

**Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
May 11, 2022
6:30 pm**

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting in City Hall Council Chambers.

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 APRIL 13, 2022 MINUTES as circulated and reviewed by the Planning Commission
4. PUBLIC HEARING: Modification to a Conditional Use Permit to amend a condition of approval for an approved expansion of the waste transfer/recycling facility for property located at 5441 Hwy 20 (File #CU-1-21mod), requested by Dahl & Dahl Inc. (Ryan Crotty authorized agent)
5. PUBLIC HEARING: Minor Partition to create three parcels for property located at NE 1st Street/NE 2nd Street (File #MP-1-22), requested by Edward and Kelly French (Stephen Swinehart authorized agent)
6. DISCUSSION ITEMS:
 - a. Comprehensive Land Use Plan Update and Survey Question Review (see attached memo)
 - b. Oregon Parks and Recreation Grant – Arcadia Park
 - c. 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 6:30 pm by President Anne Learned-Ellis. Commissioners present: Jonathan Mix, Brian Lundgren, Ruthanne Morris, and Ricky Dyson (arrived at 6:35 pm). Excused were Cora Warfield and Terri Neimann.

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

VISITORS: John Mosier

APPROVAL OF THE MARCH 9, 2022, MINUTES:

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

PUBLIC HEARING: ANNEX PROPERTY INTO THE CITY LIMITS AND REZONE FROM COUNTY A-C TO CITY COMMERCIAL (FILE #AX-2-22/RZ-2-22), FOR PROPERTY LOCATED AT 1565 NW HIGHWAY 20, REQUESTED BY PROPERTY OWNER MARY LIMBRUNNER AND REPRESENTATIVE BUZY BEE SERVICES (JOHN MOSIER):

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. 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 and rezone of two lots at 1565 NW Highway 20 (Tax Lots 2501 and 2503), commonly referred to as the old radio station.

Commissioner Dyson entered the meeting at this time.

The properties are in Lincoln County and designated A-C Zone. Upon annexation, the properties would have to be rezoned to the City's designation, Commercial Zone. The property is adjacent to wetlands and in the floodplain. Development will need to meet floodplain standards.

The property currently has City water. The on-site septic system is failing, causing a health and safety hazard. Because of the proximity to City sewer (adjacent to the property in Highway 20), the property owner is required to connect to the public system. However, the property needs to be in the City limits, which is the reason for this request. The owners have signed and recorded an annexation agreement and a copy is included in the staff report. This agreement allows the owner to move forward with the sewer connection before the annexation is finalized. Currently, the owners are close to completing the sewer connection work.

CP Peterson reviewed criteria for the request, Commercial Zone standards, and Comprehensive Land Use Plan goals and objectives. The property is in the Urban Growth Boundary and contiguous

to the City limits. The requested zone change is consistent with the Comprehensive Plan.

The original application only included one parcel (Tax Lot 2501), but the application was amended to include both parcels because of the shared use of the tower on the western lot. The deed describes the two tax lots together however, they may have historically been identified as two parcels. The property was used as a radio station and associated radio tower. At some point, the building was converted to a residential use and Lincoln County provide a copy of the code enforcement case file (included in the staff report). The applicant's letter states that the building is a commercial structure. Any change of use would require a building permit review for the Change of Occupancy. The City will work with the property owner for the building to go through the building permit process for a change of occupancy. There are no proposed changes to the property access. NW Highway 20 is a paved, City street.

In a preliminary review, Oregon Department of Revenue rejected the draft ordinance and map, asking that the map show bearings and distances. After staff contacted the owner for a survey map, they submitted an updated map and this will be resubmitted for preliminary review. Staff recommends approval of the request.

Applicant Testimony: John Mosier of Buzy Bee Services, 176 E Swan Street, Siletz, reported that there are two lots and the owner decided to request both be annexed because of the shared utilities to Tax Lot 2503 (power to the tower).

Commissioners discussed the issue of two parcels being described in one deed and if they are considered legal lots of record or could be combined in the future.

In response to Commissioner Morris' request to clarify the residential use of the building, Mr. Mosier reported that the downstairs is rented as a unit and the upstairs floor is a separate unit. CP Peterson explained that the Commercial Zone allows multi-family residential (duplex) as a Conditional Use. The zone also allows one accessory residential unit in conjunction with a commercial use, but not a single-family residential home. Commissioners discussed the Commercial Zone options and that the use can continue while proper permit applications are processed. The historic use and County records show that the structure had been used as for a commercial use (radio station). If the owner wants to have two separate residential units, a Conditional Use Permit would be needed and a building permit for the change of occupancy.

Commissioners held a lengthy discussion on reaching compliance for the use of the property because it may not have been legally converted to residential use. Lincoln County had a code violation case and did not have records that the violation was resolved. The City can view the structure as a commercial use because of the lack of a change of occupancy certificate and then move forward with building/zoning permits to reach compliance.

Mr. Mosier believes the building historically contained one residential unit upstairs, but would have needed permit review for the second unit downstairs. The property was used for radio broadcast, but was moved to Newport around 15 years ago. The transmission tower and control room are still in operation. Mr. Mosier explained he is a contractor and was brought into the project about one month ago because of the failing septic system. He is representing the owner through this request.

Commissioner Mix asked if the current tenants can continue to live in the structure while the owner

obtains the permits. CP Peterson reported that a timeline has not been determined yet, but he'd like to see the owner move forward with the applications soon. If nothing occurs, the Code Enforcement Officer can move forward with deadline dates and citations. They would not expect any evictions at this early stage, as there are other enforcement steps to go through. The City is inheriting a code problem. The City can contact Lincoln County for any records of an accessory living unit (upper unit).

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners discussed the multi-family residential use can continue while the owner obtains the proper permits. The Commercial Zone allows some options for residential use and the owner will need to decide which route to choose. If the County has any record of past permits for the residential unit, the use can continue. At this point, there is only a record of the commercial use. The City did not know about the County's code issues on the structure until recently.

Commissioners discussed the need for the sewer connection and the challenge that the annexation is required for a sewer connection to the City's main line. CP Peterson clarified that the sewer connection is near completion, but needs an inspection.

Commissioners reviewed Finding #13 and if there should be a grace period to bring the building into compliance. The building permit process may take over 60 days. A Conditional Use Permit could be processed within two months. If approved, the Conditional Use Permit expires in one year if development does not occur. There is one option for renewal. President Learned-Ellis stressed the need for the units to meet fire safety and once in the City, should have the Conditional Use Permit and building code/fire code review.

Mr. Mosier explained that the building was used as residential in the A-C Zone for approximately 10 years. He believes that the County accepted the use and can be grandfather in.

Commissioners discussed the code standards, safety of the units, and if the owner or County have proof that the upstairs dwelling unit was legally converted or part of the original construction. Commissioners discussed language that could be added to the findings that allows some flexibility to achieve compliance and they suggested the owner submit applications or proof of conversion within 30-60 days from annexation. After lengthy discussion, Commissioners recommended Finding #13 be modified to read as follows:

13. The subject property will be zoned Commercial (C) after the annexation and zone change. The development standards in the C zone are listed in TMC 17.16. The proposed commercial zoning allows certain uses as outlined in TMC 17.16. As stated above the existing use would be considered commercial and is not an approved residential use, *based on the City and County records in the packet*. The conversion of the structure from commercial to another use would require a change of occupancy permit *or proof of a legal*

residential use. The change of occupancy would be reviewed by the Lincoln County Building Department, and the City of Toledo Planning, Public Works, and Fire Departments. The commercial zone allows for a live work accessory dwelling unit, multi-family is allowed as a conditional use, and single-family residences are not allowed in the zone. The City of Toledo willing to work with the applicant and owner to bring the building into compliance with building codes, zoning codes, fire, and other applicable standards.

It was moved and seconded (Mix/Lundgren) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on April 13, 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, and Toledo Municipal Code Section 17.80.050 and the Commission adopts the proposed facts and findings presented in the staff report with additions to finding 13 as discussed tonight, allowing for the correction of typographical and grammatical errors.

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

DISCUSSION ITEMS: COMPREHENSIVE LAND USE PLAN DISCUSSION ABOUT PUBLIC OUTREACH AND THE TOWN HALL MEETING:

CP Peterson reported that the City Council authorized the City to move forward with the Comprehensive Plan update project. A public outreach process or town hall meeting may be needed. This could be held through a joint City Council/Planning Commission worksession. President Learned-Ellis suggested public outreach efforts similar to Toledo Fire Department's presence at community events and Thursday Market. A survey or comment cards can be created. Commissioners asked that the information be included in the newspaper and City newsletter. Updates of the project should also be included in the newsletter and City website. A joint worksession could be held June 22nd and a survey finalized in May. This can be presented at a town meeting and available at the Library.

DISCUSSION ITEM: UPDATES AND REPORTS:

The Housing Needs Analysis Advisory Committee met this week to begin discussion. The consultant was in Toledo and staff gave her a tour of the City and development sites. There was a lot of discussion on the demographics and Toledo's population projections. The consultant is also working on Newport's plan, which will be good to see how each community influence each other. CM Richter offered to send out the presentation to Commissioners. The draft Buildable Lands Inventory will be presented at the next Advisory Committee meeting.

CP Peterson noted that Commissioner Dyson will be stepping away from the Housing Advisory Committee and asked if another Commissioner is willing to step in as an alternate. Commissioners Mix and Learned-Ellis both volunteered as alternates. Commissioner Dyson voiced he may be able if needed, but is unable to commit to the entire project. The next meeting is scheduled for May 23rd at 2pm. The meetings are in-person at City Hall, with a virtual attendance option.

STAFF COMMENTS:

CM Richter announced that the City and Toledo High School CERT class will hold an emergency preparedness fair on May 2nd at the High School from 5-7pm. Several agencies will be available. It has been good to work with the school on this project.

Secretary Inukai reminded Planning Commissioners to submit their Government Ethics Statement of Economic Interest reports.

COMMISSIONER COMMENTS:

Commissioner Dyson apologized for being a few minutes late, but he arrived after the minutes were reviewed. He pointed out a double negative that should be corrected on Page 2 under Applicant Testimony. Commissioners suggested the word "not" be removed from the sentence. It was moved and seconded (Learned-Ellis/Mix) to correct the approved March 9, 2022, Planning Commission minutes and correct Page 2, Applicant Testimony, last sentence, to remove the word "not". The **motion passed** unanimously, noting the absence of Warfield and Neimann.

Commissioner Mix asked all, including visitors, to follow the order of the meeting and provide testimony and discussion at the correct opportunities. There is a specific order and process to follow and it should be respected.

There being no further business before the Commission, the meeting was adjourned at 7:50 pm.

Secretary

President

**TOLEDO PLANNING COMMISSION
STAFF REPORT**

PROPERTY: Lincoln County Assessor's Map # 11-10-7 Tax Lot 600
5441 Hwy 20, Toledo, Oregon

APPLICATION #: CU-2-21 (Modification to Existing Conditional Use)

APPLICANT: Dahl & Dahl Inc. (Property Owner)
Ryan Crotty, Maul Foster & Alongi, Inc. (Authorized Agent)

APPLICATION DATE: March 25, 2022

HEARING DATE: Planning Commission – May 11, 2022

REQUEST: The application was approved for a Conditional Use Permit in May 2021 to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP.

This request is for an amendment and extension to Conditional Use CU-2-21 that was approved on May 12, 2021 by the Toledo Planning Commission. The applicant is proposing to modify condition number 3. The condition currently states "The applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure" The applicant is proposing the condition states "The applicant shall be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, March 31, 2026, subject to yearly review by the Lincoln County Building Official and a valid Certificate of Occupancy".

Overall, the facts and findings remain consistent with the previous approval with the exception of findings related to the length of time the membrane structure is allowed on the site. Staff underlined portions of the staff report that were amended from the previous approval.

LOCATION: The property is located west of the Hwy 20/ Western Loop intersection.

PARCEL SIZE: Approximately 13.82 acres

I. REPORT OF FACTS:

1. Plan Designation: Light Industrial (LI)
2. Zone Designation: Light Industrial (LI)
3. Existing Structures: Mini storage, office, transfer and recycling operations buildings.
4. Topography: Some steepness on the edge of the property. The proposed structure is located on a relatively flat surface.
5. Development Constraints: Floodplain and wetlands on a portion of the western edge of the property.
6. City water: Currently not available.
7. City sewer: Currently not available
8. Notice of Public Hearing: Notices mailed to 10 property owners and 19 public/service agencies on April 14, 2022.
9. Notice Published: April 27, 2022 and May 4, 2022
10. Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed the application.

Staff received a phone call from a neighboring property owner with some concerns about noise and hours of operation.

11. Attachments to the Staff Report:
 - A. Application with supporting information
 - B. Zoning Maps
 - C. Aerial Map
 - D. CU-2-21 Order

II. AUTHORITY:

TMC 17.64.020 states that conditional uses may be permitted by the Planning Commission in accordance with the standards and procedures specified in this ordinance [Toledo Zoning Ordinance]. Future significant enlargements or major alterations of a conditional use shall also be reviewed by the Commission and new conditions may be imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

The Planning Commission will be considering the facts and criteria identified in this report and testimony/information received through the close of the public hearing, as it reviews this conditional use modification request on May 11, 2022.

III. APPLICABLE CRITERIA FOR EVALUATING THE CONDITIONAL USE REQUEST AND STAFF ANALYSIS:

The following Comprehensive Land Use Plan and ordinance standards apply to this request. The standards are listed below in regular type. Staff analysis, including facts and findings, are below

the Comprehensive Plan and ordinance standards 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.

