

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: Jonathan Mix, Ruthanne Morris, Terri Neimann, and Ricky Dyson (arrived at 6:45 pm). Excused were Cora Warfield and Brian Lundgren.

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

VISITORS: Dave Loomis, Rob Duprau, Jane Towsley, Buzz Towsley, CeCe Kelly, Ian Griffin, Cesarina DiBlasi, Jake Pettis, Christopher Fisher

APPROVAL OF THE FEBRUARY 9, 2022, MINUTES:

It was moved and seconded (Mix/Morris) to approve the February 9, 2022, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Warfield, Lundgren and Dyson.

PUBLIC HEARING: ANNEX PROPERTY INTO THE CITY LIMITS, REZONE FROM COUNTY R-1 TO CITY GENERAL RESIDENTIAL, AND AMEND THE COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (FILE #AX-1-22/RZ-1-22/PA-1-22), FOR PROPERTY LOCATED AT 2500 NE ARCADIA DRIVE, REQUESTED BY PROPERTY OWNER ROBERT DOWNS AND REPRESENTATIVE CECE KELLY:

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 reported she knows CeCe Kelly, but believes it would not be a conflict. President Learned-Ellis stated she is familiar with the site. 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 an annexation, rezone, and Comprehensive Plan map amendment of the approximately 30.45 acres. The plan map amendment would change the designation from Low Density Residential to Medium Density Residential and the rezone would change the property from County R-1 to City R-G. The Planning Commission will make a recommendation to the City Council on the request. The City Council will then have the final decision on the request.

The two properties are located on the west and east sides of NW Arcadia Drive. There may be wetlands present and if/when the property is developed, notice should be provided to Oregon Department of State Lands. There is a City raw-water line easement on the property (Tax Lot 2303). Currently, the property does not have access to City water or sewer services. CP Peterson reviewed the Low Density and Medium Density Residential designations, development standards in the R-G Zone, decision criteria, relevant Comprehensive Plan goals and objectives, the proposed facts and findings, and surrounding zone designations. He clarified that the proposal includes a Comprehensive Plan map change to the Medium Density Residential designation in order for the new zone designation be R-G and not R-S. The proposal meets criteria for a plan map amendment,

the property is contiguous to the City limits, located in the Urban Growth Boundary, and it is intended for development in the future. Public hearing notices were sent and comments returned from Lincoln County Planning, DLCD, and Fair Housing Council, which are included in the staff report. Commissioner Dyson entered the meeting at this time.

CP Peterson noted that the property was partitioned a couple years ago and the property to the east (Tax Lot 2302) has been transferred to Central Lincoln PUD and is not included in this application. Tax Lot 2304 has a new home and Tax Lot 2303 is vacant. He reviewed Goal 10-Housing standards, recent housing starts, and current trends. The City is currently in the process of updating a Buildable Lands Inventory (BLI) and Housing Needs Analysis. The adopted 1999 BLI showed 484 acres in Low Density Residential and only 52 acres designated as Medium Density Residential. Because of the rising costs of housing and current trends, there is a need for residential units. Arcadia Drive is considered a collector street and is a paved, Lincoln County road. ODOT and Lincoln County Road Department were both notified of the request, but did not submit comments. Any future development on the site would need to meet development codes and there is a potential need for geo-tech reports and wetland coordination. Staff recommends approval of the request.

In answer to Commissioner questions, CP Peterson provided the following information:

- Tax Lots 2303 and 2304 are both listed in the proposal. The combined properties equal 30.45 acres. There was a typo on Page 2 referencing Tax Lot "2303".
- The applicant provided two potential layouts for future development. However, this would need a subdivision application to be reviewed and approved. President Learned-Ellis noted that Arcadia Drive is narrow and curvy and if they add housing, there may be new comments submitted from Lincoln County Road Department and ODOT.
- The property is not adjacent to City water or sewer. A future development proposal can include a plan to extend the services. Public Works noted that engineering may be necessary for future development. CM Richter clarified that the City should have the capacity to provide water to the site, as the Seal Rock Water District will no longer be a water customer in the near future.

Applicant Testimony: CeCe Kelly of 870 NE Polk Drive, Newport, represents the property owner Robert Downs. She provided a handout at tonight's meeting, which was distributed to Planning Commissioners at the beginning of the meeting and made available online. She displayed oversized maps showing the exact location of the site and the potential for utility services to the property. Approximately 1000'-1200' of water line would need to be extended from Skyline Drive to the property along Arcadia Drive. Sewer expansion may include a pump station for future development. Electric is in the area, with a transmission line near the property. Communication service can be provided by Spectrum and satellite internet services are also available. The area does not have natural gas service, but home owners could install propane tanks. Dahl Disposal provides the solid waste service within Toledo. No storm drain improvements are proposed at this point.

