

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, Jonathan Mix, Ruthanne Morris, and Terri Neimann. Excused were Ricky Dyson and Brian Lundgren.

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

VISITORS: Siobhan Bellamy, Jordan Kennedy Iverson, Shawna Henarie

APPROVAL OF THE OCTOBER 13, 2021, MINUTES:

It was moved and seconded (Warfield/Mix) to approve the October 13, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Dyson and Lundgren.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH EATING/DRINKING ESTABLISHMENT (MOBILE TRAILER COFFEE SHOP) IN THE LIGHT INDUSTRIAL ZONE (FILE #CU-5-21) FOR PROPERTY LOCATED AT 1785 NW HIGHWAY 20, REQUESTED BY JORDAN KENNEDY (IVERSON), SIOBHAN BELLAMY, CHRIS HENARIE, AND LORNA HENARIE:

President Learned-Ellis opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Neimann announced she works with the applicant, Jordan Kennedy, and will excuse herself from the decision. President Learned-Ellis reported a site visit to 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 conditional use to allow a drive-through coffee shop in the Light-Industrial Zone at 1785 NW Hwy 20. The property is approximately 4 acres, relatively flat, in the floodplain, and may contain wetlands but not in the proposed location of the shop. City water is not available to the site. City sewer is available to the property. Public hearing notices were sent to 22 property owners, ODOT, DLCD, and DEQ. Since the time the staff report was written, staff received comments from ODOT. The written comments were distributed tonight and available online. CP Peterson reviewed the conditional use criteria, Comprehensive Plan goals, and history of land use/building permit actions at the site.

The applicants propose the coffee shop trailer to be placed in the northeast corner of the site. It will be a self-contained trailer, with a drive-up and walk-up window for customers. CP Peterson reviewed characteristics of the unit and the applicant's proposed operation plan. They propose to use the existing driveway and staff recommended they contact ODOT if any driveway changes are proposed. CP Peterson then reviewed the recommended conditions of approval for the unit. According to DLCD/FEMA floodplain standards, the mobile trailer has two options for placement. One option is for the temporary unit to be ready to move and must be removed every 180 days. The

other option would be to elevate and anchor the unit for permanent placement. The electrical system should be a permanent connection point and not an extension cord from the existing structures. The trailer would still need a quick-disconnect if it is removed every 180 days. The applicants would need to decide which option to utilize when they apply for their Floodplain Development Permit. Notices were sent to DEQ, but no comments were submitted.

CP Peterson reviewed ODOT's comments, noting that signs cannot be placed in the right-of-way. The proposed flags, sandwich boards and permanent signs will need to be placed on the property. Staff proposed the permanent sign to be limited to 32 square feet in size. Planning Commissioners can adjust this size. Any additional outdoor lighting should be shielded down, in order to limit glare. The application documents included a greywater plan for the unit, noting that a service will come in to pump the tank and the employees will use the trucking company's restrooms. Staff recommended approval, with the adoption of the proposed conditions of approval.

Applicant Testimony: Siobhan Bellamy reported they have wanted to open a drive-through coffee shop for some time and they both have experience in the coffee business. It will be a good asset for the community and provides service for those traveling on Highway 20. She is a personal trainer and currently operates a business on Main Street.

Jordan Kennedy added that they have planned this for some time. They are sisters and have two more sisters who want to participate in the business. Currently, Ms. Kennedy is in the real estate field. They found this location, which is in a good area for commuters and travelers. It was easy to lay-out the unit on the property and it provides good access. It should not add congestion to the area. The property owners have been great to work with and they will coordinate the lease to include a restroom agreement.

In answer to President Learned-Ellis' questions, the applicants voiced that they reviewed the recommendations and did not have concerns.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Morris noted that the parking lot looks pretty rough and asked if this would be a problem. Paving may not be an option because of the floodplain.

President Learned-Ellis stated she conducted a site visit at 8:30 in the morning during the transit bus pick-up and believes the site has good visibility. However, access into the site may be a concern. CP Peterson noted that ODOT had a question about queuing and making sure vehicles are able to turn into the site and not backing-up on the highway. There appears to be a lot of room for vehicles to maneuver on the site and there will be a window on each side of the unit. Ms. Kenney stated that parking spaces will also be provided for overflow.