...

Industrial – This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial designation. The intent is to encourage industrial growth and provide for industrial development an appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light-Industrial, and/or Water-Dependent.

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

...

Light-Industrial (L-I) – The purpose of the L-I zone is to provide area for lighter industrial development around the areas of heavy industry for manufacturing, related establishments, and certain commercial and public uses which have a limited impact on surrounding properties.

3. **TMC Sections 17.20.010 – 17.20.040 – Light Industrial (LI) Zone.**

TMC 17.20.010 Purpose.

The purpose of the light industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transition area between commercial, public and residential uses and heavier industrial uses.

Uses permitted in the L-I zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted L-I use.

TMC 17.20.020 Uses permitted outright.

In the L-I zone, the following uses and their accessory uses are permitted, subject to applicable standards, provided that the uses occur in a building or buildings that together do not exceed

forty thousand (40,000) square feet of floor area. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.20.040.

- A. Assembly plants.
- B. Limited manufacturing.
- C. Contractor's warehouse and shop.
- D. Crane business and related operations.
- E. Storage in conjunction with a permitted use.
- F. Machine shop and fabrication.
- G. Mini-storage.
- H. Parking in conjunction with uses permitted in the L-I zone.
- I. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- J. Separate office building and/or retail sales in conjunction with a permitted use.*
- K. Wholesale trade.
- L. Auto body shop.*
- M. Truck and car repair and service-minor.*
- N. Boat building and/or boat repair and related launch facility.
- O. Automobile service stations.
- P. One security dwelling as a separate structure or one security dwelling as part of a building for light industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the L-I zone.*
- Q. Temporary street vendors/seasonal commercial uses not to exceed six months.
- R. Uses permitted outright in the commercial zone, but only on parcels with frontage on Business Highway 20.S.Warehousing.T.Railroad line and associated uses.
- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations, excluding milling and/or processing of wood and paper products.
- Z. Commercial marina or moorage, and or charter boat operation.
- AA. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC 17.20.030 Conditional uses permitted.

- A. A use permitted outright in the L-I zone, in which the building or buildings provided for the use exceed forty thousand (40,000) square feet of floor area.
- B. Bulk storage of flammable liquids and gases.
- C. Eating or drinking establishments, including take-out or drive-in services.
- D. Industrial museum.
- E. Processing and manufacturing operations, excluding the following:1.Asphalt mixing and batching.2.Explosives manufacturing.3.Petroleum or petroleum products refining.4.Fertilizer manufacture.5.Gas manufacture.6.Slaughterhouse or rendering facility.
- F. Shipping facilities.
- G. Shoreline stabilization as defined in the Lincoln County Estuary Management Plan.
- H. Truck and car repair and service—major.

I. Waste transfer, recycling facility, or scrap metal facility.

J. Drive-in use for uses which are permitted outright or as conditional uses in the L-I zone.

K. Concrete mixing and batching, but excluding asphalt mixing and batching.

L. Medical marijuana dispensary facility.

M. Marijuana producer, marijuana processor, marijuana wholesaler, and marijuana laboratory. Marijuana retailer may be approved when medical marijuana dispensary facility is an approved use at the same site.

N. Uses which are similar in character, scale and performance to those permitted outright or conditionally in the L-I zone and which conform with the purpose of the zone.

Staff Analysis: The property identified as 5441 Hwy 20 Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.

The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is requesting a modification to the Conditional Use to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP. The proposed modification is to Condition of Approval #3 to allow for the continued operation and use of the membrane structure for an additional four years (pending building official yearly reviews). The proposed modification based on the applicant's submittal documents is not changing the operations of the facility only the length of time the facility would operate. Therefore, the facts and findings for the modification stay consistent with the original approval.

4. 2000 Toledo Comprehensive Land Use Plan – Article 9: Economic Development, Goals 1, 3, 4, and 5, Objective 7:

GOAL 1. Improve the economic position of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses into the community.

GOAL 3. Diversify the economic base of the Toledo area and strengthen the role as the industrial center for Lincoln County.

GOAL 4. Encourage employment and business opportunities that assist Toledo's residents to maintain the highest per household average income in Lincoln County.

GOAL 5. Assure that regulatory requirements provide for high standards of public health, safety, environmental protection, and welfare but are structured to support economic development.

OBJECTIVE 7. Maintain Toledo's economic strength in the wood products, fishing and other resource based industries while diversifying the industrial base within the community.

Staff Analysis: In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the

applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific (GP), the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been use as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.

The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.

EVALUATION CRITERIA – CONDITIONAL USE PERMITS

5. TMC 17.64.010 – 17.64.050 Conditional Use Permits

17.64.010 Purpose.

A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A review of a conditional use is a Type III review.

17.64.020 Authorization to grant or deny conditional use permits.

Uses designated in this ordinance as permitted conditional uses may be permitted by the planning commission in accordance with the standards and procedures specified in this ordinance. **Future significant enlargements or major alterations of a conditional use shall also be reviewed by the commission and new conditions may be imposed.** Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

17.64.030 Application submission requirements for conditional use permits.

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

17.64.040 Conditions for development.

The planning commission shall review and make a decision to approve or deny a conditional use request in accordance with the standards and procedures for a Type III review as set forth in Toledo Municipal Code Chapter 19.16.

In approving a conditional use request, the planning commission may impose any conditions determined by the commission to be necessary and appropriate to ensure that the use will comply with all applicable provisions of this section. Such conditions may include, but are not limited to:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.
- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use considering:
 - a. The size, design and operating characteristics of the use.
 - b. The adequacy of transportation access to the site.
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.
 - 2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

Staff analysis: On November 4, 2020 the City Council approved the temporary Research & Development (R & D) for Dahl Disposal for six months. During the temporary six month approval Dahl could apply for the Conditional Use Permit for further operations. The temporary tent was constructed in March 2021.

The six month temporary approval for R & D expired on May 4, 2021. The applicant submitted an application for a conditional use on April 7, 2021. The conditional use application was reviewed by the Toledo Planning Commission on May 12, 2021. The conditional use application would not be approved prior to the temporary R & D expiring, therefore, staff requested that the applicant submit a request to renew the temporary R & D. The temporary R & D proposal was reviewed by City Council on May 5, 2021 for renewal. The Planning Commission reviewed and

approved the conditional use on May 12, 2021. The conditional use modification application evaluated by the Planning Commission will allow long term operation of the membrane facility.

The applicant is requesting continued operation of the baler facility. CU-2-21 had a condition of approval that required the applicant to replace the temporary tent with a permanent structure. Also this allowed for the Toledo Fire Department to approve the extension of the temporary structure. The proposed amended condition allows greater flexibility for the applicant and allows the use of the membrane structure until March 31, 2026 contingent on Lincoln County Building Official yearly review. The applicant is not proposing any changes to the original structure that was approved.

History of Land Use and Building Permit Approvals

- December 1992 Lincoln County Conditional Use for a waste transfer facility*
- February 22, 1994 Urban Growth Boundary Expansion and Annexation*
- July 20, 1998 Removal and Fill Permit*
- May 17, 1999 and June 1, 1999 Building Permits for storage units*
- June 15, 2000 Retaining wall permit*
- September 10, 2001 Building permit for a 30' x 70' Building*
- October 10, 2002 Removal fill permit*
- December 23, 2002 Building Permit for Storage units*
- June 16, 2003 Building Permit for a 1,350 square foot storage unit building*
- June 19, 2002 Removal and Fill Permit*
- June 19, 2007 Removal and Fill Permit*
- April 15, 2010 a conditional use (CU-2-10) to add the recycling of vehicles to the transfer and recycling operation was approved by the Toledo Planning Commission.*
- May 13, 2010 DMV Dismantler permit (Land Use Compatibility Statement)*
- April 22, 2013 DMV Dismantler permit (Land Use Compatibility Statement)*
- March 24, 2016 DMV Dismantler permit (Land Use Compatibility Statement)*
- April 1, 2019 DMV Dismantler permit (Land Use Compatibility Statement)*
- November 4, 2020 City Council Temporary R & D approval*
- November 16, 2020 DEQ Land Use Compatibility Statement*
- December 4, 2020 Removal and Fill Permit*
- May 12, 2021 CU-2-21 Approval*
- August 23, 2021 Certificate of Occupancy Approval until March 3, 2022*
- March 1, 2022 Certificate of Occupancy Approval until June 1, 2022*

According to the application materials, the owner provides the following information for the proposed development:

- 1) The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby*

avoiding impacts to sensitive natural resources.

- 2) The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed in March 2021. The facility began testing the equipment in March 2021.*
- 3) Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment in March 2021.*
- 4) The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.*
- 5) The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.*
- 6) The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.*

Businesses within the City are required to have a business license to engage in business activity in the City of Toledo (TMC 5.04). Dahl & Dahl Inc. currently has an active business license. Staff recommends a condition of approval that a business license is required for anyone engaging in business activity in the City (TMC 5.04).

The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).

- 1) The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.*
- 2) The property has proper access to a state highway, Highway 20. The Oregon Department of Transportation (ODOT) was sent notice and no comments were received. Staff recommends a condition of approval that any driveway improvements are coordinated with ODOT.*

- 3) *The applicant submitted a preliminary geo-tech report to the City of Toledo. Staff recommends a condition of approval that the final geo-tech report shall be submitted to the City of Toledo.*
- 4) *The proposed baler facility is buffered from surrounding uses.*

As part of the 2021 approval, the Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Staff worked closely with the Lincoln County Building Department, Toledo Fire Department and the applicant to come up with a solution to allow the membrane structure to be located on the property for an additional amount of time. The proposed temporary tent may be allowed longer pending a yearly Lincoln County Building Official Review. Staff recommends a condition of approval that the applicant shall be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, March 31, 2026, subject to yearly review by the Lincoln County Building Official and a valid Certificate of Occupancy.

Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.

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. Note: a Certificate of Occupancy has been issued for the membrane structure and this condition is met. The continued use of the membrane structure will be contingent upon meeting condition 3.

B. In addition to other standards of the zone in which the conditional use is located, certain uses shall comply with the following additional standards:

...

3. Waste transfer, recycling facility, or scrap metal facility.
 - a. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.
 - b. Facilities and storage shall be located no closer than thirty (30) feet from any property line.
 - c. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - d. 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.
 - e. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
 - f. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned general residential or single-family residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or the removal of materials.

- g. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

Staff findings: According to the application materials, the owner provides the following information for the proposed development:

- a. *Access to the site is provide by Highway 20, and the existing driveway entrance is gated to prevent unauthorized entry when the facility is closed. While the baler facility is not fenced, the steep topography and remote location of the facility effectively precludes unauthorized entry, which substantially complies with this requirement.*
- b. *The smallest setback between the baler facility and a property line (front yard) is approximately 80 feet.*
- c. *Although the baler facility is not open for public use, its hours of operation are consistent with the primary solid waste and recycling transfer station (8:30 a.m. to 4:30 p.m.) at the site. The baler facility would remain in operation seven days a week.*
- d. *As coordinated with the Oregon Department of Environmental Quality, operation of the baler facility is covered under the primary solid waste and recycling transfer station operational permit or site designation; an update to the site's Operations Plan is currently underway. A component of the plan is to establish best management practices for facility operation. This includes, but is not limited to, specific measures and good practices to contain all recyclables and waste on-site, reduce odor, prevent pests or vectors, and maintain a general level of cleanliness. As the baler facility will be included in the amended Operations Plan, all Oregon Department of Environmental Quality-approved operational best management practices would apply.*
- e. *The baler facility would not be open to public use.*

Based on the submitted materials and staff review the following findings are proposed.

- a. *The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.*
- b. *The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.*
- c. *The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 pm.*
- d. *The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. 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. Staff recommends that this is listed as a condition of approval.*
- e. *The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.*

Staff finds based on the information in the record the application meets the criteria in TMC 17.64.050(B)(3).

FURTHER STAFF ANALYSIS:

The request by the current owner, Dahl & Dahl Inc., would be compatible with surrounding land uses. Neighboring properties to the West and North are zoned County Timber Conservation (T-C). Neighboring properties to the East are zoned County Agricultural Conservation (A-C) and City Light Industrial (LI). Neighboring properties to the South are County Agricultural Conservation (A-C) and County Timber Conservation (T-C). The proposed development will be compatible with the current rural and industrial character and flavor of the neighborhood. (See Attachment B - Zoning Maps).

A portion of the subject property is located within the floodplain and is located within an area identified as wetlands. The proposed location of the baler facility is not located within the area identified as floodplain or wetlands. A wetland land use notification (WLUN) was sent to the Department of Statelands (DSL) on October 29, 2020 (WN2020-0795). The proposed location has not changed and the DSL response indicated that the proposed construction appears to avoid impacts to jurisdictional wetlands or waters.

The Toledo Public Works Department has been advised of the proposal. Both water and sewer are currently not available.

IV. FACTS AND FINDINGS:

The applicant is requesting approval of a modification to the conditional use to allow a revised condition of approval for the expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP. Based upon the information received by City staff through May 5, 2022, the modified conditional use request appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the modified conditional use:

1. The property identified as 5441 Hwy 20, Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.
2. The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is now requesting a modification to the Conditional Use to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP. The proposed modification is to Condition of Approval #3 to allow for the continued operation and use of the membrane structure for an additional four years (pending building official yearly reviews). The proposed modification based on the applicant's submittal documents is not changing the

operations of the facility only the length of time the facility would operate. Therefore, the facts and findings for the modification stay consistent with the original approval.

