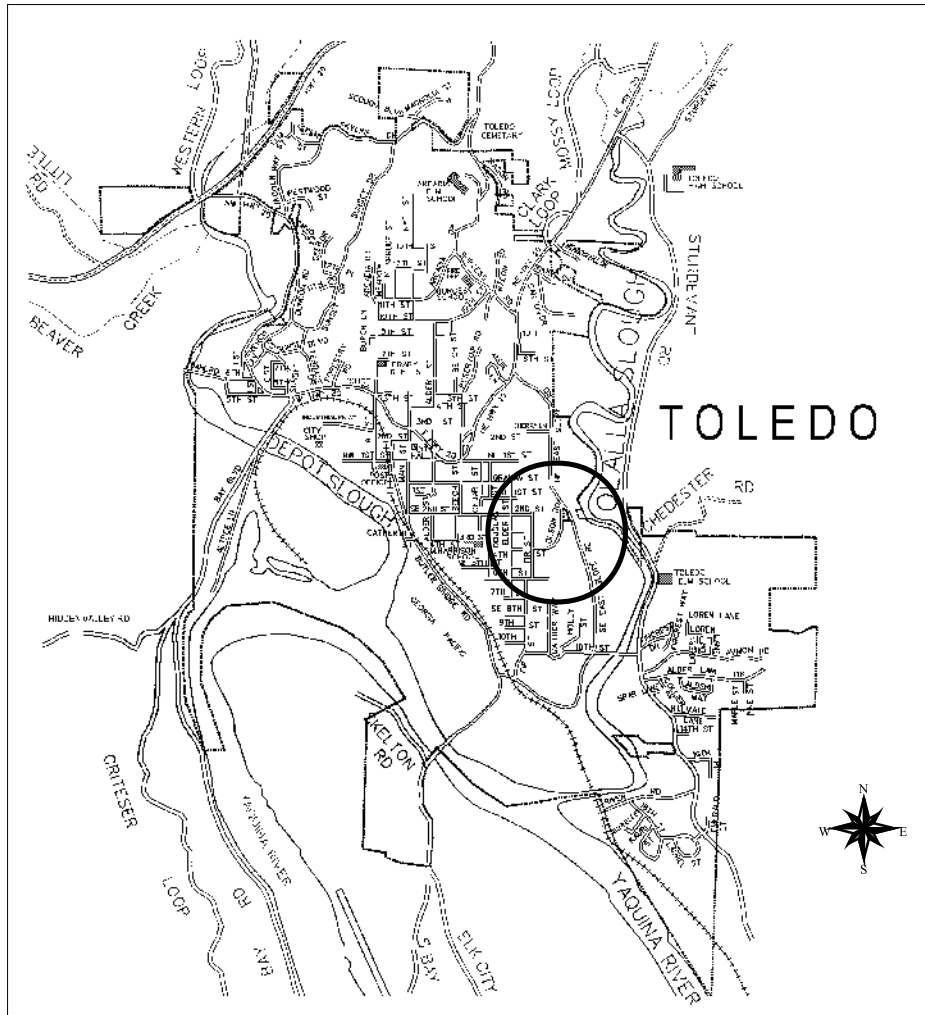
V. PLANNING COMMISSION ROLE:

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.