Ms. Kelly reviewed the transportation systems, noting the area bus stops and transit schedules. She spoke to the Lincoln County Transit and the buses are currently running at half capacity. Therefore, the buses have the ability to accommodate growth and additional riders.

One new park was included in the preliminary draft for future development at the site. The City currently maintains several parks that could be used by future residents. Toledo Elementary and Toledo Jr/Sr High Schools expressed the need for new housing, based on the number of homeless students. Classroom sizes average 18-24 students, which allows room for expansion. Ms. Kelly

noted the emergency services in the area, local hospitals/clinics, storage units, cemeteries, and child care services. She also stated that employers are finding it difficult to hire employees because of the housing shortage. Georgia-Pacific employees are having to commute from other cities. She reported that the staff report covered a lot, but wanted to note that the population has only grown by 81 people since 1999, whereas, the planning documents projected a population around 5000. She believes increasing the buildable lands will help the community and create affordable housing options. The owner is considering a mixture of housing types—duplexes, apartments and single-family homes. The increase in homes and improvements will increase the tax base for Toledo.

Proponent Testimony: Two attendees electronically raised their hand and were offered to speak, however, due to technical problems, Ian Griffin and Christopher Fisher were unable to be heard.

Dave Loomis of 459 Pioneer Mountain Loop, noted the location of the water line near the cemetery and Skyline Drive and it is able to be extended.

Commissioner Neimann read written comments from Christopher Fisher. Mr. Fisher's comments stated that he wanted to support Ms. Kelly's presentation and that this is considered a 5-year plan. Ms. Kelly noted that Mr. Fisher is working with the property owner's developer.

Opponent Testimony: Jane and Buzz Towsley of 2355 NE Mossy Loop expressed opposition to the proposal. They live just below the home that was recently built. They would like to see the plan for infrastructure and houses before it is annexed. There is an existing stormwater run-off problem in the area. Developing the property will add to the problem, affecting their well and the Mossy Loop watershed. There are also environmental impacts and potential for slides. They would like to see an environmental impact study, erosion control plan, and how the development will impact their aquifer. They reviewed the history of the site and the previous owner's desire to not develop the area. In answer to Commissioner questions, Mr. Towsley reported their well is 27' deep and expressed concerned with the stability of the hillside. Several other wells in the area are not that deep because of the spring in the area. Mr. Towsley voiced that they would not be opposed to 5 acre sites, as that is consistent with the general area. He does not want to see high density development directly above him.

President Learned-Ellis noted that if development occurs in a 25' slope, a geo-tech report may be needed. Any future development would have to meet code standards and criteria. She reminded participants that the Commission can only consider the annexation, rezone, and plan amendment request. Commissioner Mix added that the submitted plan shows lots on the west side of Arcadia Drive. There were no notes for development on the east side (adjacent to the Mossy Loop area). If development occurs on the west side, drainage would most likely be directed to the north (highway side).

Other Interested Parties: Commissioner Neimann read Mr. Fisher's written comments, clarifying that they are not looking at developing the east side, only the west side of Arcadia Drive.

Applicant Rebuttal: Ms. Kelly referred to Mr. Fisher's comments clarifying the western lot will be proposed for future development. The east lot should remain the same. They understand the topography concerns and if more houses are added, there will be future applications for review.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners discussed the need for geo-tech review for future development and the ability to mitigate the concerns.

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 March 9, 2022, 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, Toledo Municipal Code Section 17.80.050 and the Statewide Planning Goals 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 and Lundgren.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson provided an update on several projects:

- The Housing Needs Analysis advisory committee will hold their first meeting on April 11th at 2pm. City documents and data have been provided to the consultants.
- The Comprehensive Plan update is moving forward. The scope of work was provided at the last meeting. A public visioning meeting will need to be held.
- The Safe Routes to Schools-Part 1 grant has been submitted. This project includes sidewalks from Toledo Elementary to SE 10th Street, signage, and flashing lights. The City will need to provide a 20% grant match for the project. Improvements are limited to right-of-way improvements, within ¼ mile of the school.

STAFF COMMENTS:

CM Richter reported the City has vacancies on the Budget Committee. The Budget Committee is made up of 7 City Council members and 7 citizens. They typically meet in the evenings, with 2-3 meetings in May. They will continue to hold meetings at Toledo Fire Department, with a virtual attendance option. Commissioner Dyson expressed interest in the Committee.

COMMISSIONER COMMENTS:

Commissioner Neimann asked what could be done for the couple who voice opposition at tonight's public hearing. CA Adams noted that they are on the record and they can provide comments to the City Council at the April 6th meeting. CP Peterson added that the draft minutes and comments are included in the staff report packet to City Council. Commissioners discussed future development and the need for additional review as development moves forward. President Learned-Ellis voiced the benefits for living in Oregon and having a good land use process for citizens.

There being no further business before the Commission, the meeting was adjourned at 7:45 pm.

Secretary

President