3. In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been used as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.
4. The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.
5. On November 4, 2020 the City Council approved the temporary Research & Development (R & D) for Dahl Disposal for six months. During the temporary six month approval Dahl could apply for the Conditional Use Permit for further operations. The temporary tent was constructed in March 2021.

The six month temporary approval for R & D expired on May 4, 2021. The applicant submitted an application for a conditional use on April 7, 2021. The conditional use application was reviewed by the Toledo Planning Commission on May 12, 2021. The conditional use application would not be approved prior to the temporary R & D expiring, therefore, staff requested that the applicant submit a request to renew the temporary R & D. The temporary R & D proposal was reviewed by City Council on May 5, 2021 for renewal. The Planning Commission reviewed and approved the conditional use on May 12, 2021. The conditional use modification application evaluated by the Planning Commission will allow long term operation of the membrane facility.

6. The applicant is requesting continued operation of the baler facility. CU-2-21 had a condition of approval that required the applicant to replace the temporary tent with a permanent structure. Also, this allowed for the Toledo Fire Department to approve the extension of the temporary structure. The proposed amended condition allows greater flexibility for the applicant and allows the use of the membrane structure until March 31, 2026 contingent on Lincoln County Building Official yearly review. The applicant is not proposing any changes to the original structure that was approved.
7. According to the application materials, the owner provides the following information for the proposed development:
 - a. The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use

on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.

- b. The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed in March 2021. The facility began testing the equipment in March 2021.
 - c. Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment in March 2021.
 - d. The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.
 - e. The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.
 - f. The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.
8. Based on the submitted materials and staff review the following findings are proposed.
- a. The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.
 - b. The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.

- c. The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 pm.
 - d. The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. 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. Staff recommends that this is listed as a condition of approval.
 - e. The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.
9. A portion of the subject property is located within the floodplain and is located within an area identified as wetlands. The proposed location of the baler facility is not located within the area identified as floodplain or wetlands. A wetland land use notification (WLUN) was sent to the Department of Statelands (DSL) on October 29, 2020 (WN2020-0795). The proposed location has not changed and the DSL response indicated that the proposed construction appears to avoid impacts to jurisdictional wetlands or waters.
10. Based on City records, Dahl & Dahl Inc. has a business license to engage in business activity in the City of Toledo (TMC 5.04).
11. The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).
- a. The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.
 - b. The property has proper access to a state highway, Highway 20.
 - c. The applicant submitted a preliminary geo-tech report to the City of Toledo.
 - d. The proposed baler facility is buffered from surrounding uses.
12. As part of the 2021 approval, the Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are typically limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Staff worked closely with the Lincoln County Building Department, Toledo Fire Department and the applicant to come up with a solution to allow the membrane structure to be located on the property for an additional amount of time. The proposed temporary tent may be allowed longer pending a yearly Lincoln County Building Official Review. Staff recommends a condition of approval that the applicant shall be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, March 31, 2026, subject to yearly review by the Lincoln County Building Official and a valid Certificate of Occupancy.
13. The request by the current owner, Dahl & Dahl Inc., would be compatible with surrounding land uses. Neighboring properties to the West and North are zoned County Timber Conservation (T-C). Neighboring properties to the East are zoned County Agricultural

Conservation (A-C) and City Light Industrial (LI). Neighboring properties to the South are County Agricultural Conservation (A-C) and County Timber Conservation (T-C). The proposed development will be compatible with the current rural and industrial character and flavor of the neighborhood.

14. Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.
15. The City Public Works Director, Police and Fire Chief have all reviewed the application and had no issues with the proposal.
16. City water and city sewer are currently not available.
17. Notification to surrounding property owners, 19 public/service agencies, and publication of the proposed Conditional Use Permit were completed in accordance with the Toledo Municipal Code requirements.

V. 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 Case File CU-2-21(mod), subject to the following conditions:

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 be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, March 31, 2026, subject to yearly review by the Lincoln County Building Official and a valid Certificate of Occupancy
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. Note: a Certificate of Occupancy has been issued for the membrane structure and this condition is met. The continued use of the membrane structure will be contingent upon meeting condition 3.

PROPOSED MOTION (CU-2-21(MOD)):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON MAY 11, 2022, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY DAHL & DAHL INC. AND AUTHORIZED AGENT RYAN CROTTY, MAUL FOSTER & ALONGI, INC., (CU-2-21(MOD)) 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(MOD), AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

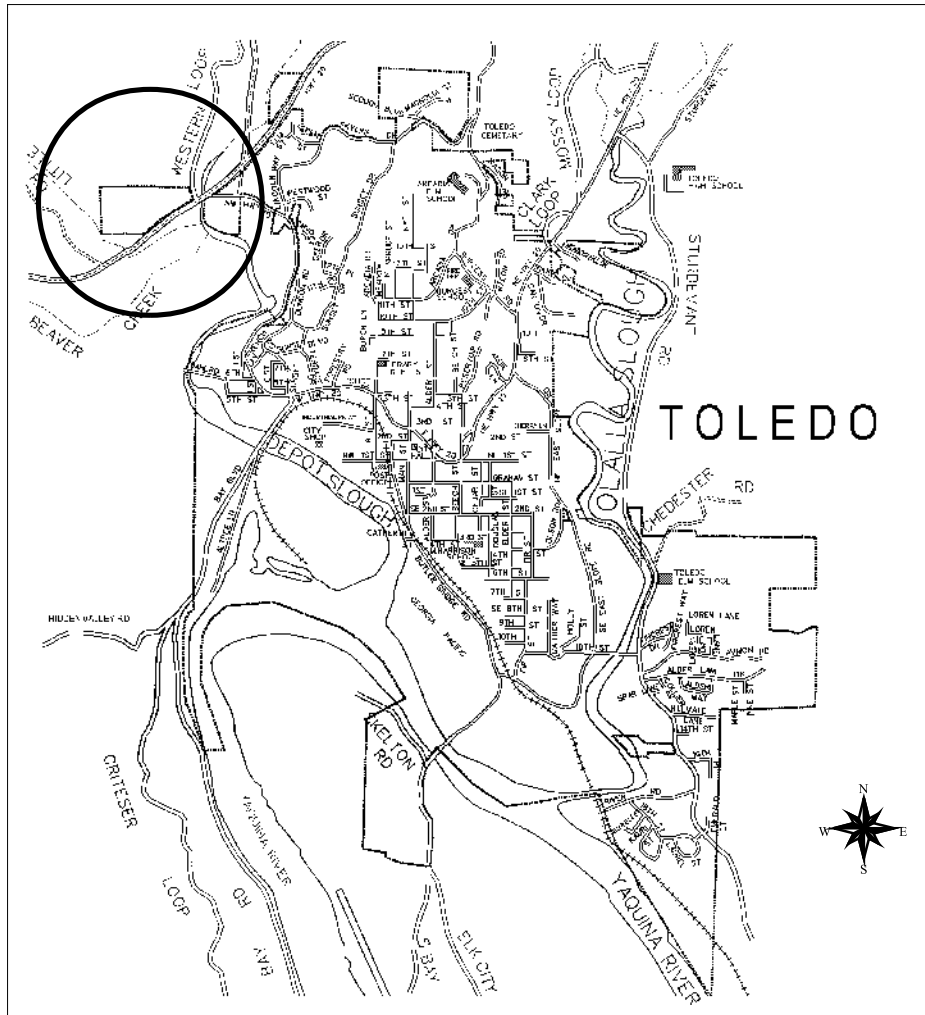
VI. PLANNING COMMISSION ROLE:

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

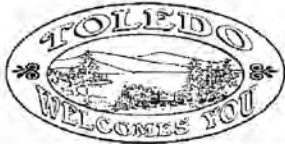


ATTACHMENT A

Application with Supporting Information

(City of Toledo File #CU-2-21mod)

LAND USE APPLICATION



Date March 25, 2022

Property Owner Rich Kuehn (Dahl & Dahl, Inc.)
Mailing Address PO Box 357
Toledo, Oregon 97391

Telephone (541) 930-0291
Email rkuehn@dahldisposalservice.com

Authorized Agent Ryan Crotty (Maul Foster & Alongi, Inc)
Mailing Address 109 E 13th St
Vancouver, WA 98660

Telephone (253) 740-8498
Email rcrotty@maulfoster.com

Property Address 5441 West Highway 20, Toledo, OR 97391
Property Location Far northwest corner of city limits
Assessors Map No. 11S10W07

Property Size 13.82 Acres
Tax Lot No. 600

Present Zoning Light Industrial
Comprehensive Plan Designation Industrial

Proposed Change N/A

Current Use of Property Solid waste and recycling transfer facility

Existing Structures (if any) The property is currently used by Dahl & Dahl, Inc; please see the attached memo for details regarding existing structures on the site.

Proposal for which this request is being made (attach additional sheets if needed) Dahl & Dahl, Inc. is applying for a modification to an issued conditional use permit (CU-2-21). This modification would extend the issued conditional use permit validity period and alter one of the decisions conditions of approval.

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.

For Office Use Only

Date Received _____ By _____ Fee Paid _____ Complete Application Date _____ City File No. _____

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 February 24, 2022.

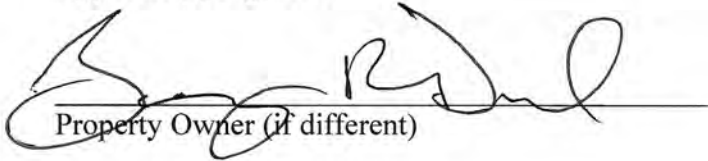
I understand that the Planning Commission will hold a public hearing for this application (Type III) ☒ yes
I understand that the City Council will hold a public hearing for this application (Type IV) ☐ yes
I understand that this is a City of Toledo staff-level decision (Type I and Type II) ☐ yes
Other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



Applicant(s) Signature

4/11/2022

Date



Property Owner (if different)

4/11/2022

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 No Issues

REVIEWED AND APPROVED BY:

Brad Jurspan
Public Works Director

5-5-22
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

Dreg Musif

5/4/22
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



MEMORANDUM

To: City of Toledo Planning Department

Date: April 12, 2022

From: Ryan Crotty, Planner

Project No.: M0766.03.002

A handwritten signature in black ink that reads "Ryan Crotty".

Cem Gokcora, PE

A handwritten signature in blue ink that reads "Cem Gokcora".

RE: Dahl and Dahl, Inc.—Temporary Baler Facility Conditional Use Permit Modification Application

1.0 Introduction

1.1 Project Background and Purpose

Dahl and Dahl, Inc. (the applicant), currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment. To date, the applicant has received City of Toledo conditional use permit authorization to construct and operate a baler facility for a period of one year (decision CU-2-21) out of a temporary membrane structure. A condition of approval (Condition 3) associated with this authorization states: "*The applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.*"

The purpose of this application is to request a modification to the issued conditional use permit for continued use of the baler facility for the duration of the research and development phase of this operation. The research and development phase will conclude no later than at the end of four years (March 2026). The applicant is also seeking a modification to Condition 3 of decision CU-2-21. This modified condition would change CU-2-21's Condition 3 from "*The applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.*"

to “*The applicant shall be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, March 31, 2026, subject to yearly review by the Lincoln County Building Official and a valid Certificate of Occupancy.*”

This memorandum includes, for the City of Toledo’s consideration, a consistency analysis that addresses pertinent conditional use permit criteria as they relate to the modified proposal.

1.2 Project Description

As authorized by the City of Toledo, the applicant currently operates a baler facility as part of a research and development program. The purpose of this program is to test Georgia-Pacific Juno’s new baling and wrapping equipment that processes baled municipal solid waste (MSW) from existing waste haulers. Material is pressed into bales and securely wrapped before being loaded into trucks and transported to the Georgia-Pacific Juno facility for final processing.

During the baler facility’s test period, MSW commercial waste and commingled recycled material may be received from waste hauling companies, processed, and transported to the Georgia-Pacific Juno facility for disposal.

The existing baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty membrane tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing at the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5, 2021. The facility began testing the equipment on March 8, 2021.

This request to modify the existing conditional use permit seeks approval for the continued operation of the baler facility out of the existing membrane structure for the next four years, which is the duration of the research and development pilot program. This modification request also seeks to alter Condition 3 of CU-2-21, as described above. Operation would continue as described above with no proposed expansion or improvements to the existing facility. Appropriate permits from the City of Toledo would be acquired in the future should there be any expansion or relocation of the baler facility or operation.

1.3 Existing Conditions

1.3.1 Project Location

The existing baler facility is on the larger Toledo Transfer and Recycling Center property, located at 5441 West Highway 20, Toledo, Oregon 97391. The facility is within the Toledo city limits, on Tax Lot 600, section 7, township 11S, range 10W of the Willamette Meridian. The site encompasses 13.82 acres.

1.3.2 Zoning and Other Designations

The City of Toledo has zoned the site light industrial.

1.3.3 Existing Land Uses and Structures

The property is currently used as a solid waste and recycling transfer facility that is best characterized as industrial use. The Toledo Transfer and Recycling Center comprises four primary structures: an office with scales, a recycling center, a shop, and a transfer building. The baler facility was constructed in the northeast corner of the site, directly uphill of the primary solid waste and recycling transfer facility.

1.3.4 Adjacent Land Uses

Land north, west, and south of the site lies in Lincoln County jurisdiction, and adjacent land uses include undeveloped forestland to the north and low-density residential to the west and south. Land east of the site lies within City of Toledo limits and is used as light industrial by Pacific Pride Card Lock and Henarie Trucking.