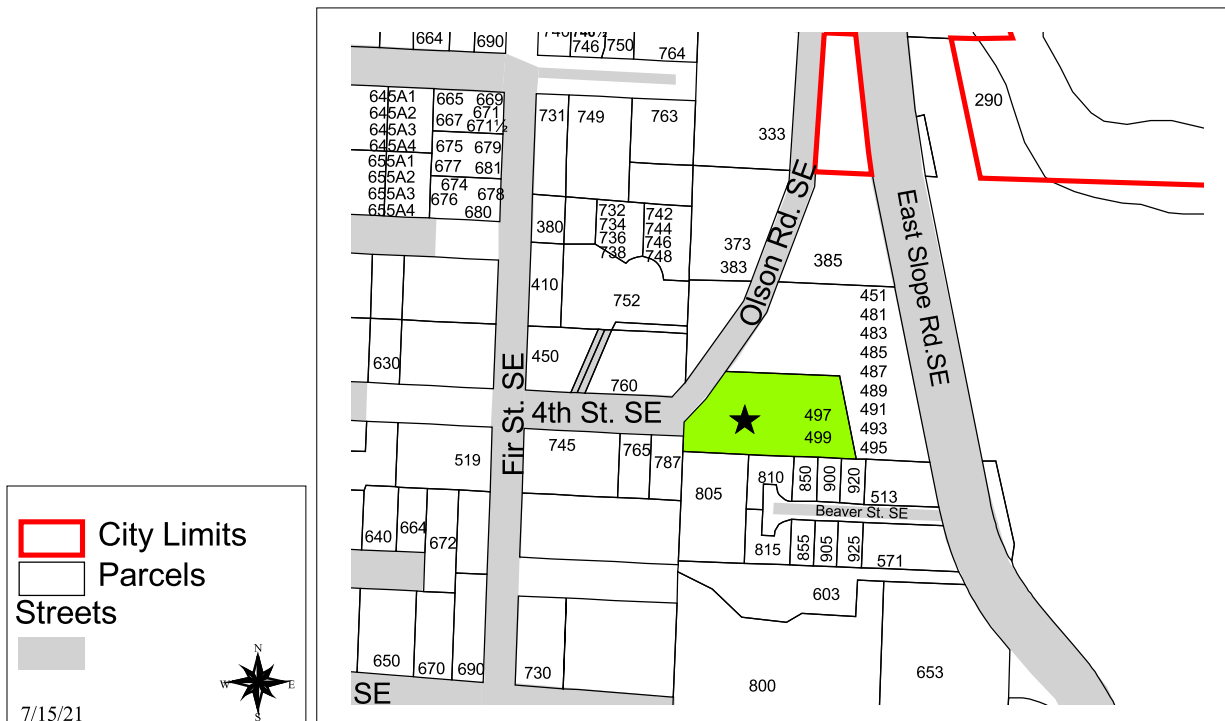
Prepared by,

Justin Peterson
Contract Planner

Location Map



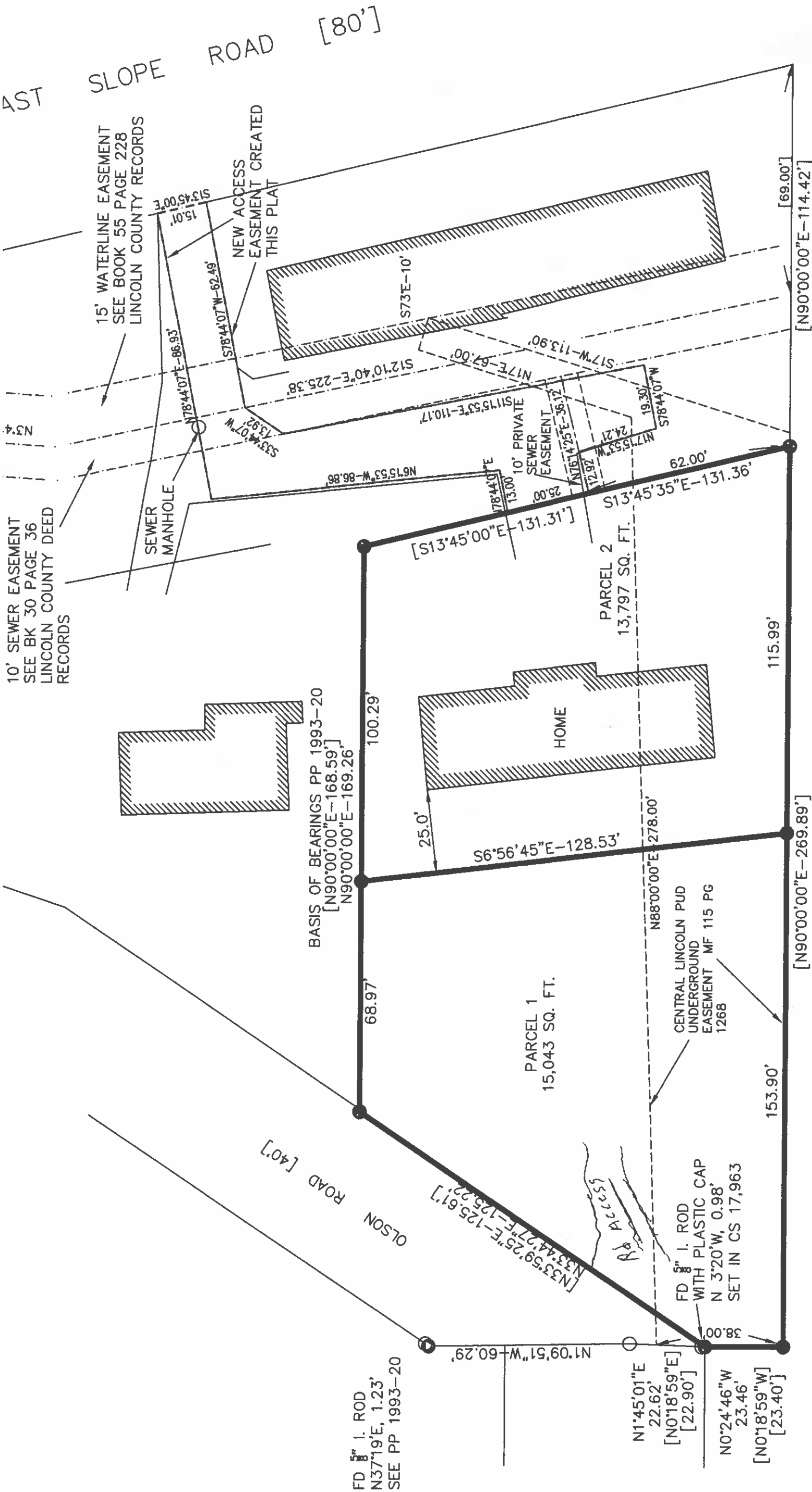
Site Map



ATTACHMENT A

Exhibit A - Map showing Parcels After Partition

(City of Toledo File #MP-3-21/VAR-2-21)



REGISTERED
PROFESSIONAL
LAND SURVEYOR

SURVEY FOR: JOSEPH & JANYCE STEENKOLK

LOCATION: 11-10-17-AC-00407

ATTACHMENT B

Application with Supporting Information

(City of Toledo File #MP-3-21/VAR-2-21)



LAND USE APPLICATION

Date 6-7-2021

Property Owner JOE STEENKOLK
Mailing Address 1711 YASEK LOOP
TOLEDO, OR 97391

Telephone 541-336-2950
Email jj3@CASCO.NET

Authorized Agent _____
Mailing Address _____

Telephone _____
Email _____

Property Address EAST Slope Rd
Property Location TOLEDO
Assessors Map No. 11-10-17 AC

Property Size 15,043 #

Tax Lot No. 00402

Present Zoning mult-housing
Comprehensive Plan Designation _____
Current Use of Property lot site
Existing Structures (if any) none

Proposed Change Ø

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

use as a building lot. Single home or
duplex site.

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 and how the request meets the decision criteria.
- ☐ Supplemental information form (if required).
- ☐ Application fee.

Annexation/Rezone (\$1,500)*	Expedited Land Division (\$2,000)*	Riparian Modification Permit (\$200)
Appeal, Land Use Misc (\$535)*	Lot Line Adjustment (\$135)	Similar Use, Planning Comm (\$535)
Appeal, Type II (\$260)*	Modification of Approval (75% of fee)	Subdivision (\$930+\$20/lot)*
Appeal, Type III (\$535)*	Partition, Major (\$930)*	UGB Amendment (\$2,660)
Code Amendment (\$930)	Partition, Minor (\$535)*	Vacation (\$2,000)*
(if requires M56 notice \$930+mailing)	Planned Unit Development	Variance, Type I (\$65)*
Comp. Plan Amendment (\$930)	(\$930+\$20/unit)*	✓ Variance, Type II (\$260)* .75-195
(if requires M56 notice \$930+mailing)	Replat, Major (\$930)	Variance, Type III (\$535)*
Code Interpretation, official (\$170)	Replat, Minor (\$535)	Zone Change (\$930)
Conditional Use (\$535)	Restrictive Lot Line Covenant	
Exception to Statewide Goal (\$2,660)	(\$100+admin fee)	

*Supplemental forms are required

If filing multiple Land Use Applications, the highest tier 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.

JUN - 8 2021

CITY OF TOLEDO

For Office Use Only

Date Received 6/10/21 By AM Fee Paid 535.00 Complete Application Date _____ City File No. _____

7/13/21 = \$195.00 AM

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, City Manager, or designee and I am fully aware of my responsibilities as the applicant. A pre-application meeting with City staff was held on or around _____.

I understand that the Planning Commission will hold a public hearing for this application (Type III)

☒ yes

I understand that the City Council will hold a public hearing for this application (Type IV)

☒ yes

I understand that this is a City of Toledo staff-level decision (Type I and Type II)

☒ yes

Other _____

☐ yes

Joseph J. Steenbold
Janyce Steenbold
Applicant(s) Signature

6-7-2021
Date

Property Owner (if different)

Date

For Office Use Only

Public Works

1. Is City sewer available? Yes _____ No _____
Where _____
Will a connection have to be constructed? Yes _____ No _____
What size of a line is required _____
2. Is City water available? Yes _____ No _____
Where _____
Meter size _____
Estimated installation cost _____
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. Are stormwater improvements needed? Yes _____ No _____
If yes, describe _____

- Is an erosion control plan needed? Yes _____ No _____
7. Is a plan review by Public Works required? Yes _____ No _____
8. 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 IFC? Yes ☒ No ☐
2. Is this application ready to be approved? Yes ☒ No ☐
Explain modifications or revisions needed for the application _____

Comments No Comments

REVIEWED AND APPROVED BY:

Doug Musil
Fire Chief Inspector/Captain

7/27/21
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:

City Planner

Date

Fire Department

1. Does the proposal meet the safety requirements of the IFC? 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:

 _____ 07/27/21

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:

City Planner _____ Date _____

DATE July 13, 2021
FROM: Joseph & Janyce Steenkolk
RE: Minor Partition and variance

We are applying for a minor partition and a variance for lot 402. We have owned this property since 1967 and have developed an 8plex, duplex and a double wide mobile on this property since 1967.

We wish to divide lot 402 and with this change we also need a variance since the duplex will not have a direct access to SE East Slope Road. This duplex has always used the same driveway that our 8 plex uses which is directly off of SE East Slope Road.

This new access road to this lot will be off of SE 4th St. and John Olsen Road. (See new survey map.)

We have contacted all agencies pertaining to the use of this new lot; city, Fire department and Central Lincoln PUD. All agencies have no objections to this use.

The sewer line will go through lot 400 and surface drainage which will have an easement through lot 400.

Thank you.

SKT

KNOW ALL MEN BY THESE PRESENTS, That
 HOMER WILSON and BERNICE WILSON, husband and wife
 E H W B L W, hereinafter called the grantor,
 in consideration of Ten and no/100 - - - (\$10.00) - - - - - Dollars
 and other good and valuable consideration
 to grantor paid by JOSEPH J. STEENKOLK and JANICE E. STEENKOLK,
 , husband and wife,
 hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by
 the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements,
 hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of
 Lincoln , State of Oregon, described as follows, to-wit:

PARCEL 1: BEGINNING AT A POINT that is 684.7 feet north of the center of Section 17, T 11 S, R 10 W, W. M.; thence north 171.8 feet; thence east 360 feet; thence southeasterly to a point 400 feet east of the point of beginning, thence west 400 feet to the point of beginning, in Lincoln County, Oregon, except the Ole Osness County Road.

PARCEL 2: BEGINNING ON THE north and south center line of Section 17, T 11 S, R 10 W, W. M., which point is 412.6 feet north of center of said Section 17, thence north along the said center line 272.2 feet; thence east 400 feet; thence south 14 deg. 05' east 280.6 feet; more or less, to a point which is east of the point of beginning, thence west 468.3 feet, more or less, to the point of beginning, in Lincoln County, Oregon. EXCEPTING the Ole Osness County Road.

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances SUBJECT TO MORTGAGE from Homer Wilson and Bernice Wilson, husband and wife to National Security Bank, Toledo, Oregon, dated October 14, 1966, recorded October 17, 1966 in Lincoln County Mortgage Records, Book 136 on page 364

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 12th day of September, 19 67.