Commissioners reviewed traffic along Bus. Highway 20. There have been some accidents and near-misses with east-bound traffic entering the Dairy Queen (across the street). At certain times, there is a long back-up on the west-bound lane, going towards Newport. Commissioners express

concerns with ingress and egress at Business Highway 20. Ms. Bellamy noted an alternate route could be to utilize Hwy 229. Ms. Kennedy clarified the signage for the site, noting that the flags and sandwich board would be placed closer to the building than the road. The hours of operation have not yet been determined, but the proposal provides extended hours of operation for flexibility.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners reviewed ODOT's comments, traffic in the general area, and the option for temporary placement. The applicants stated they would like to start out with temporary placement of the mobile unit, allowing them to travel for special events.

Commissioners reviewed the recommended conditions of approval and the acceptance of 32 square feet for the permanent signs. Commissioners continued discussion on the amount of traffic at the west junction and the risk of back-ups entering/exiting the site. Commissioner Mix noted that if it is a temporary placement and things do not work out, they may be able to relocate to a different site.

It was moved and seconded (Warfield/Mix) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on November 10, 2021, the Planning Commission finds that the request by Jordan Kennedy (Iverson) and Siobhan Bellamy (property owner Lorna Henarie and authorized agent Chris Henarie), (CU-5-21) 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-5-21, and allowing for the correction of typographical and grammatical errors.

1. Approval is based upon the submitted application and plan, as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. The applicant shall obtain any required permits from the Oregon Department of Transportation (ODOT). Any driveway improvements must be coordinated and approved by ODOT.
3. The coffee stand hours of operation shall be between 4AM and midnight.
4. A business license is required for anyone engaging in business activity in the City (TMC 5.04).
5. The applicant obtain all required permits from the Lincoln County Environmental Health Department.
6. The applicant shall submit a Floodplain Development Permit and comply with the applicable standards in TMC 15.16. The coffee shop trailer will need to 1) Be permitted as an RV with conditions to ensure readiness (quick disconnect for utilities, no permanent structures or extras attached, etc., and it may be conditioned to note that it will be temporarily removed from the site every 180 days; or 2) Be anchored and elevated per TMC 15.16 for RVs that will be placed longer than 180 days.
7. The applicant shall obtain any required permits from the Oregon Department of Environmental Quality (DEQ).
8. The applicant shall mark and maintain two (2) parking spaces.

9. Any electrical work is required to be completed by or certified by licensed specialty contractors and be designed to meet the floodplain requirements in TMC 15.16.210(E).
10. All signage shall not obstruct clear vision areas, shall be approved by the Oregon Department of Transportation (ODOT) if applicable, and the road sign shall obtain any necessary building permits from the Lincoln County Building Department. The permanent sign shall be limited to a maximum of thirty-two (32) square feet.
11. The applicant's grey water plan shall be approved by the Public Works Department and the applicant shall provide documentation that they are allowed to use the Henarie Trucking restroom or have another approved restroom plan.
12. The applicant shall shield all outdoor lighting.
13. 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** with Neimann abstaining and noting the absence of Dyson and Lundgren

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported that the City has not heard from DLCD about the grant to update the Comprehensive Plan. There may be news in December.

The City began work with the consultants on the Housing Needs Analysis project.

There was a walk audit at Toledo Elementary School for the Safe Routes to Schools Grant. The outcome of this project will provide recommended projects, which supports the ability to apply for grant funding. Prioritized projects will be reviewed with the Planning Commission.

Commissioner Mix provided a handout from SB 762 addressing wildfire programs. The article provides an overview of the projects and a proactive approach. It estimates that 13 jobs will be created for every \$1-million spent on forest restoration. Commissioners discussed extreme weather patterns and voiced appreciation of Commissioner Mix's report.

STAFF COMMENTS:

CM Richter announced the City Council has a vacancy.

COMMISSIONER COMMENTS:

President Learned-Ellis wished all a safe Thanksgiving.

There being no further business before the Commission, the meeting was adjourned at 7:20 pm.

Secretary

President