2.0 Request

Based on the information in this memorandum and all accompanying documentation, the applicant respectfully requests modification of the existing conditional use permit for continued operation of the existing baler facility for the duration of research and development (four years). The applicant is also requesting a modification to Condition 3 of CU-2-21 to state: “The applicant shall be allowed to operate out of the existing membrane structure through the end of their Research and Development phase of the Baling project, subject to yearly review by the Lincoln County Building Official and valid Certificate of Occupancy.”

3.0 Regulatory Compliance

Pertinent Toledo Municipal Code (TMC) standards and provisions for operation of a conditional use in city jurisdiction have been bolded for easy reference. The applicant’s original response follows below, as well as an additional response in red demonstrating compliance between city standards and the conditional use permit modification request. If a requirement of the TMC is not applicable to the proposed use or does not require a response, that section of text has been omitted and is not addressed in this document.

3.1 TMC Chapter 17.64—Conditional Use Permits

3.1.1 TMC 17.64.030—Application Submission Requirements for Conditional Use Permits

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

A completed land use application, fee, and site plan has been submitted to the City of Toledo. This memorandum provides supplemental information to the land use application and serves as a demonstration of consistency with pertinent conditional use permit criteria.

Please note: the submitted site plan (please refer to the attached Figure) is for *informational purposes only*. The baler facility has already been constructed and is in use; the requested conditional use permit application is for the continued use of the facility, not a request to authorize development.

Modified response: an additional land use application form and fee for the modification request have been submitted with this compliance memorandum. The site plan has not changed, and the current version of the plan is already on file with the city.

3.1.2 TMC 17.64.050—Standards Governing Conditional Uses

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:

- 1. The site under consideration is suitable for the proposed use considering:**
 - a. The size, design and operating characteristics of the use.**

The approximately 13.82-acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was

designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.

Modified response: the request for modification of the existing conditional use permit would not result in an alteration to the size, design, or operating characteristics of the current use. This request seeks to extend the operational period of the current facility for four more years following approval of the modified conditional use permit, and to allow continued operation out of the temporary membrane structure (subject to building official continued approval) through modification of the existing conditional use permit's Condition 3.

b. The adequacy of transportation access to the site.

Highway 20 provides access to the site and the existing driveway serves trucks using both the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8, 2021.

Modified response: the requested conditional use permit modification would not alter the availability or adequacy of transportation access to the site.

c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.

As stated above, the baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.

Note that continued operation of the baler facility will have no measurable effect on natural or physical features present on the site given that the facility has already been constructed and no expansions are proposed.

Modified response: the suitability of the site for continued operation of the baler facility is consistent with the response originally provided and described above.

2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

“A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose

of such a review is to assure adequate site design and compatibility with surrounding uses and property.”

The facility is considered a conditional use given the light industrial zoning designation of the site. Solid waste and recycling transfer facilities (similar use type) are typically characterized as industrial uses (rather than light industrial). Therefore, establishment of this type of use warranted additional scrutiny regarding siting and operational impacts.

Site improvements were recently completed to accommodate the baler facility. These improvements included grading, slope stabilization, construction of retaining wall, lined stormwater conveyance ditches, sanitary sewer conveyance piping and temporary sewer holding tank system, as well as extension of a temporary water service from the existing production well on site. The vehicle operation area in front of the facility and the graded access ramp were paved for sediment and dust control.

The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use; rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use may marginally increase due to expansion of operations at the site, no additional off-site impacts are anticipated given the unique characteristics of the site and the nature of the baler facility's operation.

The site itself is bordered by Highway 20 to the east and forestland to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.

Modified response: the land use compatibility description above remains pertinent to this modification request. The modified request would extend the operation of the baler facility for four more years following approval of the modified conditional use permit; however, no new land use conflicts would occur because of the proposed modification's approval.

B. In addition to other standards of the zone in which the conditional use is located, certain uses shall comply with the following additional standards:

3. Waste transfer, recycling facility, or scrap metal facility.

a. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.

Access to the site is provide by Highway 20, and the existing driveway entrance is gated to prevent unauthorized entry when the facility is closed. While the baler facility is not fenced, the steep topography and remote location of the facility effectively preclude unauthorized entry, which substantially complies with this requirement.

Modified response: the proposed modification request does not seek to alter fencing or other means of site access.

- b. Facilities and storage shall be located no closer than thirty (30) feet from any property line.**

The smallest setback between the baler facility and a property line (front yard) is approximately 80 feet.

Modified response: the proposed modification would not change the location of any structures; therefore, the minimum 30-foot setback standard remains satisfied.

- c. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.**

Although the baler facility is not open for public use, its hours of operation are consistent with the primary solid waste and recycling transfer station at the site. The baler facility would remain in operation seven days a week.

Modified response: the proposed modification would not alter the current hours of operation established above.

- d. 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.**

As coordinated with the Oregon Department of Environmental Quality, operation of the baler facility is covered under the primary solid waste and recycling transfer station operational permit or site designation; an update to the site's Operations Plan is currently under way. A component of the plan is to establish best management practices for facility operation. This includes, but is not limited to, specific measures and good practices to contain all recyclables and waste on site, reduce odor, prevent pests or vectors, and maintain a general level of cleanliness. As the baler facility will be included in the amended Operations Plan, all Oregon Department of Environmental Quality-approved operational best management practices would apply.

Modified response: the proposed modifications would not change the current facility's Operations Plan, which establishes the best management practices for facility operations, controls pests and vectors, and sets the general standards for cleanliness of the facility.

- e. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
- f. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned general residential or single-family residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or the removal of materials.
- g. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

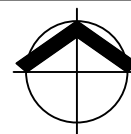
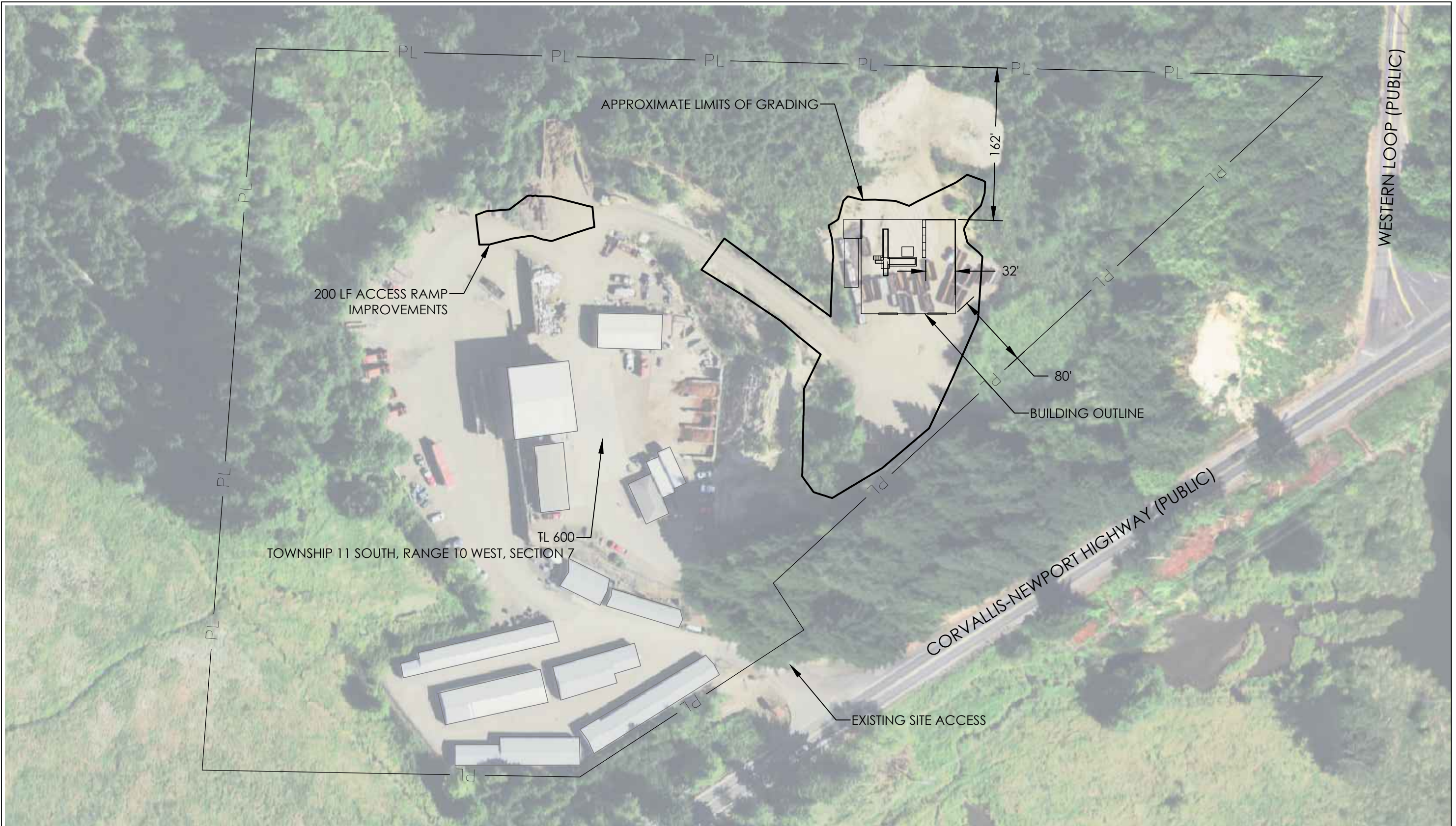
The baler facility would not be open to public use; therefore, these provisions do not apply.

Modified response: the proposed modification would not change the private nature of this operation; the facility would remain closed to the public.

4.0 Conclusion

As demonstrated in this memorandum the proposed modifications to the current conditional use permit would be compliant with pertinent criteria from the TMC. Therefore, the applicant respectfully requests approval of the requested modifications.

Attachment: Figure

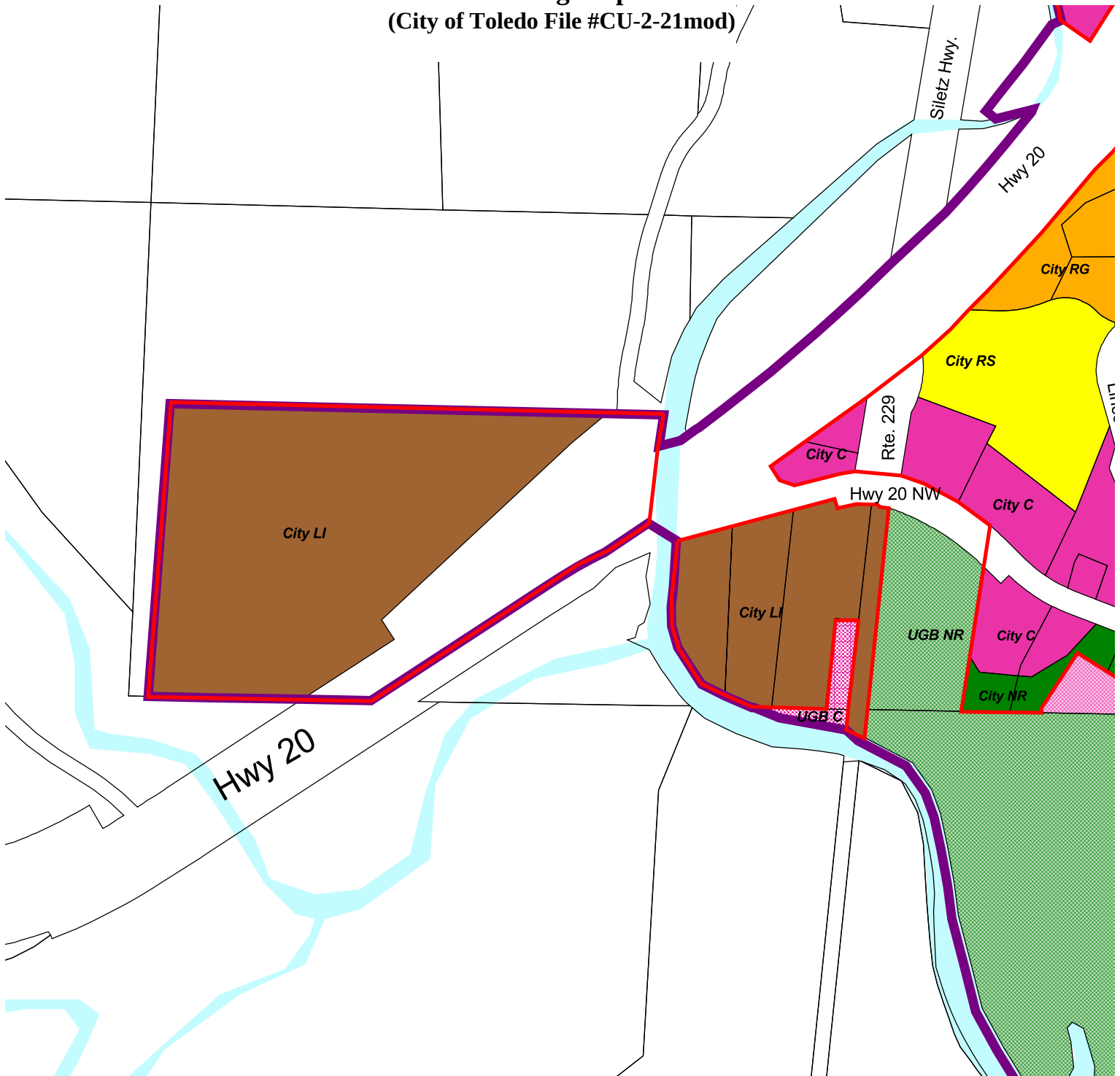


**Figure
Site Plan**
Dahl & Dahl Bailing Facility
Toledo, Oregon

ATTACHMENT B

Zoning Map

(City of Toledo File #CU-2-21mod)