Homer Wilson (SEAL)

Bernice L Wilson (SEAL)

(SEAL)

(SEAL)

(ORS 93.490)

STATE OF OREGON, County of Lincoln) ss. September 12, 19 67

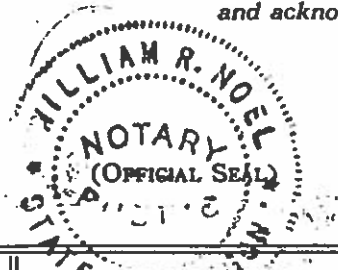
Personally appeared the above named HOMER WILSON and BERNICE WILSON,

husband and wife H W B L W.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

William R. Noel
 Notary Public for Oregon
 My commission expires 3/3/69



FD 5/8" I. ROD
N37°19'E, 1.23'
SEE PP 1993-20

OLSON ROAD [40']

[N33°59'25"E-125.61']
[N33°44'27"E-125.22']

Rd ACCESS

N1°45'01"E
22.62'
[N0°18'59"E
[22.90']

N0°24'46"W
23.46'
[N0°18'59"W
[23.40']

FD 5/8" I. ROD
WITH PLASTIC CAP
N 3°20'W, 0.98'
SET IN CS 17,963

CENTRAL LINCOLN PUD
UNDERGROUND
EASEMENT MF 115 PG
1268

153.90'

[N90°00'00"E-269.89']

BASIS OF BEARINGS PP 1993-20
[N90°00'00"E-168.59']
[N90°00'00"E-169.26']

68.97'

HOME

25.0'

S6°56'45"E-128.53'



115.99'

[S13°45'00"E-131.31']

PARCEL 2
13,797 SQ. FT.

S13°45'35"E-131.36'

30 0 30 60 90 Feet

SURVEY FOR: JOSEPH & JANYCE STEENKOLK

LOCATION: 11-10-17-AC-00402

10' SEWER EASEMENT
SEE BK 30 PAGE 36
LINCOLN COUNTY DEED
RECORDS

SEWER
MANHOLE

15' WATERLINE EASEMENT
SEE BOOK 55 PAGE 228
LINCOLN COUNTY RECORDS

NEW ACCESS
EASEMENT CREATED
THIS PLAT

AST SLOPE ROAD [80']

N78°44'07"E-86.93'
S33°44'07"W-73.92'
N6°15'53"W-86.86'
N78°44'07"E-13.00'
N76°14'25"E-36.12'
N11°53'E-110.17'
S12°10'40"E-225.38'
N17°E-67.00'
S17°W-113.90'
S73°E-10'
S78°44'07"W-19.30'
N17°53'W-24.21'
S13°45'00"E-131.31'
S13°45'35"E-131.36'

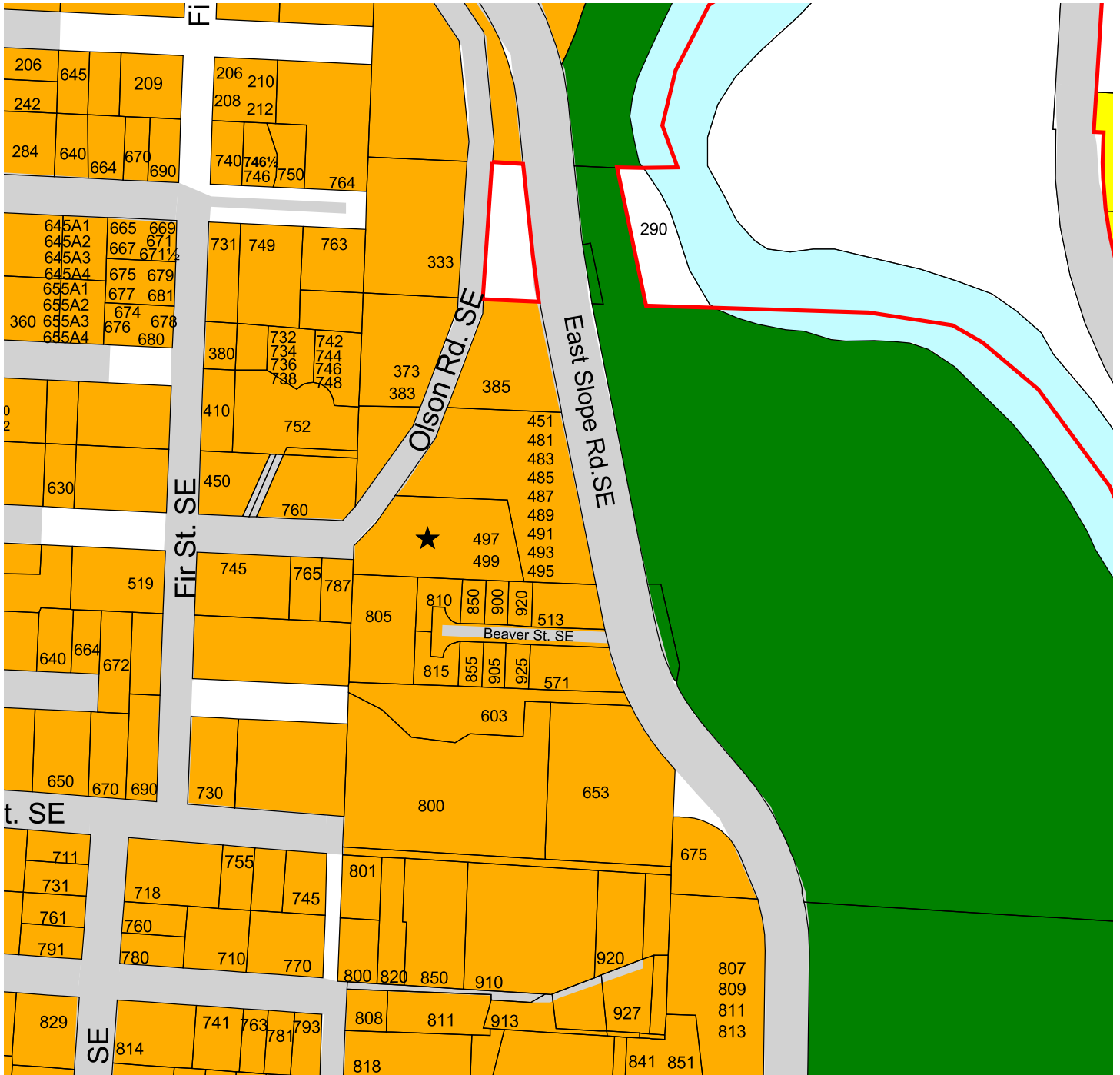


REGISTERED
PROFESSIONAL
LAND SURVEYOR

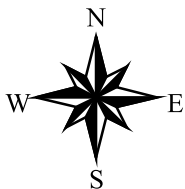
ATTACHMENT C

Zoning Map

(City of Toledo File #MP-3-21/VAR-2-21)



200 0 200 400 Feet



- City Limits
- UGB
- Parcels
- Streets
- Zoning Plan**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Parcels in UGB
- Waterways

ATTACHMENT D

Aerial Map

(City of Toledo File #MP-3-21/VAR-2-21)



Legend

-  Taxlots
-  Vegetation Line
-  Cities
-  Sections
-  40 Foot Contours
-  Streams

Printed on 8 / 5 / 2021

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ATTACHMENT E

DSL Comments

(City of Toledo File #MP-3-21/VAR-2-21)



Wetl

Response Page

Department of State Lands (DSL) WN#*

WN2021-0721

Responsible Jurisdiction

Staff Contact

Justin Peterson

Jurisdiction Type

City

Municipality

Toledo

Local case file

MP-3-21

County

Lincoln

Activity Location

Township

11S

Range

10W

Section

17

QQ section

AC

Tax Lot(s)

402

Street Address

499 SE East Slope Rd

Address Line 2

City

Toledo

Postal / Zip Code

97391

State / Province / Region

OR

Country

Lincoln

Latitude

44.617655

Longitude

-123.928578

Wetland/Waterway/Other Water Features

☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property

☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- ☒ A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)



- ☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information



Additional Comments

A tax lot split does not involve removal fill activities, so no state permit is needed. Please be advised that the proposed new tax lot to the west may be difficult to develop if the current soils mapping indicates wetland. If this tax lot is to be developed, a site investigation by a wetland professional is advised.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

7/23/2021

Response by:

Matthew Unitis

Response Phone:

503-986-5262

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-7 A as Tax Lot 2500

APPLICATION #: MP-4-21

APPLICANT: Daniel Barrett

APPLICATION DATE: July 15, 2021

HEARING DATE: Planning Commission – August 11, 2021

REQUEST: The request is for a Minor Partition of approximately 1.2 acres to create two parcels. Proposed Parcel 1 would be approximately 0.4 acres and Proposed Parcel 2 would be approximately 0.8 acres. 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 #11-10-7 A Tax Lot 2500 and located at 1731/1739 NW Hwy 20.

