

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

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

VISITORS: Dan Barrett, Brian Lundgren, Lisa Figueroa

APPROVAL OF THE MAY 12, 2021, AND JULY 14, 2021, MINUTES:

It was moved and seconded (Dyson/Neimann) to approve the May 12, 2021, and July 14, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

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:

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, Commissioners Warfield and Learned-Ellis both announced they are familiar with the area. 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 minor partition to create two parcels and for a variance to the access requirements. Currently, there is a duplex at 497/499 SE East Slope Road, which takes access from East Slope Road. An easement will be recorded so the existing duplex can continue to cross the property with the 8-plex to the east. The new parcel, proposed Parcel 1, will front and take access from Olson Road. The property is in the General Residential (RG) Zone. There may be some wetlands on the site and notice was sent to Oregon Department of State Lands (DSL). The applicant will need to work with DSL when they are ready to develop. There is a power line easement crossing the site. City water and sewer are available to the property.

CP Peterson reviewed the criteria and findings. The proposed parcels would exceed the minimum lot size for the RG Zone. Any new development would have to comply with the zone standards. Proposed Parcel 2 would have no direct street frontage and requires a variance. At this time, Olson Road dead-ends and does not have a direct connection to East Slope Road. The minor partition and variance requests meet criteria and staff recommends approval. CP Peterson reviewed proposed conditions of approval.

Applicant Testimony: Applicants were not present.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Morris asked for clarification on the entrance and parking for the existing duplex. CP Peterson clarified that there will be an easement across the neighboring apartment complex for Parcel 2 to continue to use. Parcel 1 will have a driveway onto Olson Road. The applicants also own the neighboring apartment complex and will grant an easement for proposed Parcel 2. Commissioner Mix questioned if there were any future development plans for Parcel 2 (duplex site). CP Peterson stated they will continue use of the duplex and the location meets setback standards for the new lot line. Future development will be on Parcel 1 and would have to meet RG standards when developed and will need an approved access permit. Commissioners reviewed the hardship criteria in the variance standards.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Warfield/Neimann) that 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 following conditions of approval for MP-3-21/VAR-2-21, 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 the 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.

The **motion passed** unanimously.

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:

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, Commissioners Warfield and Learned-Ellis both stated they are familiar with the area and Commissioner Dyson reported he conducted a 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 property is located at 1731 and 1739 NW Highway 20 and is approximately 1.2 acres. Proposed Parcel 1 would be approximately .4 acres and proposed Parcel 2 would be .8 acres. Currently, the property is split zoned Commercial/Natural Resources and if partitioned, proposed Parcel 1 would be Commercial and Parcel 2 would keep the Commercial/Natural Resource Zone designations. DSL has been notified of the proposal because there are potential wetlands on the site (southwestern areas). The area is in the floodplain. No new development is proposed for the property, as each parcel would contain existing buildings. Water and sewer services are available to the site and have been connected to the structures. However, the connections will need to be separated, providing separate water/sewer services to each parcel.

The pre-existing home would be on proposed Parcel 2 and the north lot (Parcel 1) would have the existing shop. The proposed lot line is located approximately 12' between the structures. The front yard setbacks would be met and both parcels have frontage and take access from Highway 20. Any new development would have to comply with the zone standards and any driveway modifications would need City review.

CP Peterson reviewed criteria, proposed findings, and conditions. He noted a correction on Page 9 which should list 25' of frontage, not 20'. Staff recommends approval of the minor partition.

Applicant Testimony: Dan Barrett of 1739 NW Hwy 20, Toledo, stated he did not have additional information than what was presented in the staff report but he is available for questions.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Neimann asked for a future plan for the site. Mr. Barrett reported he would like to live/work at the Parcel 1 site and sell the existing home (Parcel 2). He plans to continue working in the shop, but cannot take care of both structures.

In response to Commissioner Mix's question, CP Peterson reported the home is pre-existing and considered an accessory use. The City would like to see a business continue at this site, but it can continue because of the non-conforming status. Mr. Barrett stated that the residence will be tied to a commercial use, as his potential buyer will have a business license.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Dyson/Mix) that 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 Barrett (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 following conditions of approval for MP-4-21, and allowing for the correction of typographical and grammatical errors. In addition, noting the correction to the finding related to TMC 16.04.050 (E)(1) from 20 feet to 25 feet.

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 the 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.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson announced next month's Planning Commission meeting will be the first public hearing for the residential code updates. They will then be presented to the City Council in October. The meetings will also be held at the Toledo Fire Department.

The annual building permit report will be presented at the January meeting.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS:

President Learned-Ellis asked about the minimum sidewalk standards. CP Peterson noted that they are in the Public Design Standards, but typically are 5' for residential areas. The width may have been established for ADA accessibility.

Commissioner Mix reported he may be out on fires in the coming months.

There being no further business before the Commission, the meeting was adjourned at 7:15 pm.

Secretary

President