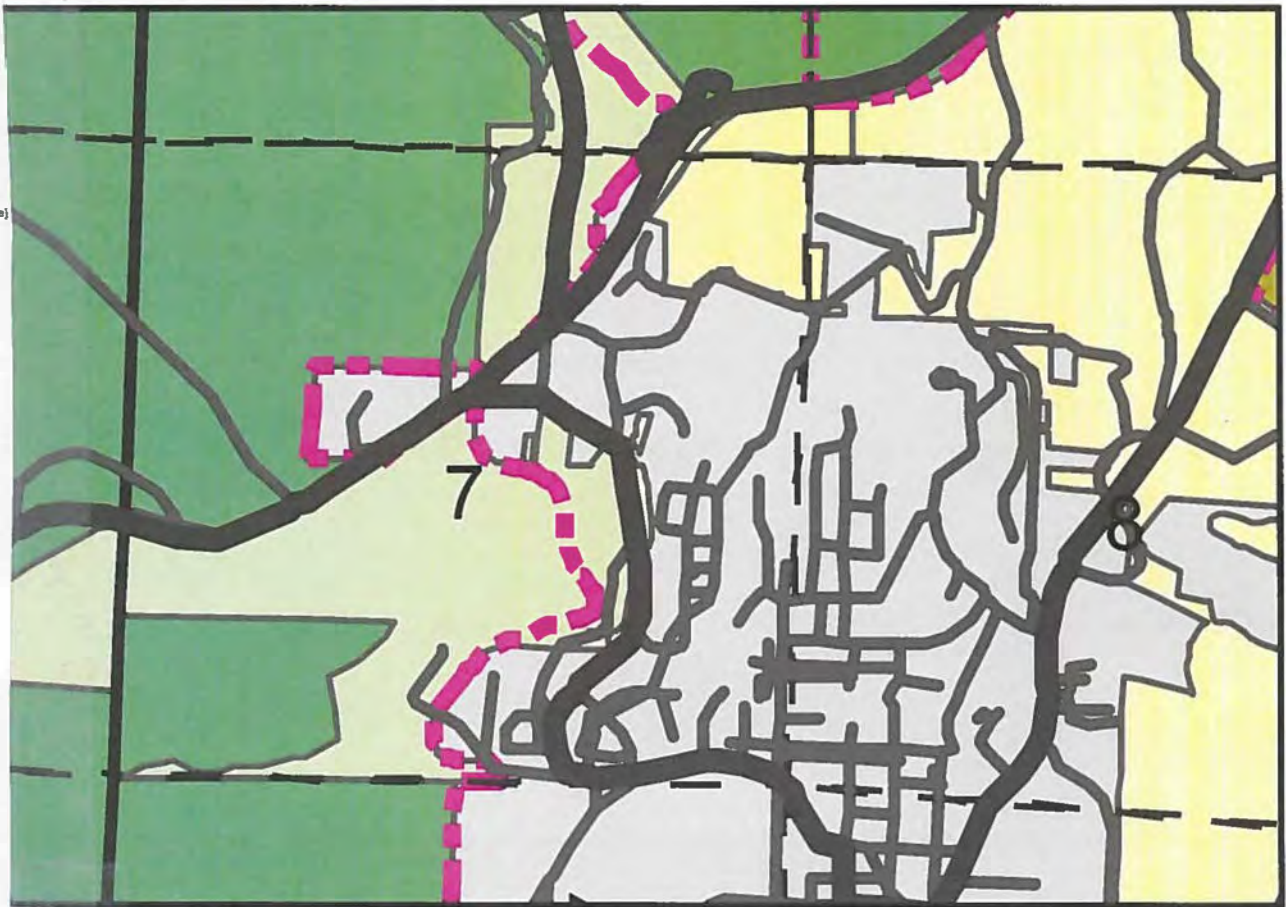


- City Limits
- UGB
- Parcels
- Railroad
- Comprehensive Plan**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Outside UGB
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density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



Lincoln County Zoning

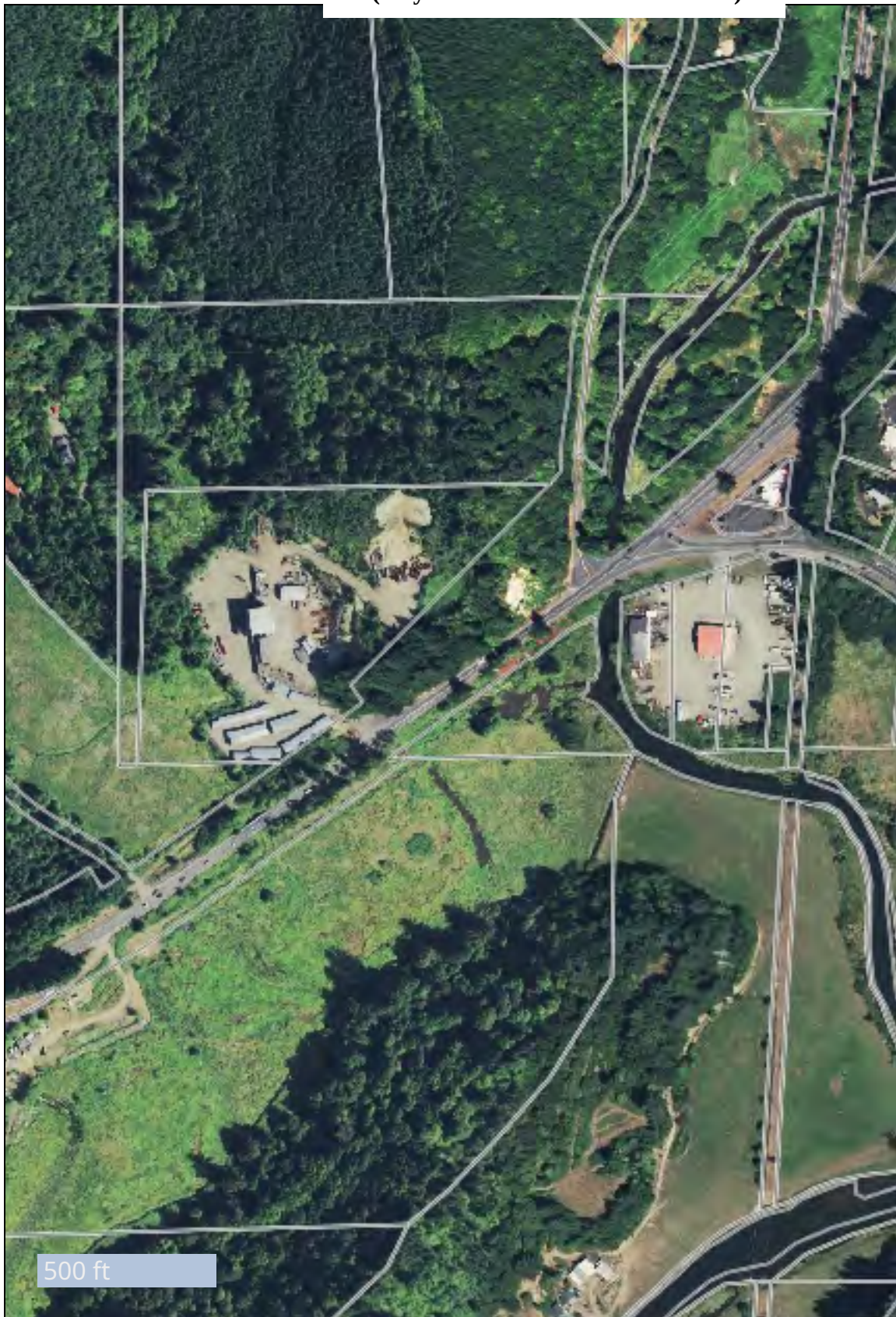
Zones



ATTACHMENT C

Aerial Map

(City of Toledo File #CU-2-21mod)



Legend

∨ Taxlots

Printed on 5 / 6 / 2021

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ATTACHMENT D
CU-2-21 Order
(City of Toledo File #CU-2-21mod)

BEFORE THE PLANNING COMMISSION OF THE CITY OF TOLEDO, OREGON

In the matter of a request for a Conditional	)	
Use Permit to allow an expansion of the waste	)	
transfer/recycling facility for the property located	)	ORDER
at Lincoln County Assessor's Map 11-10-7	)	City of Toledo File # CU-2-21
600, 5441 Hwy 20, Toledo	)	

Dahl & Dahl Inc. and Ryan Crotty (Authorized Agent), Applicants

This matter came before the Planning Commission on May 12, 2021. The Commission held a public hearing, allowing for testimony and introduction of evidence from proponents, opponents, and others. The Planning Commission evaluated the application based on the applicable criteria. The decision is based on the Staff Report and attachments, testimony presented at the public hearing, and the following Criteria, Facts, Findings and Conditions of Approval as adopted by the Planning Commission:

APPLICABLE CRITERIA FOR EVALUATING THE CONDITIONAL USE:

The following Comprehensive Land Use Plan and ordinance standards apply to this request. The standards are listed below in regular type. Staff analysis, including facts and findings, are below the Comprehensive Plan and ordinance standards 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.

...

Industrial – This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial designation. The intent is to encourage industrial growth and provide for industrial development an appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light-Industrial, and/or Water-Dependent.

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

...

Light-Industrial (L-I) – The purpose of the L-I zone is to provide area for lighter industrial

development around the areas of heavy industry for manufacturing, related establishments, and certain commercial and public uses which have a limited impact on surrounding properties.

3. TMC Sections 17.20.010 – 17.20.040 – Light Industrial (LI) Zone.

TMC 17.20.010 Purpose.

The purpose of the light industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transition area between commercial, public and residential uses and heavier industrial uses.

Uses permitted in the L-I zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted L-I use.

TMC 17.20.020 Uses permitted outright.

In the L-I zone, the following uses and their accessory uses are permitted, subject to applicable standards, provided that the uses occur in a building or buildings that together do not exceed forty thousand (40,000) square feet of floor area. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.20.040.

- A. Assembly plants.
- B. Limited manufacturing.
- C. Contractor's warehouse and shop.
- D. Crane business and related operations.
- E. Storage in conjunction with a permitted use.
- F. Machine shop and fabrication.
- G. Mini-storage.
- H. Parking in conjunction with uses permitted in the L-I zone.
- I. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- J. Separate office building and/or retail sales in conjunction with a permitted use.*
- K. Wholesale trade.
- L. Auto body shop.*
- M. Truck and car repair and service-minor.*
- N. Boat building and/or boat repair and related launch facility.
- O. Automobile service stations.
- P. One security dwelling as a separate structure or one security dwelling as part of a building for light industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the L-I zone.*
- Q. Temporary street vendors/seasonal commercial uses not to exceed six months.
- R. Uses permitted outright in the commercial zone, but only on parcels with frontage on Business Highway 20.
- S. Warehousing.
- T. Railroad line and associated uses.

- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations, excluding milling and/or processing of wood and paper products.
- Z. Commercial marina or moorage, and or charter boat operation.
- AA. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC 17.20.030 Conditional uses permitted.

- A. A use permitted outright in the L-I zone, in which the building or buildings provided for the use exceed forty thousand (40,000) square feet of floor area.
- B. Bulk storage of flammable liquids and gases.
- C. Eating or drinking establishments, including take-out or drive-in services.
- D. Industrial museum.
- E. Processing and manufacturing operations, excluding the following: 1. Asphalt mixing and batching. 2. Explosives manufacturing. 3. Petroleum or petroleum products refining. 4. Fertilizer manufacture. 5. Gas manufacture. 6. Slaughterhouse or rendering facility.
- F. Shipping facilities.
- G. Shoreline stabilization as defined in the Lincoln County Estuary Management Plan.
- H. Truck and car repair and service—major.
- I. Waste transfer, recycling facility, or scrap metal facility.**
- J. Drive-in use for uses which are permitted outright or as conditional uses in the L-I zone.
- K. Concrete mixing and batching, but excluding asphalt mixing and batching.
- L. Medical marijuana dispensary facility.
- M. Marijuana producer, marijuana processor, marijuana wholesaler, and marijuana laboratory. Marijuana retailer may be approved when medical marijuana dispensary facility is an approved use at the same site.
- N. Uses which are similar in character, scale and performance to those permitted outright or conditionally in the L-I zone and which conform with the purpose of the zone.

Staff Analysis: The property identified as 5441 Hwy 20 Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.

The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is now requesting a Conditional Use to allow to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP.

4. 2000 Toledo Comprehensive Land Use Plan – Article 9: Economic Development, Goals 1, 3, 4, and 5, Objective 7:

- GOAL 1. Improve the economic position of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses into the community.

- GOAL 3. Diversify the economic base of the Toledo area and strengthen the role as the industrial center for Lincoln County.
- GOAL 4. Encourage employment and business opportunities that assist Toledo's residents to maintain the highest per household average income in Lincoln County.
- GOAL 5. Assure that regulatory requirements provide for high standards of public health, safety, environmental protection, and welfare but are structured to support economic development.
- OBJECTIVE 7. Maintain Toledo's economic strength in the wood products, fishing and other resource based industries while diversifying the industrial base within the community.

Staff Analysis: In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been use as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.

The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.