PARCEL SIZE: Tax Lot 2500 is approximately 1.2 acres. Proposed Parcel 1 would be approximately 0.4 acres and proposed Parcel 2 would be approximately 0.8 acres.

I. REPORT OF FACTS:

1. Plan Designation: Commercial (C) and Natural Resources (NR)
2. Zone Designation: Commercial (C) and Natural Resources (NR)
3. Existing Structures: A single family home built in 1955 and a garage.
4. Topography: The proposed parcel slopes down to a wetland on the western edge and southern portion of the property.
5. Development Constraints: The subject property is adjacent to a wetland area. A Wetland Land Use Notification (WLUN) was sent to the Department of Statelands (DSL). A portion of the subject property is located in the 100 year floodplain including the existing single-family home. In addition, the southeast corner of the non-residential shop may be located within the floodplain.
6. City water: City water is available.
7. City sewer: City sewer is available.
8. Notice of Public Hearing: Notices mailed to 19 property owners and 19 public/service agencies on July 16, 2021.
9. Notice Published: July 28, 2021 and August 4, 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.

Commercial -This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with commercial areas including allowing residential uses. This designation shall be implemented by the zoning map designation of Commercial. A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

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:**

Commercial (C) -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 will also be allowed. Residential use above the commercial main floor or located so as not to prevent the main commercial use shall be allowed and encouraged especially in the Main Street District area.

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 17.16.020 – 17.16.030 – Commercial Zone.**

In the C zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.16.050.

- A. Retail trade or commercial services, except drive-in uses.
- B. Entertainment (e.g., theaters, clubs, amusement uses).
- C. Hotel, motels, bed and breakfast facility, hostel, or residency hotels.
- D. Personal and professional services (e.g., child care center, catering/food services, restaurants, taverns, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, or similar uses).
- E. Medical and dental offices, clinics or laboratories.
- F. Office uses (i.e., those not otherwise listed).
- G. Public and institutional uses such as religious uses, clubs, lodges, government offices and facilities, public safety services, libraries, museums, community centers, public parking lots, parks, schools, or other similar uses.
- H. Custom manufacturing of goods for retail and/or wholesale sale on the premises such as small-scale crafts, electronic equipment, bakery, furniture, art, sculpture, pottery, or other similar types of goods.
- I. Truck and car repair and service—minor.*
- J. Automobile service stations.
- K. One accessory dwelling unit in conjunction with a commercial use and that meets applicable code requirements.**
- L. Temporary street vendors/seasonal commercial uses not to exceed six months.
- M. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC Section 17.16.030 – C Zone – Conditional uses permitted.

- A. Animal hospitals or kennels.
- B. Drive-in use for uses which are permitted outright or as conditional uses in the C zone.
- C. Restaurants (take-out or drive-in).
- D. Machine shops.
- E. Mini-storage.
- F. Multi-family dwelling units.
- G. Overnight trailer park or recreational vehicle parks.
- H. Pumping station or utility substations.
- I. Truck and car repair and service - major.
- J. Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public.
- K. Medical marijuana dispensary facility.
- L. Uses which are similar to those permitted outright or conditionally in the C zone and which conform to the purpose of the zone.
- M. Uses which are similar to those permitted outright or conditionally in the C zone and which conform to the purpose of the zone.

TMC 17.16.030 – setback requirements

Except for allowed uses within the Main Street District area as defined in Section 17.40.010, the front yard in a C zone shall be a minimum of twenty-five (25) feet.

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 1.2 acres. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being approximately 0.4 acres and proposed Parcel 2 being approximately 0.8 acres. Proposed Parcel 1 will be zoned C. Proposed Parcel 2 will be zoned C and NR. The commercial zone does not have a minimum lot size requirement. The existing single-family home that will be located on proposed Parcel 2 is a legal non-conforming use. Proposed Parcel 1 will contain a non-residential shop. The front yard of both parcels will remain NW Hwy 20 and the existing setbacks will remain the same. Based on submitted plot plan the lot line will be located between the non-residential shop and single-family home. Based on the aerial photographs the non-residential shop and single-family home are approximately 12 feet apart.

5. **2000 Toledo Comprehensive Land Use Plan – Article 9, Goal 2 – Economic Development:**

2. Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Toledo including commercial, industrial, water-dependent, office and institutional service development...

Staff Analysis: The existing structures on the subject property include a single-family home and non-residential shop. Future development of proposed Parcel 1 and 2 must comply with TMC 17.16 (Commercial Zone) standards. The C Zone allows various commercial uses. The request meets commercial needs of Toledo because the property will remain zoned Commercial thus maintaining commercial land in Toledo.

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 city street (NW Hwy 20) 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 C after the partition. Proposed Parcel 2 will be zoned Commercial and Natural Resources after the partition. The southern portion of the property will be zoned Natural Resources and is a wetland. The southern portion of Parcel 2 is limited in allowed future uses because of the Natural Resource Zone standards.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

8. 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 August 4, 2021, the minor partition 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 NW Hwy 20 (Business Hwy 20), a City Street. Proposed Parcel 2 would have adequate frontage along NW Hwy 20, a City Street.

Any driveway modifications adjacent to NW Hwy 20 shall be reviewed and approved by the City of Toledo Public Works Department. Staff recommends that this is listed as a condition of approval.

Proposed Parcel 1 and 2 are adjacent to NW Hwy 20 a city street. The parcel currently has driveway access to NW Hwy 20. Any driveway modification to NW Hwy 20, 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 1 or 2 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.

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 Parcels 1 and 2 are adjacent to NW Hwy 20 a City Street. 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 NW Hwy 20 are not required, nor is a deferred development

agreement required, because no sidewalks are located within 500 feet of the subject property.

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.

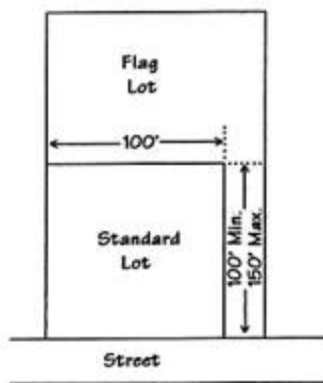
...

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 does not preclude the efficient division of land in the future. Proposed Parcels 1 and 2 are unlikely to be partitioned again because of the proposed size of the parcels. The proposed partition does not preclude the future division of the land and the future division is unlikely due to the existing lot constraints. 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-five (25) feet in non-residential zones. Proposed Parcel 1 will have over 20 feet of frontage onto NW Hwy 20 (City Street). Proposed Parcel 2 will have 25 feet of frontage onto NW Hwy 20 (City Street). In addition, the submitted plot plan shows an access easement across a portion of the neighboring property to the east.

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 result of the partition will be two parcels with a single frontage on NW Hwy 20.

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 existing buildings on the property make a perpendicular lot line challenging. Considering the lot frontage requirement and the existing buildings the proposed property line configuration for Parcels 1 and 2 will be close to perpendicular to NW Hwy 20 as possible.

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 0.4 acres and proposed Parcel 2 would be approximately 0.8 acres. Proposed Parcel 1 is less than 25,000 square feet, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 160 feet and width is approximately 190 feet, so it does not exceed a depth to width ratio of two and one-half to one. Proposed Parcel 2 is greater than 25,000 square feet, and must 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 320 feet and width is approximately 130 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 parcel.

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 NW Hwy 20 right-of-way and terminates near the intersection with NW Lincoln Way. The public sewer line is located in the NW Hwy 20 right-of-way. The subject property (single-family home) is currently connected to city water and city sewer. When Parcels 1 or 2 are further 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.

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 a wetland area. No future development is proposed on the southern portion of Parcel 2. The division of land will not result in a newly created lot that is zoned entirely for Natural Resources.

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 minor partition would create two lots. The applicant's request would be compatible with surrounding land uses. Commercial zoning is located to the east and north. The property to the south and west is outside of the City limits, but designated Natural Resources. The Zoning of the property is Commercial and will remain Commercial. 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 Commercial designation as contained in the Comprehensive Plan is to provide for a wide range of commercial activities including retail and service uses. This designation shall be implemented through the zoning map's Commercial zone designation, which the current maps indicate.

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.

Based on the Statewide Wetlands Inventory (SWI) proposed Parcels 1 and 2 have wetlands on the subject property. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on July 16, 2021. DSL has not responded to the notice yet and has 30 days to respond. The applicant shall be responsible for obtaining any required Department of Statelands (DSL) permits.

