

Toledo Fire Department
285 NE Burgess Rd. Toledo OR
October 13, 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 AUGUST 11, AND SEPTEMBER 8, 2021 MINUTES as circulated and reviewed by the Planning Commission
4. DISCUSSION ITEMS:
 - a. Updates and Reports
 - i. Housing Code Update
 - ii. Housing Needs Analysis Grant Update
 - iii. DLCD Technical Assistance Grant for the Comprehensive Plan
 - iv. Safe Routes to School Grant Update
 - v. Other
5. STAFF COMMENTS
6. COMMISSIONER COMMENTS
7. 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 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

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, Ricky Dyson, Jonathan Mix (arrived at 6:33 pm), and newly appointed Commissioner Brian Lundgren. Excused was Terri Neimann.

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

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER BRIAN LUNDGREN:

Planning Commissioners welcomed newly appointed Commissioner Brian Lundgren.

VISITORS: Guy Benoy, Mark Lokietz, Denice Tanore, Paul Steenkolk, Dawn Harris, Jerry Woodbury

APPROVAL OF THE JULY 21, 2021, MINUTES:

It was moved and seconded (Dyson/Warfield) to approve the July 21, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann and Mix.

PUBLIC HEARING: ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE LAND USE PLAN TEXT AMENDMENT TO MODIFY THE DEVELOPMENT STANDARDS IN THE SINGLE-FAMILY RESIDENTIAL, GENERAL RESIDENTIAL, AND COMMERCIAL ZONES (FILE #ZOA-1-21/PA-2-21), REQUESTED BY THE CITY OF TOLEDO:

President Learned-Ellis opened the public hearing by stating the nature and purpose. Commissioner Mix entered the meeting at this time. There were no declarations of ex parte contact, bias, or conflict of interest. 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 clarified that this is a legislative hearing and the Planning Commission will make a recommendation to the City Council. The proposed housing code updates are for the Single-Family Residential (R-S) Zone, General Residential (R-G) Zone, Commercial Zone, definition section, and parking standards. Planning Commissioners have been reviewing updates since early 2020 and a joint worksession with the City Council to review the potential amendments was held in April, 2021. The proposed updates are based on discussions at the Planning Commission and City Council worksessions.

The City received several calls asking about the potential changes. Written comments are included in the staff report. Fair Housing Council of Oregon provided comments and questions on the proposed findings (Goal 10, Finding 6). Staff handed out an update to the findings. The new finding helps support the Comprehensive Plan amendment and addresses the Fair Housing Council's comments. It includes information on the City's Buildable Lands Inventory, building permit history, and trends.

CP Peterson provided a detailed review of the proposed amendments to the definition section, R-S Zone, R-G Zone, Commercial Zone, and parking standards. He reviewed the new definition of cottage cluster and the standards for the new development option. The minimum lot size for the R-G and R-S Zones are proposed to be reduced, manufactured home standards reduced, lot coverage standards amended, and updates to the purpose statements are also included. The Commercial Zone amendments include an updated term of live/work units from the former term, accessory dwelling unit. A new definition was also provided. There are proposed amendments for the Main Street District Overlay area to allow ease with creating residential housing on the upper floors of the commercial buildings. The Comprehensive Plan amendments include updates to Article 10-Housing and Article 2-Land Use Planning. CP Peterson reviewed the proposed updates to the goal and objective statements.

CP Peterson reviewed the criteria for zoning code and comprehensive plan amendments, proposed findings, and noticing requirements. Commissioners discussed the continued process for building permit review, site plan review, and conditional use permit options.

The Planning Commission can make a recommendation to City Council to either 1) approve, 2) approve with modifications, or 3) deny the proposal. The City Council will then review the Planning Commission's recommendation and public comments at the October 6th meeting.

Commissioners discussed the new findings presented tonight. Commissioners reviewed the manufactured home standards, noting that there is no age requirement but that they must meet the legal definition. Manufactured homes built after 1976 with a seal, would meet the definition.