EVALUATION CRITERIA – CONDITIONAL USE PERMITS

5. TMC 17.64.010 – 17.64.050 Conditional Use Permits

17.64.010 Purpose.

A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A review of a conditional use is a Type III review.

17.64.020 Authorization to grant or deny conditional use permits.

Uses designated in this ordinance as permitted conditional uses may be permitted by the planning commission in accordance with the standards and procedures specified in this ordinance. **Future significant enlargements or major alterations of a conditional use shall also be reviewed by the commission and new conditions may be imposed.** Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

17.64.030 Application submission requirements for conditional use permits.

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

17.64.040 Conditions for development.

The planning commission shall review and make a decision to approve or deny a conditional use request in accordance with the standards and procedures for a Type III review as set forth in Toledo Municipal Code Chapter 19.16.

In approving a conditional use request, the planning commission may impose any conditions determined by the commission to be necessary and appropriate to ensure that the use will comply with all applicable provisions of this section. Such conditions may include, but are not limited to:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.
- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use considering:
 - a. The size, design and operating characteristics of the use.
 - b. The adequacy of transportation access to the site.
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.
 - 2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

Staff analysis: On November 4, 2020 the City Council approved the temporary Research & Development (R & D) for Dahl Disposal for six months. During the temporary six month approval Dahl could apply for the Conditional Use Permit for further operations. The temporary tent was constructed in March 2021.

The six month temporary approval for R & D will expire on May 4, 2021. The applicant submitted an application for a conditional use on April 7, 2021. The conditional use application will be reviewed by the Toledo Planning Commission on May 12, 2021. The conditional use application will not be approved prior to the temporary R & D expiring, therefore, staff requested that the applicant submit a request to renew the temporary R & D. The temporary R & D proposal will be reviewed by City Council on May 5, 2021 for renewal. The conditional use application evaluated by the Planning Commission will allow long term operation of the facility.

History of Land Use and Building Permit Approvals

- *December 1992 Lincoln County Conditional Use for a waste transfer facility*
- *February 22, 1994 Urban Growth Boundary Expansion and Annexation*
- *July 20, 1998 Removal and Fill Permit*
- *May 17, 1999 and June 1, 1999 Building Permits for storage units*
- *June 15, 2000 Retaining wall permit*
- *September 10, 2001 Building permit for a 30' x 70' Building*
- *October 10, 2002 Removal fill permit*
- *December 23, 2002 Building Permit for Storage units*
- *June 16, 2003 Building Permit for a 1,350 square foot storage unit building*
- *June 19, 2002 Removal and Fill Permit*
- *June 19, 2007 Removal and Fill Permit*
- *April 15, 2010 a conditional use (CU-2-10) to add the recycling of vehicles to the transfer and recycling operation was approved by the Toledo Planning Commission.*
- *May 13, 2010 DMV Dismantler permit (Land Use Compatibility Statement)*
- *April 22, 2013 DMV Dismantler permit (Land Use Compatibility Statement)*
- *March 24, 2016 DMV Dismantler permit (Land Use Compatibility Statement)*
- *April 1, 2019 DMV Dismantler permit (Land Use Compatibility Statement)*
- *November 4, 2020 City Council Temporary R & D approval*
- *November 16, 2020 DEQ Land Use Compatibility Statement*
- *December 4, 2020 Removal and Fill Permit*

According to the application materials, the owner provides the following information for the proposed development:

- 1) *The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.*

- 2) *The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5th 2021. The facility began testing the equipment on March 5th, 2021.*
- 3) *Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8th, 2021.*
- 4) *The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.*
- 5) *The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.*
- 6) *The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.*

Businesses within the City are required to have a business license to engage in business activity in the City of Toledo (TMC 5.04). Dahl & Dahl Inc. currently has an active business license. Staff recommends a condition of approval that a business license is required for anyone engaging in business activity in the City (TMC 5.04).

The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).

1. *The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.*
2. *The property has proper access to a state highway, Highway 20. The Oregon Department of Transportation (ODOT) was sent notice and no comments were received. Staff recommends a condition of approval that any driveway improvements are coordinated with ODOT.*
3. *The applicant submitted a preliminary geo-tech report to the City of Toledo. Staff recommends a condition of approval that the final geo-tech report shall be submitted to the City of Toledo.*
4. *The proposed baler facility is buffered from surrounding uses.*

The Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Due to the fire code restriction, the City can allow the temporary use until August 28, 2021. The proposed temporary tent may be allowed longer if approved by the Toledo Fire Department. Staff recommends a condition of approval that the applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.

Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.

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.

B. In addition to other standards of the zone in which the conditional use is located, certain uses shall comply with the following additional standards:

...

3. Waste transfer, recycling facility, or scrap metal facility.
 - a. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.
 - b. Facilities and storage shall be located no closer than thirty (30) feet from any property line.
 - c. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - d. 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.
 - e. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
 - f. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned general residential or single-family residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or the removal of materials.
 - g. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

Staff findings: According to the application materials, the owner provides the following information for the proposed development:

- a. *Access to the site is provide by Highway 20, and the existing driveway entrance is gated to prevent unauthorized entry when the facility is closed. While the baler facility is not fenced, the steep topography and remote location of the facility effectively precludes unauthorized entry, which substantially complies with this requirement.*
- b. *The smallest setback between the baler facility and a property line (front yard) is*

- approximately 80 feet.*
- c. Although the baler facility is not open for public use, its hours of operation are consistent with the primary solid waste and recycling transfer station (8:30 a.m. to 4:30 p.m.) at the site. The baler facility would remain in operation seven days a week.*
 - d. As coordinated with the Oregon Department of Environmental Quality, operation of the baler facility is covered under the primary solid waste and recycling transfer station operational permit or site designation; an update to the site's Operations Plan is currently underway. A component of the plan is to establish best management practices for facility operation. This includes, but is not limited to, specific measures and good practices to contain all recyclables and waste on-site, reduce odor, prevent pests or vectors, and maintain a general level of cleanliness. As the baler facility will be included in the amended Operations Plan, all Oregon Department of Environmental Quality-approved operational best management practices would apply.*
 - e. The baler facility would not be open to public use.*

Based on the submitted materials and staff review the following findings are proposed.

- a. The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.*
- b. The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.*
- c. The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 am.*
- d. The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. 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. Staff recommends that this is listed as a condition of approval.*
- e. The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.*

Staff finds based on the information in the record the application meets the criteria in TMC 17.64.050(B)(3).

FACTS AND FINDINGS:

The applicant is requesting approval of a conditional use to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard (OCC) rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP. Based upon the information received by City staff through May 5, 2021, the conditional use request appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the

conditional use:

1. The property identified as 5441 Hwy 20, Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.
2. The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is now requesting a Conditional Use to allow to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baler facility would receive materials including municipal solid waste (MSW) and old corrugated cardboard rejects and have the material pressed into bales and wrapped before loaded onto trucks for transport to GP.
3. In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been used as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.
4. The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.
5. According to the application materials, the owner provides the following information for the proposed development:
 - a. The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.
 - b. The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5th 2021. The facility began testing the equipment on March 5th, 2021.
 - c. Highway 20 provides access to the site and the existing driveway serves both trucks

using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8th, 2021.

- d. The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.
- e. The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.
- f. The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.

6. Based on the submitted materials and staff review the following findings are proposed.

- a. The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.
- b. The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.
- c. The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 am.
- d. The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. 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. Staff recommends that this is listed as a condition of approval.
- e. The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.

7. A portion of the subject property is located within the floodplain and is located within an area identified as wetlands. The proposed location of the baler facility is not located within the area

identified as floodplain or wetlands. A wetland land use notification (WLUN) was sent to the Department of Statelands (DSL) on October 29, 2020 (WN2020-0795). The proposed location has not changed and the DSL response indicated that the proposed construction appears to avoid impacts to jurisdictional wetlands or waters.

8. Based on City records, Dahl & Dahl Inc. has a business license to engage in business activity in the City of Toledo (TMC 5.04).
9. The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).
 - a. The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.
 - b. The property has proper access to a state highway, Highway 20.
 - c. The applicant submitted a preliminary geo-tech report to the City of Toledo.
 - d. The proposed baler facility is buffered from surrounding uses.
10. The Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Due to the fire code restriction, the City can allow the temporary use until August 28, 2021. The proposed temporary tent may be allowed longer if approved by the Toledo Fire Department. Staff recommends a condition of approval that the applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.
11. The request by the current owner, Dahl & Dahl Inc., would be compatible with surrounding land uses. Neighboring properties to the West and North are zoned County Timber Conservation (T-C). Neighboring properties to the East are zoned County Agricultural Conservation (A-C) and City Light Industrial (LI). Neighboring properties to the South are County Agricultural Conservation (A-C) and County Timber Conservation (T-C). The proposed development will be compatible with the current rural and industrial character and flavor of the neighborhood.
12. Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.
13. The City Public Works Director, Police and Fire Chief have all reviewed the application and had no issues with the proposal.
14. City water and city sewer are currently not available.
15. Notification to surrounding property owners, 19 public/service agencies, and publication of the proposed Conditional Use Permit were completed in accordance with the Toledo Municipal Code requirements.

CONDITIONS OF APPROVAL:

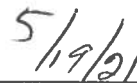
1. Approval is based upon the submitted application and plan, as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. Any driveway 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.

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.

IT IS ORDERED that the request for a Conditional Use in this matter is granted.



PLANNING COMMISSION PRESIDENT



DATE

**TOLEDO PLANNING COMMISSION
STAFF REPORT**

PROPERTY: Lincoln County Assessor's Map # 11-10-17 BA Tax Lot 6000

APPLICATION #: MP-1-22

APPLICANT: Stephen Swinehart, Authorized Agent

OWNER: Edward and Kelly French, Property Owners

APPLICATION DATE: April 13, 2022

HEARING DATE: Planning Commission – May 11, 2022

REQUEST: The applicant is requesting a minor partition to create three parcels, as marked on the attached Exhibit A to this staff report. Note: the applicant submitted a lot line adjustment application (LLA-1-22). MP-1-22 is contingent upon the completion of LLA-1-22.

LOCATION: The subject property is located between NE 1st Steet and NE 2nd Street (just east of 514 NE 1st Street). The subject Tax Lot 6000 has frontage along NE 1st Street and NE 2nd Street. The parcel is further identified on Lincoln County Assessors Map# 11-10-17 BA as Tax Lot 6000.

PARCEL SIZE: Tax Lot 6000 is approximately 0.81 acres (35,491 square feet). Proposed Parcel 1 would be approximately 7,750 square feet, proposed Parcel 2 would be approximately 7,768 square feet, and Proposed Parcel 3 would be approximately 19,973 square feet. (Note: Lot sizes are based on LLA-1-22)

I. REPORT OF FACTS:

1. Plan Designation: General Residential (R-G)
2. Zone Designation: General Residential (R-G)
3. Existing Structures: None
4. Topography: Based on the Lincoln County Assessor's contour lines the property is the subject property slopes downhill to the northeast. The slopes appear to be stepper further to the northeast.
5. Development Constraints: Access to the property will be from NE 1st Street (Proposed Parcels 1 and 2) or NE 2nd Street (Proposed Parcel 3).
6. City water: Public water main lines are located in NE 1st Street and NE 2nd Street.
7. City sewer: Public sewer main lines are located in NE 2nd Street.

8. Notice of Public Hearing: Notices mailed to 48 property owners and 19 public/service agencies on April 14, 2022.
9. Notice Published: April 27, 2022 and May 4, 2022
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. LLA-1-22 Draft Approval

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.

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 fifty-five hundred (5,500) square feet for a single-family dwelling. Density in the R-G zone shall not exceed thirty two (32) units per acre.

Staff Analysis: The subject property is approximately 35,491 square feet pending the completion of LLA-1-22. Staff recommends a condition of approval that proposed LLA-1-22 is completed prior to the finalization of MP-1-22. The applicant is requesting to divide the property into three parcels, resulting in proposed Parcel 1 being approximately 7,750 square feet and proposed Parcel 2 being approximately 7,768 square feet and proposed Parcel 3 being approximately 19,973 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 5,500 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

served or where services can be economically provided.

Staff Analysis: The subject property is currently vacant. Future development of proposed Parcels 1-3 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. The applicant has tentative plans to build a duplex on proposed Parcel 1 and a single-family home on proposed Parcel 2. 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 existing city streets (NE 1st Street and NE 2nd Street) 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 May 4, 2022, 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 Parcels 1 and 2 would have adequate frontage along NE 1st Street, a city street. Proposed Parcel 3 will have access to NE 2nd Street, also a city street.

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. 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 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. The Public Works Department provided comments that the applicant will be responsible for driveway access improvements, street improvements and sidewalks. The improvements will be along the frontage of the property only and roughly proportional to the development. Staff recommends allowing 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.

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. A sidewalk is within 500 feet of the subject property (sidewalks about 250 feet to the west), the installation of 5 foot wide sidewalks along the NE 1st and NE 2nd frontage will be required, the applicant may sign a deferred development agreement.

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.

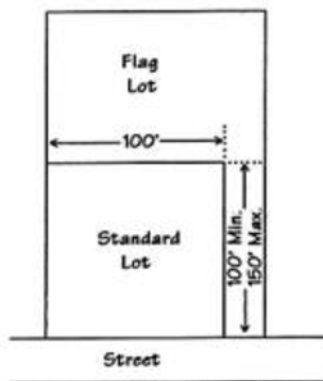
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4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

Staff Analysis: Proposed Parcel 3 could be further divided based on the minimum lot size requirement in the R-G Zone. Proposed Parcels 1 and 2 are unlikely to be further divided because of 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 three 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 NE 1st Street (a city street). Proposed Parcel 2 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 3 will have more than 20 feet of frontage onto NE 2nd Street (a city street).