A portion of the subject property is located in the 100 year floodplain including the existing single-family home. In addition, the southeast corner of the non-residential shop may be located within the floodplain.

FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 1.2 acres in size into two parcels. Based upon the information received by city staff through August 4, 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 2500 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 single-family home and non-residential shop.
2. The subject property is approximately 1.2 acres. The applicant is requesting to divide the property into two parcels, resulting in proposed Parcel 1 being approximately 0.4 acres and proposed Parcel 2 being approximately 0.8 acres. Proposed Parcel 1 will be zoned C. Proposed Parcel 2 will be zoned C and NR. The commercial zoned does not have a minimum lot size requirement. The existing single-family home that will be located on proposed Parcel 2 is a legal non-conforming use. Proposed Parcel 1 will contain a non-residential shop. The front yard of both parcels will remain NW Hwy 20 and the existing setbacks will remain the same. Based on submitted plot plan the lot line will be located between the non-residential shop and single-family home. Based on the aerial photographs the non-residential shop and single-family home are approximately 12 feet apart.
3. The existing structures on the subject property include a single-family home and non-residential shop. Future development of proposed Parcel 1 and 2 must comply with TMC 17.16 (Commercial Zone) standards. The C Zone allows various commercial uses. The request meets commercial needs of Toledo because the property will remain zoned Commercial thus maintaining commercial land in Toledo.
4. 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 city street (NW Hwy 20) 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.
5. Based upon the information received by City staff through August 4, 2021, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.
6. Proposed Parcels 1 and 2 are adjacent to NW Hwy 20 a City Street. 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 NW Hwy 20 are not required, nor is a deferred development agreement required, because no sidewalks are located within 500 feet of the subject property.
7. Proposed Parcels 1 and 2 are adjacent to NW Hwy 20, a city street. Road improvements may be required by the City of Toledo Public Works Department when the parcels are further developed.
8. The minor partition criteria for evaluation in TMC 16.08.070 has been met.
9. The proposed partition does not preclude the efficient division of land in the future. Proposed Parcels 1 and 2 are unlikely to be partitioned again because of the proposed

size of the parcels. The proposed partition does not preclude the future division of the land and the future division is unlikely due to the existing lot constraints. 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-five (25) feet in non-residential zones. Proposed Parcel 1 will have over 20 feet of frontage onto NW Hwy 20 (City Street). Proposed Parcel 2 will have 25 feet of frontage onto NW Hwy 20 (City Street). In addition, the submitted plot plan shows an access easement across a portion of the neighboring property to the east.
- 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 result of the partition will be two parcels with a single frontage on NW Hwy 20.
- 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 existing buildings on the property make a perpendicular lot line challenging. Considering the lot frontage requirement and the existing buildings the proposed property line configuration for Parcels 1 and 2 will be close to perpendicular to NW Hwy 20 as possible.
- 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 0.4 acres and proposed Parcel 2 would be approximately 0.8 acres. Proposed Parcel 1 is less than 25,000 square feet, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 160 feet and width is approximately 190 feet, so it does not exceed a depth to width ratio of two and one-half to one. Proposed Parcel 2 is greater than 25,000 square feet, and must 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 320 feet and width is approximately 130 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 parcel.
- 11. No new streets are required or proposed by the proposed partition. Proposed Parcels 1 and 2 will have access to NW Hwy 20.
- 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 1 and 2 are adjacent to NW Hwy 20 a city street. The parcel currently has driveway access to NW Hwy 20. Any driveway modification to NW Hwy 20, 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 1 or 2 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.
- 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. 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 a wetland area. No future development is proposed on the southern portion of Parcel 2. The division of land will not result in a newly created lot that is zoned entirely for Natural Resources.

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. 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 NW Hwy 20 right-of-way and terminates near the intersection with NW Lincoln

- Way. The public sewer line is located in the NW Hwy 20 right-of-way. The subject property (single-family home) is currently connected to city water and city sewer.
16. When Parcels 1 or 2 are further developed, utility connections to water and sewer will be required.
 17. The applicant should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines. Based on the Statewide Wetlands Inventory (SWI) proposed Parcels 1 and 2 have wetlands on the subject property. The City of Toledo submitted a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL) on July 16, 2021. DSL has not responded to the notice yet and has 30 days to respond.
 18. A portion of the subject property is located in the 100 year floodplain including the existing single-family home. In addition, the southeast corner of the non-residential shop may be located within the floodplain.
 19. The minor partition would create two lots. The applicant's request would be compatible with surrounding land uses. Commercial zoning is located to the east and north. The property to the south and west is outside of the City limits, but designated Natural Resources. The Zoning of the property is Commercial and will remain Commercial. See Zoning Map attachment C.
 20. Notification to 19 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of August 4, 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-4-21 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 NW Hwy 20 shall be reviewed and approved by the City of Toledo Public Works Department.
6. Future development shall be reviewed by the City of Toledo Public Works Department and any applicable road improvements shall be made by the applicant.
7. 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.
8. 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.
9. 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.
10. The applicant shall be responsible for obtaining any required Department of Statelands (DSL) permits and any other applicable state or federal permits.

PLANNING COMMISSION DECISION

PROPOSED MOTION (MP-4-21):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON AUGUST 11, 2021, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY DANIEL BARRET (MP-4-21) 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 PROPOSED CONDITIONS OF APPROVAL FOR MP-4-21, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

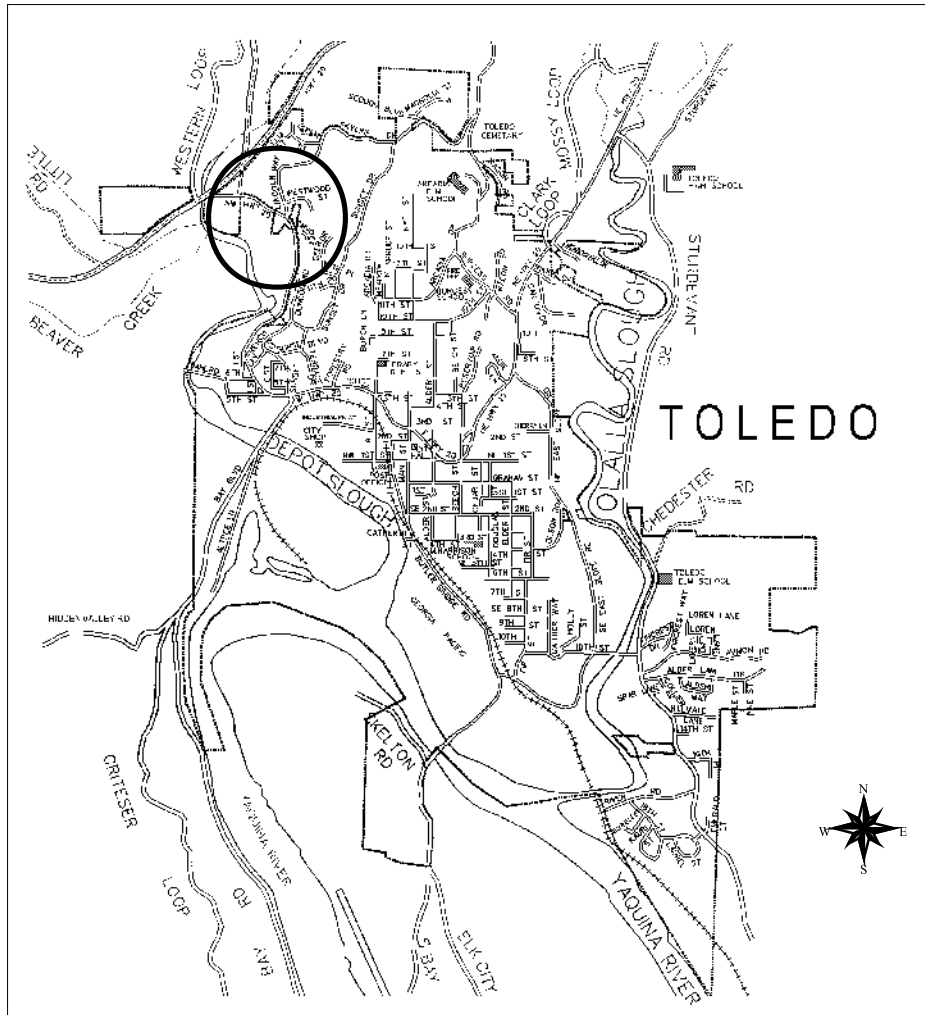
V. PLANNING COMMISSION ROLE:

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.