Commissioner Warfield stated that she likes the reduced regulations, but asked if there are any downsides that could be expected. CP Peterson pointed out that the reduced side and rear setbacks would allow homes to be set 10 feet apart. The front yard setbacks for homes and garages remain the same. There would be changes to lot coverage and height standards. New construction would still be reviewed through the building permit process and must comply with building and fire codes.

Public Testimony: Guy Benoy of 982 Sturdevant Road, Toledo, asked about the height for a garage. CP Peterson clarified that the garage height is limited to 22', but if the second floor of the garage contains an accessory dwelling unit, the structure height could be 25'.

Jerry Woodbury of 8131 SW 61st Avenue, Portland, stated he owns property on 5th Street and ask about the cottage cluster option. CP Peterson reported cottage clusters are a 3-12 unit development, provide 1,500 square feet of open space, parking, and located on a 10,000 square foot lot or larger.

Questions by Commission: Commissioner Mix asked about provisions for tiny houses. CP Peterson stated that if the unit has wheels, it could be located in an RV park. If it is attached to a foundation and meets the building code requirement, it can be classified as a single-family home. Removing the minimum home size in the R-S Zone will allow smaller homes. However, they still need to meet building codes and be on a foundation and not wheels.

Commissioner Dyson questioned the minimum square footage for cottage clusters and if homes have to face the open area. CP Peterson clarified that the 1,500 square feet open space is for the entire project, not for each unit. The common area could be for recreation use, gardens, or just a

grassy area. Ownership and maintenance agreements would be on the real estate side (condominium), but the goal is to provide additional housing options in the zoning code.

Denise Tanore of 125 NW 5th Street, Toledo, asked about placement of a single-wide manufactured home. CP Peterson confirmed that single-wide manufactured homes on a foundation would be allowed in the residential zones. If they are an RV style unit, they would not be allowed. New placement would need a building permit.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Warfield expressed her acceptance of the changes and President Learned-Ellis pointed out this has been under review for a long time.

It was moved and seconded (Dyson/Warfield) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on September 8, 2021, the Planning Commission finds that application file #ZOA-1-21 and #PA-2-21 complies with the criteria identified in TMC 19.20.070(A)-(D) and recommends approval of the proposal by the City Council, in addition to the supplemental findings to Finding 6, Goal 10. The Planning Commission hereby adopts the staff report as findings, allowing for the correction of typographical and grammatical errors as needed.

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

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported the City submitted a grant application for the Housing Needs Analysis and Buildable Lands Inventory project. The City should know if the grant is awarded in about a month.

President Learned-Ellis asked about the sign code project. CM Richter stated that this can come back again, but it may not be ready for hearings. The group discussed the project and suggested upcoming projects be prioritized.

Commissioner Warfield suggested an update on the housing code changes and Buildable Lands Inventory project be included in the City newsletter. She complemented the newsletter and believes it is a good resource to provide information on planning projects.

Commissioner Dyson relayed a comment from a Main Street property owner that the City does not get property owner input when it comes to code updates. He suggested outreach to the community and agreed that the newsletter is a good tool to spread information. He also complemented the newsletter. CM Richter noted the option to sign-up on the City's website to receive the newsletter.

STAFF COMMENTS:

CM Richter announced a Town Hall meeting on September 18th at Memorial Field. The meeting will be amplified and participants can sit in the bleachers, bring lawn chairs, or remain in their car. It's a good opportunity for the Council to provide information and have a Q&A discussion.

The City is also holding a 9/11 remembrance ceremony on September 11th at 8:30 am. Attendees can bring lawn chairs or sit in the bleachers at Memorial Field. The program has not been finalized yet, but there is an impressive list of speakers and presentations.

COMMISSIONER COMMENTS: None.

There being no further business before the Commission, the meeting was adjourned at 7:30 pm.

Secretary

President