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 three parcels with single frontage. The existing parcel has double frontage and the property is being divided in a way that removes the double 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, 2, and 3 will be close to perpendicular to NE 1st Street and NE 2nd Street.

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 7,750 square feet, proposed Parcel 2 would be approximately 7,768 square feet, and proposed Parcel 3 would be approximately 19,973 square feet. Accordingly, proposed Parcels 1, 2 and 3 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 100 feet and width is approximately 70 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 78 feet, so it does not exceed a depth to width ratio of two and one-half to one. As to

Parcel 3, the depth of the parcel is approximately 100 feet, and the width is approximately 199 feet. Therefore, as drawn on the proposed map, the proposed 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. The Public Works Department provided comments that a storm water plan will be required. Staff recommends that this is listed as a condition of approval.

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 the parcels. The public water line is located in the NE 1st Street and NE 2nd Street right-of-way and the public sewer line is located in the NE 2nd Street right-of-way.

The applicant should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines that may cross proposed parcels.

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. Utility easements may be 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.

III. FURTHER STAFF ANALYSIS:

The current owners, Edward and Kelly French, 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 1st and SE 2nd Street are paved streets currently without curbs or sidewalks adjacent to the subject property. SE 1st Street was recently paved and SE 2nd Street narrows once you reach the frontage of the subject parcel.

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.

In review of the subject property, it appears that fill was recently placed on the property. The City of Toledo requires a removal and fill permit for work in the city. Staff recommends that this is listed as a condition of approval.

As mentioned above, the subject property slopes downhill to the northeast. Future development of the parcels may require a geo-tech report as defined in TMC 15.20.050. Staff Recommends that this is listed as a condition of approval.

FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 0.81 acres in size into three parcels. Based upon the information received by city staff through May 4, 2022, 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 6000 appears to be a lawfully created unit of land and, according to the Lincoln County Assessor's records.
2. The subject property is approximately 35,491 square feet pending the completion of LLA-1-22. Staff recommends a condition of approval that proposed LLA-1-22 is completed prior to the finalization of MP-1-22. The applicant is requesting to divide the property into three parcels, resulting in proposed Parcel 1 being approximately 7,750 square feet and proposed Parcel 2 being approximately 7,768 square feet and proposed Parcel 3 being approximately 19,973 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 5,500 square feet.
3. The subject property is currently vacant. Future development of proposed Parcels 1-3 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. The applicant has tentative plans to build a duplex on proposed Parcel 1 and a single-family home on proposed Parcel 2. 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. The proposed partition is adjacent to existing city streets (NE 1st Street and NE 2nd Street) 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.
5. Based upon the information received by City staff through May 4, 2022, 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 would have adequate frontage along NE 1st Street, a city street. Proposed Parcel 3 will have access to NE 2nd Street, also a city street.
7. The minor partition criteria for evaluation in TMC 16.08.070 has been met.
8. 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. 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 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. The Public Works Department provided comments that the applicant will be responsible for driveway access improvements, street improvements and sidewalks. The improvements will be along the frontage of the property only and roughly

- proportional to the development. Staff recommends allowing 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.
9. 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. A sidewalk is within 500 feet of the subject property (sidewalks about 250 feet to the west), the installation of 5 foot wide sidewalks along NE 1st and NE 2nd will be required, the applicant may sign a deferred development agreement.
 10. Proposed Parcel 3 could be further divided based on the minimum lot size requirement in the R-G Zone. Proposed Parcels 1 and 2 are unlikely to be further divided because of the minimum lot size requirements. The current request does not preclude the efficient division of land in the future.
 11. 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 three 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 NE 1st Street (a city street). Proposed Parcel 2 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 3 will have more than 20 feet of frontage onto NE 2nd Street (a city street).
 - 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 three parcels with single frontage. The existing parcel has double frontage and the property is being divided in a way that removes the double 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, 2, and 3 will be close to perpendicular to NE 1st Street and NE 2nd Street.
 - 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 7,750 square feet, proposed Parcel 2 would be approximately 7,768 square feet, and proposed Parcel 3 would be approximately 19,973 square feet. Accordingly, proposed Parcels 1, 2 and 3 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 100 feet and width is approximately 70 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 78 feet, so it does not exceed a depth to width ratio of two and one-half to one. As to Parcel 3, the depth of the parcel is approximately 100 feet, and the width is approximately 199 feet. Therefore, as drawn on the proposed map, the proposed 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. The Public Works Department provided comments that a storm water plan will be required.
12. The Public Works Director reviewed the proposed partition and indicated that water and sewer are currently available to the parcels. The public water line is located in the NE 1st Street and NE 2nd Street right-of-way and the public sewer line is located in the NE 2nd Street right-of-way.
 13. 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
 14. 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.
 15. 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.
16. SE 1st and SE 2nd Street are paved streets currently without curbs or sidewalks adjacent to the subject property. SE 1st Street was recently paved and SE 2nd Street narrows once you reach the frontage of the subject parcel.
 17. Public sewer main lines are located in NE 2nd Street. Any private sewer laterals crossing proposed Parcel 3 should be identified and easements recorded.
 18. The public water line is located in the SE 1st Street and SE 2nd Street 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 Parcels 1 and 2 cross Parcel 3.
 19. When Parcel 1 is developed, separate utility connections to water and sewer will be required.
 20. In review of the subject property, it appears that fill was recently placed on the property. The City of Toledo requires a removal and fill permit for work in the city.
 21. Notification to 48 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of May 4, 2022, 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-1-22 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. Proposed LLA-1-22 shall be completed prior to the completion of the proposed partition plat.
3. 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.
4. 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.
5. The applicant or property owner shall obtain a removal and fill permit as defined by TMC Chapter 15.
6. The applicant or property owner shall obtain a geo-tech report for any development on a geo-hazard area defined by TMC 15.20.050. Development not on a geo-hazard area defined by TMC 15.20.050 would not be required to submit a geo-hazard report.
7. At the time of development, the applicant shall submit a stormwater management plan to the Toledo Public Works Department for review and approval.
8. 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall obtain any required state or federal permits.

PLANNING COMMISSION DECISION

PROPOSED MOTION (MP-1-22):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON MAY 11, 2022, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY EDWARD AND KELLY FRENCH (MP-1-22) 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-1-22, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

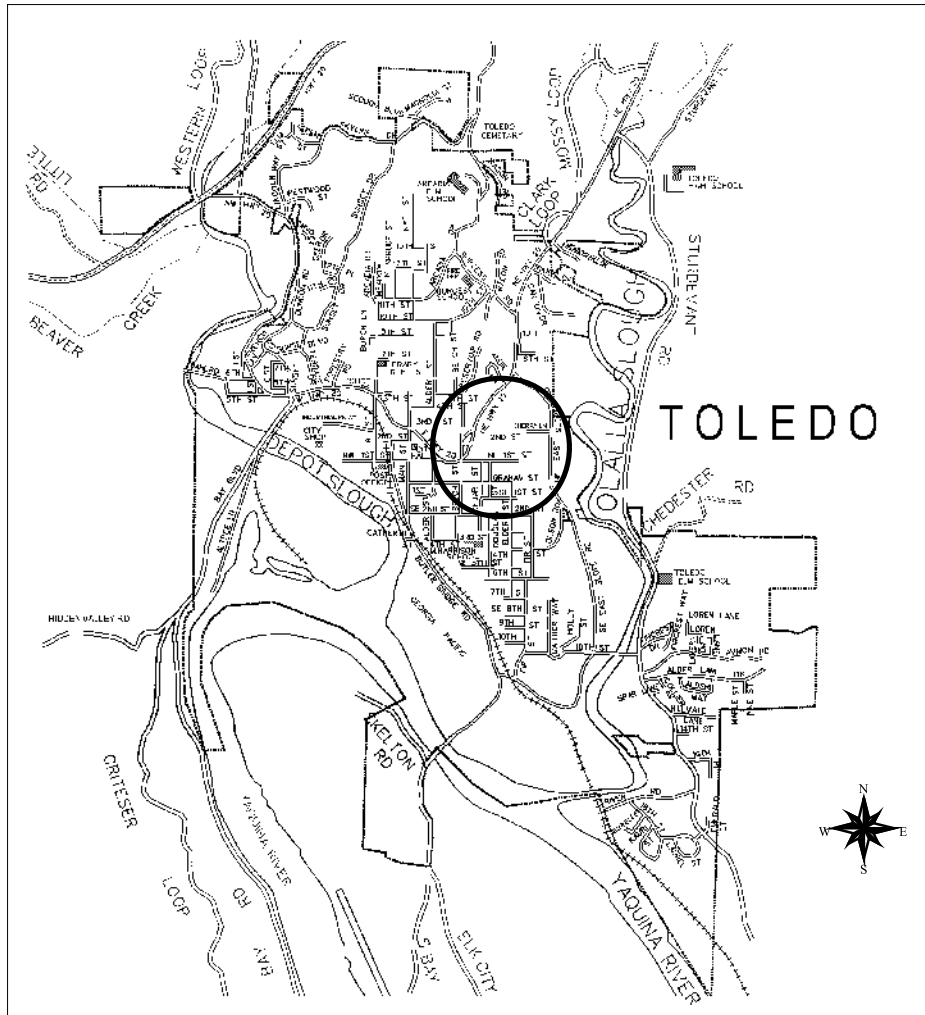
V. PLANNING COMMISSION ROLE:

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.

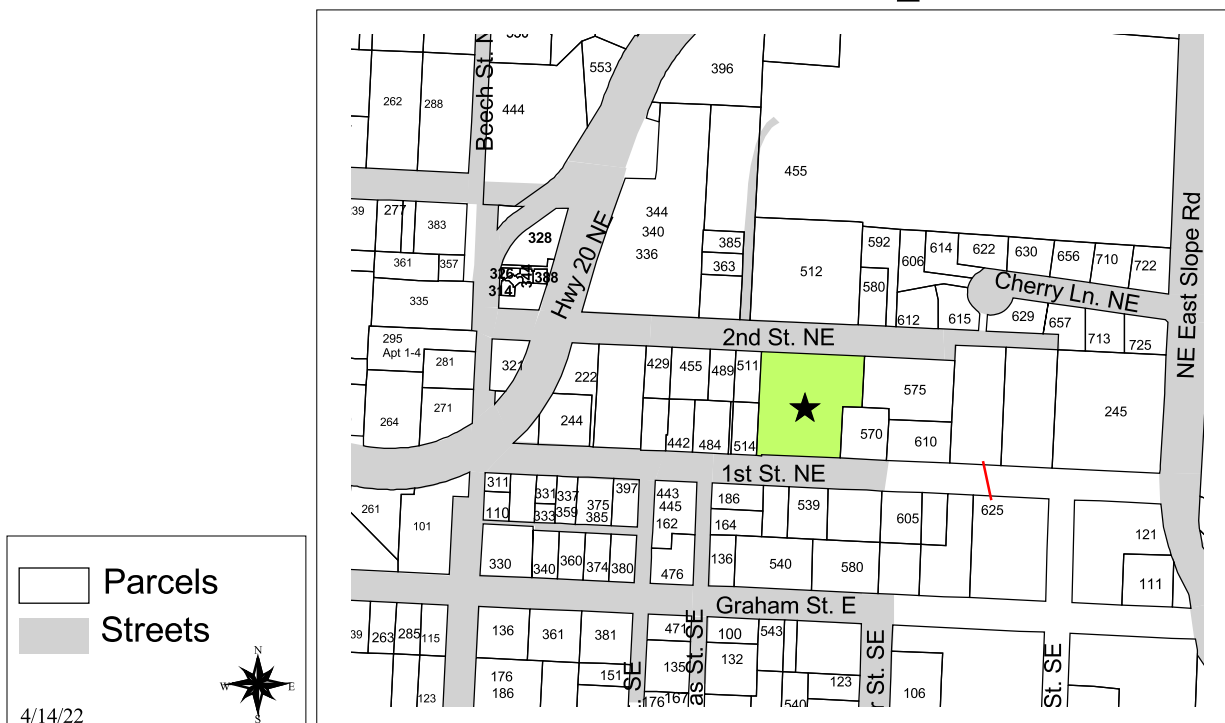
Prepared by,

Justin Peterson
Contract Planner

Location Map



Site Map



ATTACHMENT A
Map Showing Parcels After Partition
(City of Toledo File #MP-1-22)

PROPOSED TENTATIVE PLAN
for
ED FRENCH

showing
Proposed Property Line Adjustment of TL #4300
and
Proposed Partition of TL #6000
-Tax Lots #4300 & #6000 Map 11-10-17 BA-
TOLEDO, OREGON
APRIL 13, 2022

There is an existing residence on TL #4300, 514 NE 1st Street.

TL #6000 is vacant property, fronting on both NE 1st and NE 2nd streets. The current size of TL #6000 is 36,260 sq ft. The property is fairly typical Toledo hillside with several benches, sloping approximately 65' from the southwest to the northeast.

There are existing residences on all four of the parcels surrounding this proposal. There appear to be municipal water lines on both NE 1st and on NE 2nd Street and a sewer line on the north side of NE 2nd Street.

This proposal is for a property line adjustment of Tax Lot #4300 to increase the existing lot size from 5100 sq ft to 5877 sq ft prior to partitioning the remainder of Tax Lot #6000.