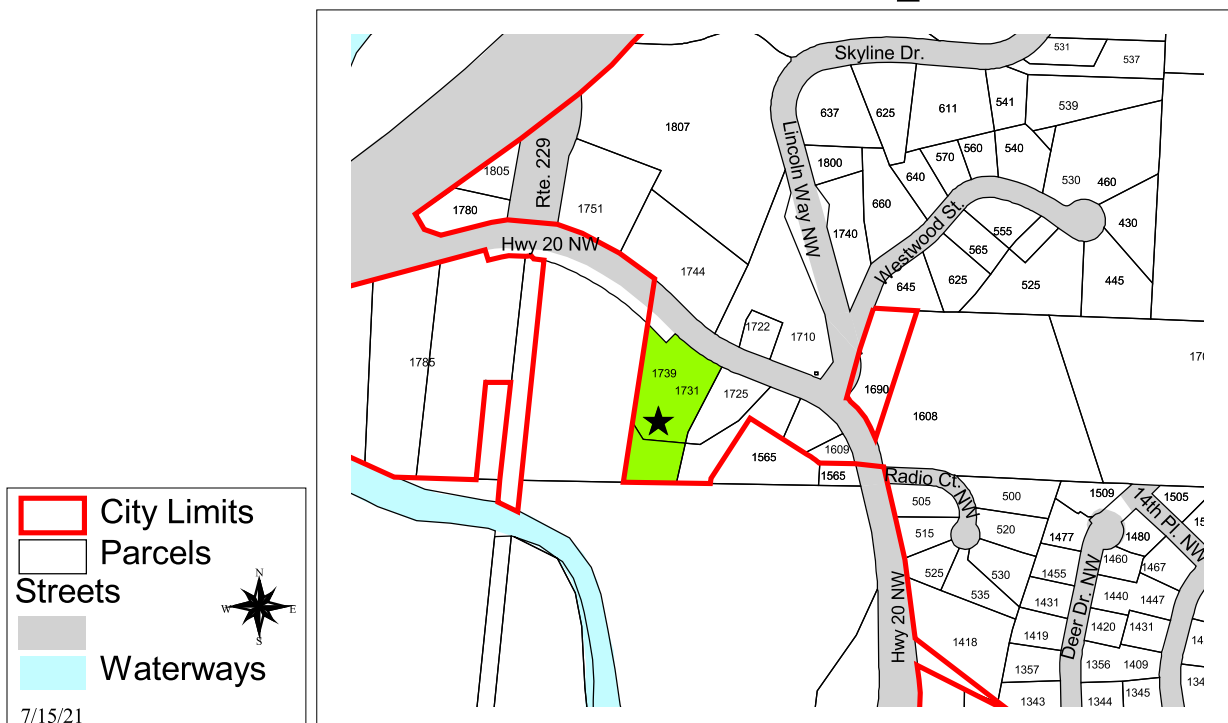
Prepared by,

Justin Peterson
Contract Planner

Location Map



Site Map



ATTACHMENT A

Exhibit A - Map showing Parcels After Partition

(City of Toledo File #MP-4-21)

1739 NW Hwy. 20
Apx. 5 acres

POINT OF BEGINNING FOR
THE ANNEXATION OF THE
HARMON PROPERTY TO THE
CITY OF TOLEDO.
353.8 FEET NORTH AND
1861.9 FEET WEST OF THE
1/4 CORNER BETWEEN
SECTIONS 7 & 8

Proposed Partition

Barnett
9 NW. Hwy. 20
272-1387

20' Setback
from property line

CURVE	LENGTH	RADIUS
C1	201.98	208.80
C2	38.03	439.30
C3	142.03	439.30
C5	3.59	80.21
C6	6.42	5.00
C7	8.38	5.00

25' Road Frontage

POINT OF BEGINNING OF
ANNEXATION DESCRIPTION

LINCOLN
WAY

252.03'
N88°36'27"E 784.89'
127.81'
N05°46'00"E 126.74'
81.57'
BASIS OF BEARINGS SEE CS 11,849 & 12,347

PARCEL 1
50,691 SQ. FT.
1731 NW Hwy.
Apx. 20 acres

PARCEL 2
39,443 SQ. FT.

PARCEL 3
14,969 SQ. FT.

ACCESS EASEMENT

DRIVEWAY

DRIVEWAY

ADJACENT
SECTION

SURVEYED BY



DAVID LOOMIS SURVEYING

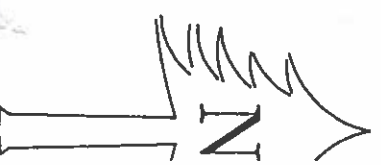
= DAVID A. LOOMIS LS 1908 =

459 PIONEER MTN. LODP

TEL: 670 97291

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 18, 1908
DAVID A. LOOMIS
RENEWAL DATE
JANUARY 1, 2018

1" =



- FOUND SURVEY MARK
- SET 5/8" x 30" IF PLASTIC CAP "LOOMIS"
- CALCULATED POSITION
- [] DEED RECORD DESCRIPTION
- PROPERTY DEED BOUNDARY

ATTACHMENT B

Application with Supporting Information

(City of Toledo File #MP-4-21)

LAND USE APPLICATION



Date 07-15-21

Property Owner Daniel Barrett
Mailing Address 1739 NW Hwy 20
1739 NW Hwy 20

Telephone 541-272-1387
Email dan.barrett65@msn.com

Authorized Agent _____
Mailing Address _____

Telephone _____
Email _____

Property Address 1731 NW Hwy 20
Property Location _____
Assessors Map No. _____

Property Size 1.16 acre

Tax Lot No. 2500

Present Zoning _____
Comprehensive Plan Designation _____
Current Use of Property Home and business/shop
Existing Structures (if any) _____

Proposed Change partition

Proposal for which this request is being made (attach additional sheets if needed) minor partition to create two parcels, apx. 1/2 acre each with 5' utility/access easement on each side of partition. 1731 will have the house with upper and lower access. 1739 will have the shop and parking lot.

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 and how the request meets the decision criteria.
- ☐ Supplemental information form (if required).
- ☐ Application fee.

Annexation/Rezone (\$1,500)*	Expedited Land Division (\$2,000)*	Riparian Modification Permit (\$200)
Appeal, Land Use Misc (\$535)*	Lot Line Adjustment (\$135)	Similar Use, Planning Comm (\$535)
Appeal, Type II (\$260)*	Modification of Approval (75% of fee)	Subdivision (\$930+\$20/lot)*
Appeal, Type III (\$535)*	Partition, Major (\$930)*	UGB Amendment (\$2,660)
Code Amendment (\$930)	☒ Partition, Minor (\$535)*	Vacation (\$2,000)*
(if requires M56 notice \$930+mailing)	Planned Unit Development	Variance, Type I (\$65)*
Comp. Plan Amendment (\$930)	(\$930+\$20/unit)*	Variance, Type II (\$260)*
(if requires M56 notice \$930+mailing)	Replat, Major (\$930)	Variance, Type III (\$535)*
Code Interpretation, official (\$170)	Replat, Minor (\$535)	Zone Change (\$930)
Conditional Use (\$535)	Restrictive Lot Line Covenant	
Exception to Statewide Goal (\$2,660)	(\$100+admin fee)	

*Supplemental forms are required

If filing multiple Land Use Applications, the highest tier 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.

CITY OF TOLEDO

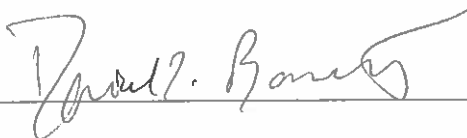
For Office Use Only

Date Received 7/15/21 By ai Fee Paid \$535 Complete Application Date _____ City File No. MP-4-21

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, City Manager, or designee and I am fully aware of my responsibilities as the applicant. A pre-application meeting with City staff was held on or around _____.

I understand that the Planning Commission will hold a public hearing for this application (Type III) ☒ yes
I understand that the City Council will hold a public hearing for this application (Type IV) ☐ yes
I understand that this is a City of Toledo staff-level decision (Type I and Type II) ☐ yes
Other _____ ☐ yes



07-15-21

Applicant(s) Signature

Date

Property Owner (if different)

Date

For Office Use Only

Public Works

1. Is City sewer available? Yes _____ No _____
Where _____
Will a connection have to be constructed? Yes _____ No _____
What size of a line is required _____
2. Is City water available? Yes _____ No _____
Where _____
Meter size _____
Estimated installation cost _____
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. Are stormwater improvements needed? Yes _____ No _____
If yes, describe _____

- Is an erosion control plan needed? Yes _____ No _____
7. Is a plan review by Public Works required? Yes _____ No _____
8. 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 IFC? Yes ☒ No ☐
2. Is this application ready to be approved? Yes ☒ No ☐
Explain modifications or revisions needed for the application _____

Comments NO Comments

REVIEWED AND APPROVED BY:

Ray Musil
Fire Chief Inspector/Captain

7/27/21
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:

City Planner

Date

Fire Department

1. Does the proposal meet the safety requirements of the IFC? 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:

 _____ Date 07/27/21

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:

City Planner _____ Date _____

CURVE	LENGTH	RADIUS
C1	201.98	208.80
C2	38.03	439.30
C3	142.03	439.30
C5	3.59	80.21
C6	2.62	5.00
C7	8.38	5.00

- FOUND SURVEY MARK
- SET 5/8" x 30" II PLASTIC CAP "LOO"
- CALCULATED POSITION
- [] DEED RECORD DISTANCE
- PROPERTY DEED BOUNDARY

1739 NW Hwy, 20
apx. 1/2 acre

POINT OF BEGINNING FOR THE ANNEXATION OF THE HARMON PROPERTY TO THE CITY OF TOLEDO.
353.8 FEET NORTH AND 1861.9 FEET WEST OF THE 1/4 CORNER BETWEEN SECTIONS 7 & 8

proposed partition

Dan Barrett
1739 NW Hwy, 20
541-272-1387

1731 NW Hwy, 20
apx. 1/2 acre

25' Road Frontage

POINT OF BEGINNING OF ANNEXATION DESCRIPTION



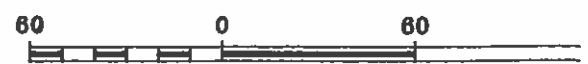
1" =

REGISTERED PROFESSIONAL LAND SURVEYOR

David Loomis

OREGON
JULY 18, 1908
DAVID A. LOOMIS

RENEWAL DATE
JANUARY 1, 2018



SURVEYED BY



DAVID LOOMIS SURVEYING
= DAVID A. LOOMIS LS 1908 =
459 PIONEER MTN. LOOP
TOLEDO OREGON 97391

20' Setback
from property line





WTE 20-0014307-6

After recording return to:
DANIEL T. BARRETT
1739 NW HWY 20
TOLEDO, OR 97391

Until a change is requested all tax statements
shall be sent to the following address:
DANIEL T. BARRETT
1739 NW HWY 20
TOLEDO, OR 97391

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.
WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk



Doc : 200702915
Rect: 701752 26.00
02/26/2007 10:02:30am

WARRANTY DEED -- STATUTORY FORM

RICHARD N. GRUSING and VICTORIA H. GRUSING, as tenants by the
entirety, Grantor,

conveys and warrants to

DANIEL T. BARRETT, Grantee,

the following described real property, free of encumbrances except as
specifically set forth herein, to wit:

Parcel 1, of Partition Plat 2003-15, filed for record August 27, 2003, in
Lincoln County Partition Plat Records.

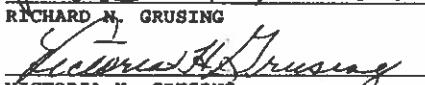
Tax Account No(s): R10569
Map/Tax Lot No(s): 11-10-07-A-2500

This property is free from encumbrances, EXCEPT: All those items of record, if
any, as of the date of this deed, including any real property taxes due, but
not yet payable.

The true consideration for this conveyance is \$175,000.00 .

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS
INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.

Dated this 23rd day of February, 2007.


RICHARD N. GRUSING

VICTORIA H. GRUSING

STATE OF OREGON, COUNTY OF LINCOLN) SS.

This instrument was acknowledged before me on February 23, 2007 by RICHARD N.
GRUSING and VICTORIA H. GRUSING.



(Notary Public for Oregon)

My commission expires 12/5/10



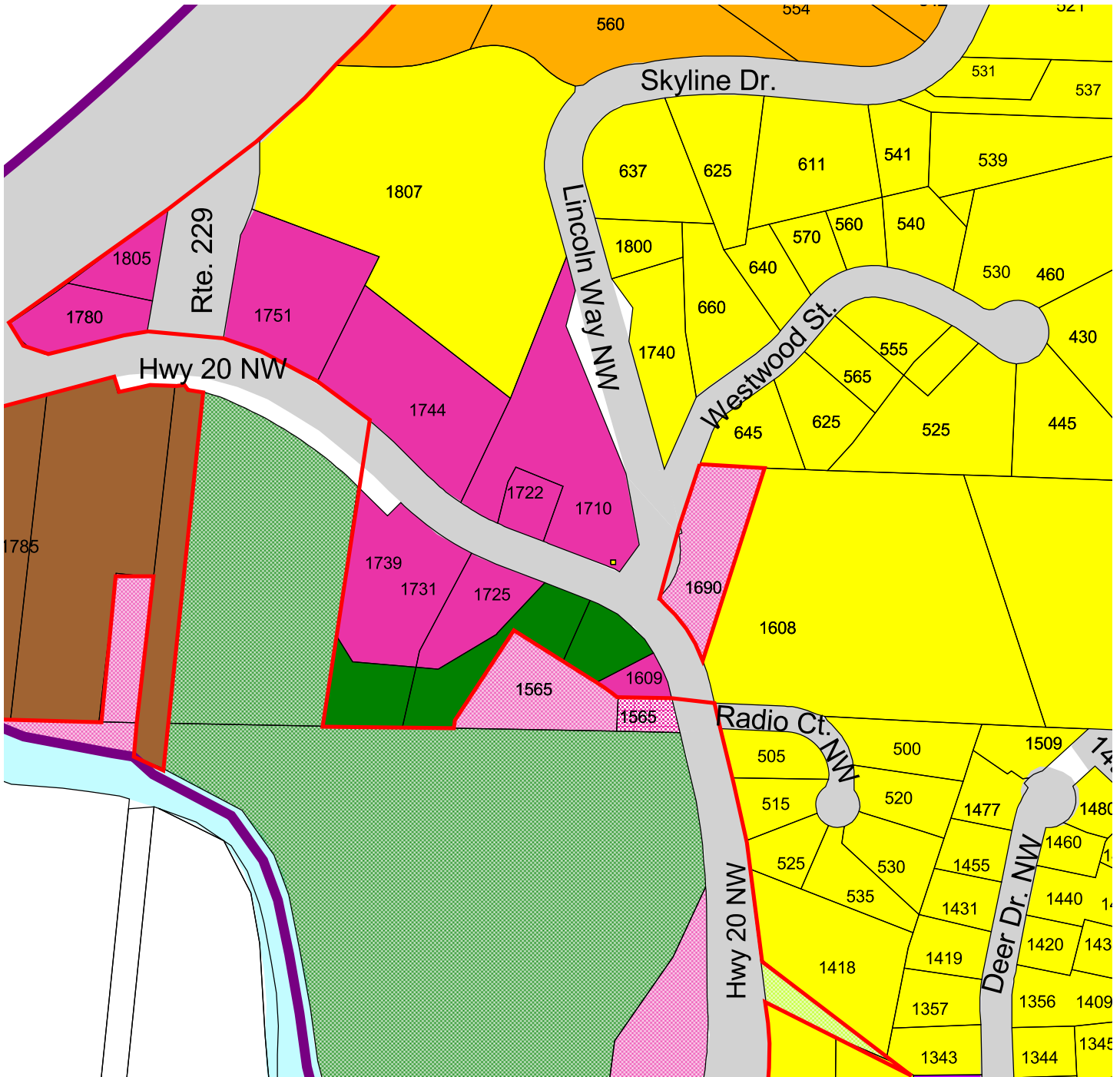
TITLE NO. 20-0014307
ESCROW NO. 20-0014307



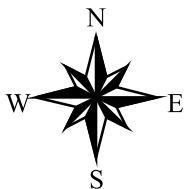
ATTACHMENT C

Zoning Map

(City of Toledo File #MP-4-21)



200 0 200 400 Feet

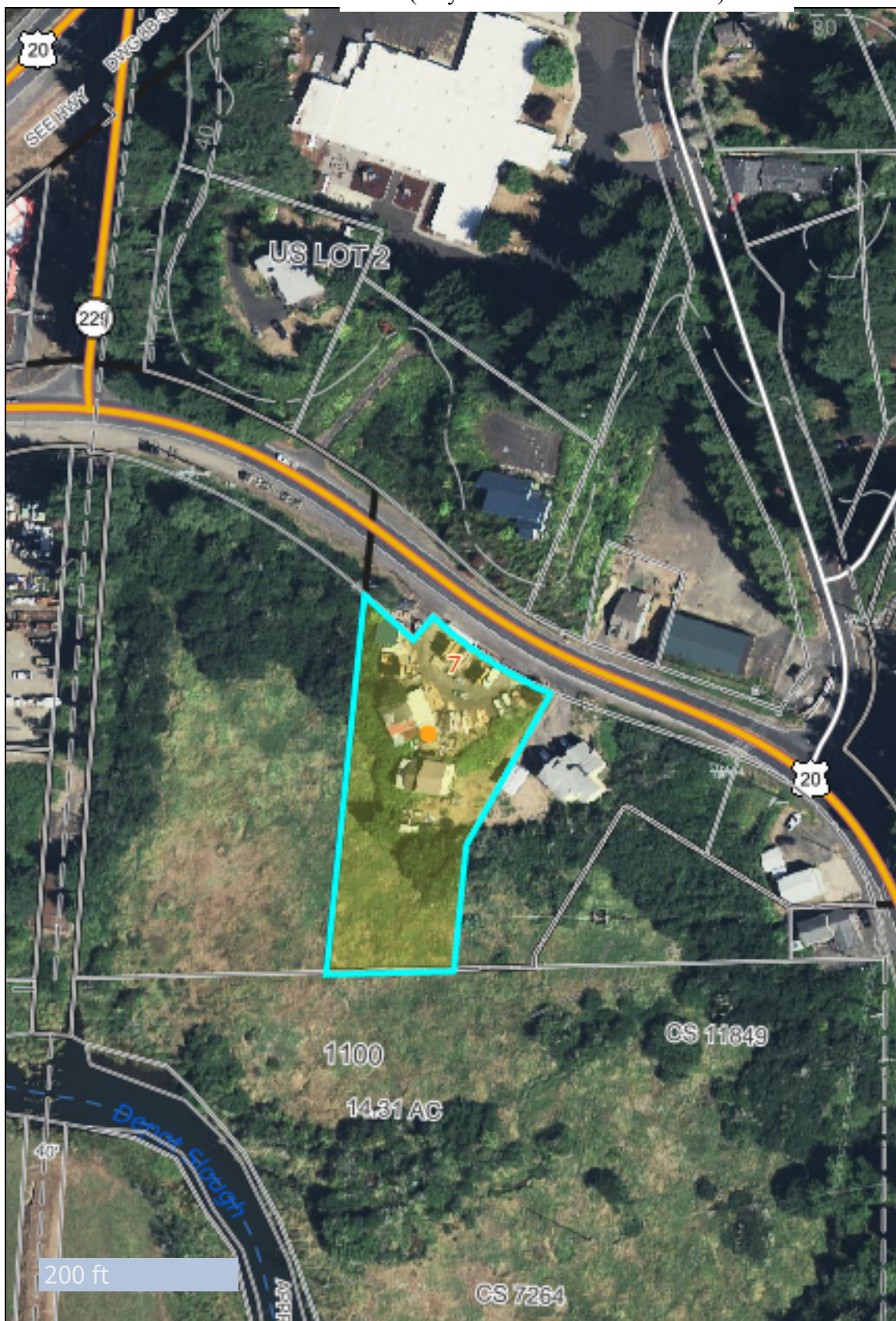


- City Limits
- UGB
- Parcels
- Streets
- Comprehensive Plan
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Outside UGB
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density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

ATTACHMENT D

Aerial Map

(City of Toledo File #MP-4-21)



Legend

-  Taxlots
-  Vegetation Line
-  Cities
-  Sections
-  40 Foot Contours
-  Streams

Printed on 8 / 5 / 2021

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National Flood Hazard Layer FIRMette

123°57'5"W 44°38'5"N



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

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 OF FLOOD HAZARD

NO SCREEN

Area of Minimal Flood Hazard
Zone X

Effective LOMRs

Area of Undetermine

Channel, Culvert, or !

Levee, Dike, or Flood

Cross Sections with :

Water Surface Elevat

Coastal Transect

Base Flood Elevation

Limit of Study

Jurisdiction Boundary

Coastal Transect Bas

Profile Baseline

Hydrographic Featur

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

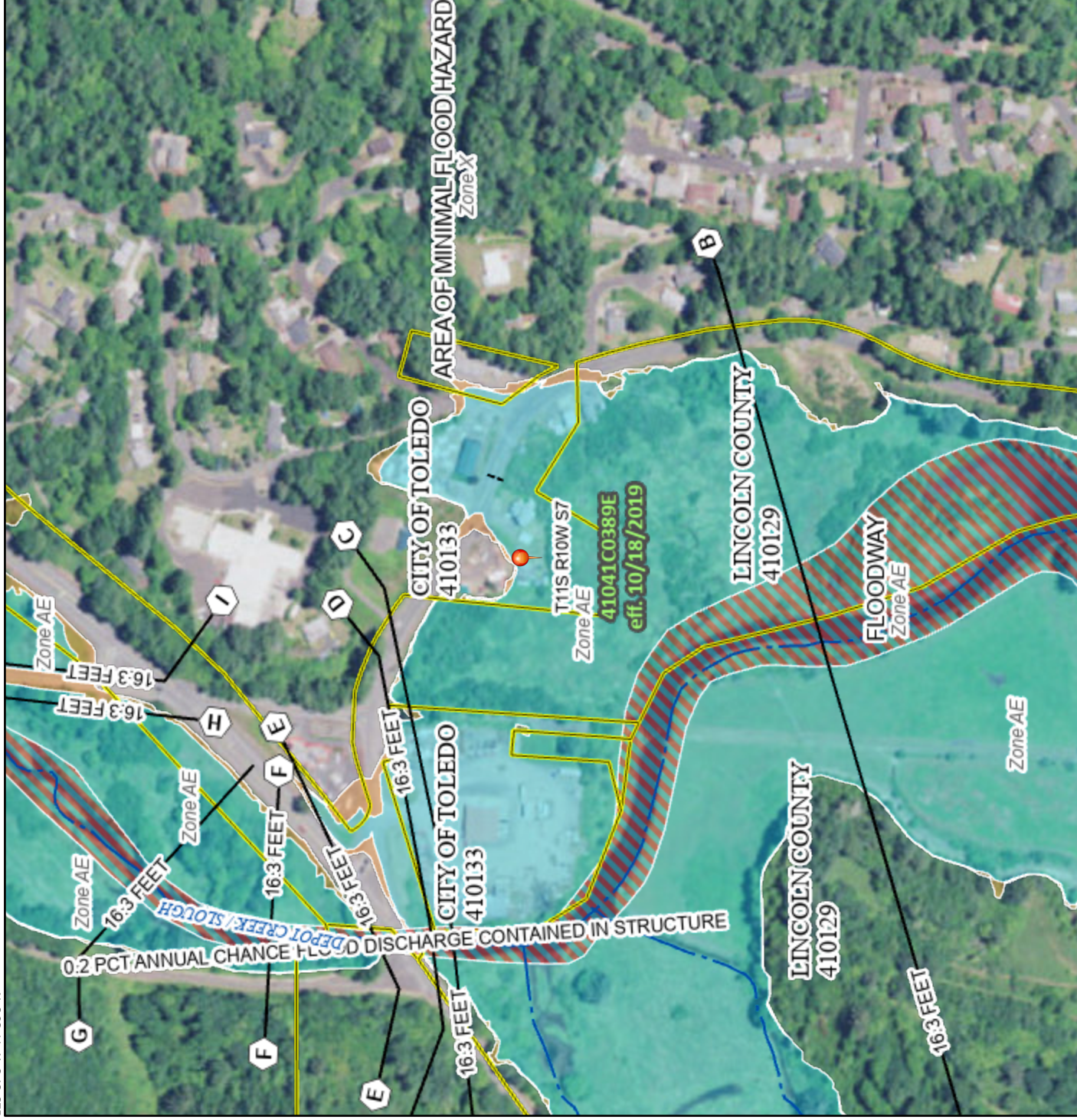
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 8/5/2021 at 3:42 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.

ATTACHMENT E Floodplain Map (City of Toledo File #MP-4-21)



123°56'27"W 44°37'40"N

Feet 1:6,000

2,000

1,500

1,000

500

0

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