Following tentative approval of this plan, a boundary survey of both TL #4300 and TL #6000 showing the proposed property line adjustment will be filed with the County Surveyor and an adjustment deed will be recorded with the County Clerk prior to preparing the final survey for the Partition Plat.

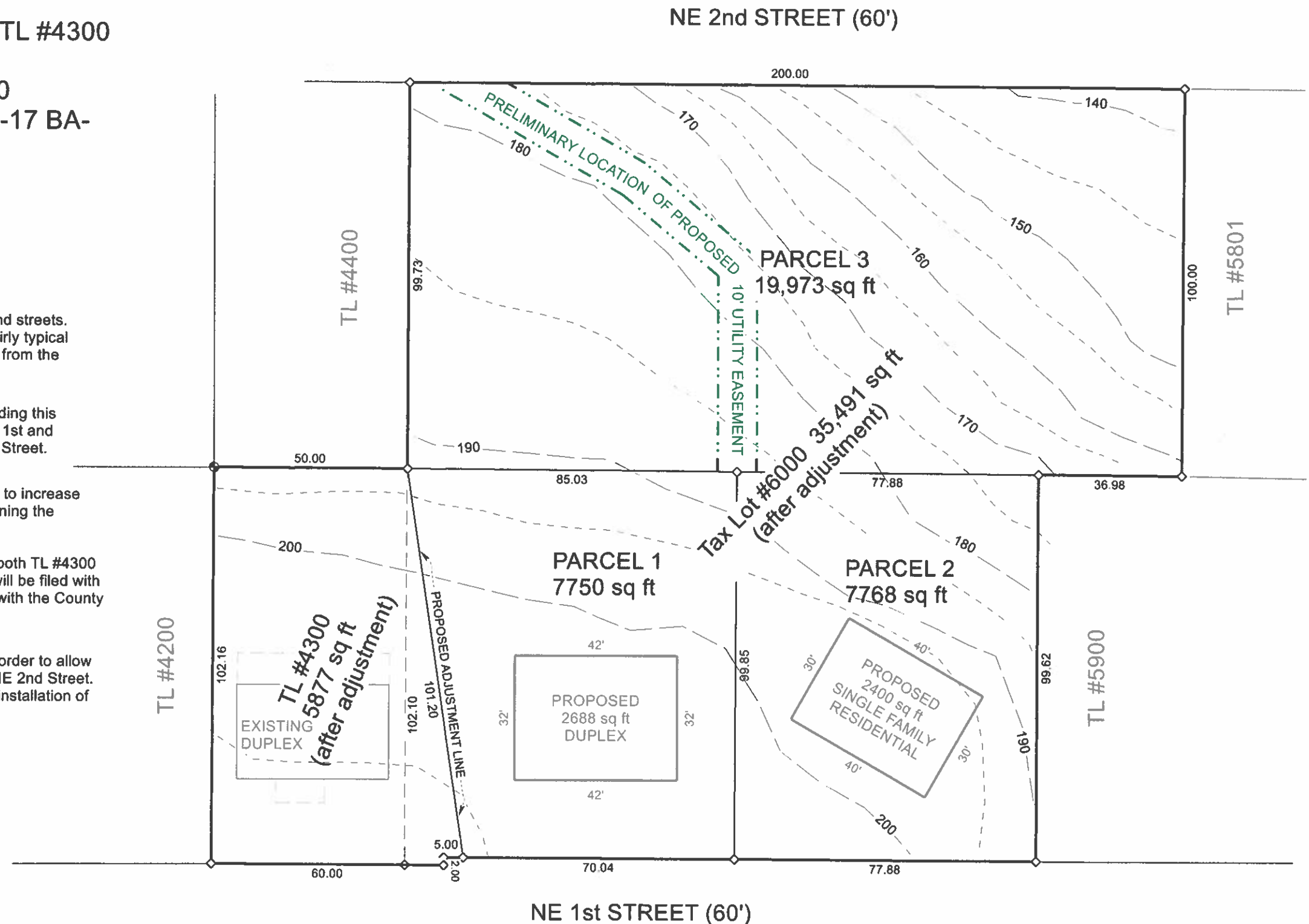
The proposed utility easement across Parcel 3 is necessary in order to allow for Parcel 1 and Parcel 2 to access the existing sewer line on NE 2nd Street. Final location of the 10' easement will be determined following installation of the service lines.



SCALE :
1" = 30'

CONTOUR LINES SHOWN ARE
BASED ON THE LINCOLN COUNTY
GEOGRAPHIC INFORMATION SYSTEM
(JULY 2021 LIDAR)

PREPARED BY :
SWINEHART LAND SURVEYING
51 PIONEER TRAIL
TOLEDO, OREGON 97391
541-961-4374



ATTACHMENT B

Application with Supporting Information

(City of Toledo File #MP-1-22)

LAND USE APPLICATION



Property Owner Edward & Kelly French
Mailing Address P.O. Box 411
Toledo OR 97391

Authorized Agent STEPHEN SWINEHART
Mailing Address 51 PIONEER TRAIL
TOLEDO, OREGON 97391

Property Address _____
Property Location NE 1st → 2nd
Assessors Map No. 11-10-17BA

Present Zoning R-G
Comprehensive Plan Designation _____
Current Use of Property Vacant
Existing Structures (if any) none

Date _____

Telephone 541-913-1829
541-961-2462
Email foamysea@gmail.com

Telephone 541-961-4374
Email sjs 51 pt gps@hotmail.com
LOANER CASE "L"

Property Size .85 acres

Tax Lot No. 4300/6000

Proposed Change Property Line
adjustment / Partition

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

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.

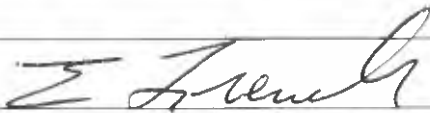
For Office Use Only

Date Received _____ By _____ Fee Paid _____ Complete Application Date _____ City File No. _____

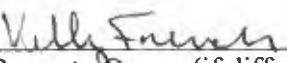
I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that I must present sufficient factual evidence to show that this application complies with the Toledo Zoning 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


Applicant(s) Signature

4/12/22
Date


Property Owner (if different)

5-2-22
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 TBD
Estimated installation cost _____
3. Are there any public works improvements necessary? Yes ☒ No ☐
If yes, describe Sidewalk install
4. Is there proper access? Yes ☒ No ☐
Are there proper easements? Yes ☐ No ☐
Pending driveway access approval & street improvements
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 Pending street improvements
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 Builder to provide plan to City
- Is an erosion control plan needed? Yes ☒ No ☐
7. Is a plan review by Public Works required? utilities Yes ☒ No ☐
8. Is this application ready to be approved? Yes ☒ No ☐
Explain modifications or revisions needed for the application Pending developer required documentation

Comments Need fill permit for All fill past & present

REVIEWED AND APPROVED BY:

Bill Zupar
Public Works Director

May 5, 2022
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

Brez Musif

5/4/22
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

**CITY OF TOLEDO
LAND DIVISION APPLICATION**

Applicant Ed + Kelly French
Mailing Address PO box 711
Toledo OR 97391

Date 4/12/22
Telephone 541-913-1829
571 968-2462

Property Address _____
Assessors Map Number _____

Tax Lot Number _____

Type of land division:

- ☒ Limited Land Use/Minor Partition
☐ Planned Development
☐ Expedited Land Division

- ☐ Subdivision or Major Partition
☐ Replat

Number of parcel to be created 2

Improvements to be completed:

- ☐ Streets ☐ TV Cable
☐ Telephone ☐ Water Line
☐ Electricity ☐ Sewer Line

☐ Gas
☐ Other: Hook ups only

Proposed timeline to complete improvements _____

Proposed use of property Residential

Engineer or Contractor doing improvements:

Name _____
Title _____
License Number _____

Mailing Address _____
Telephone _____

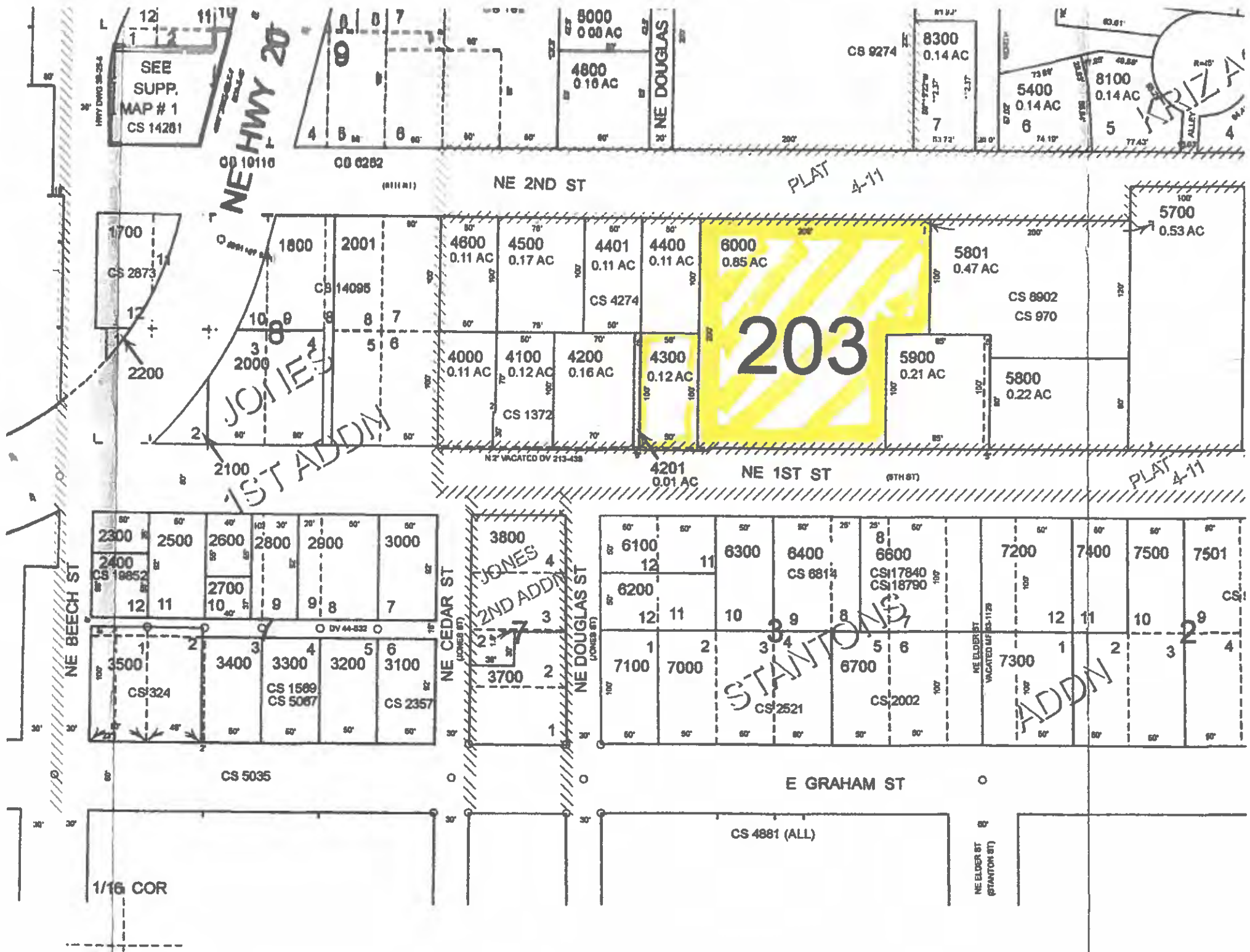
I understand that the Planning Commission will hold a public hearing on this application and that I must present sufficient factual evidence to show that this application complies with the Toledo Zoning Ordinance, Comprehensive Plan, and other applicable regulations.

Ed French
Applicant(s) Signature

4/12/22
Date

Property Owner (if different) _____

Date _____



After recording return to: Order Number: 119403  Western Title & Escrow 255 SW Coast Hwy., Suite 100 Newport, OR 97365	
Grantee Name(s) Edward French Kelly French P.O. Box 411 Toledo, OR 97391	
Until a change is requested, all tax statements shall be sent to the following address: Same as Above	

Lincoln County, Oregon
 08/29/2018 03:18:27 PM
 DOC-WD
 \$10.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total = \$68.00
 2016-08156
 Cnt=1 Pgs=2 SIn=20
 00121803201600081560020028
 I, Dana W. Jenkins, County Clerk, do hereby certify
 that the within instrument was recorded in the Lincoln
 County Book of Records on the above date and time.
 WITNESS my hand and seal of said office affixed.
 Dana W. Jenkins, Lincoln County Clerk



Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Melissa J. Neal, Trustee of the Neal Family Trust dated March 18, 1988, Grantor, conveys and
 warrants to Edward French and Kelly French, Tenants by the Entirety Grantee(s), the following
 described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Account: R172508
 Map & Tax Lot: 11-10-17-BA-06000

This property is free of 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 \$40,000.00. (Here comply with requirements of ORS
 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
 INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO
 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17,
 CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 THAT THE UNIT OF LAND BEING
 TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR
 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301
 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO
 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS
 2010.

Executed this 28 day of June, 2016

Neal Family Trust dated March 18, 1988

Melissa J. Neal
 By: Melissa J. Neal
 Its Trustee



State of Oregon, County of Washington ss.

This instrument was acknowledged before me on this 28 day of June, 2016 by Melissa J. Neal, as
 Trustee of Neal Family Trust dated March 18, 1988

Jessie Gay
 Notary Public for the State of Oregon
 My commission expires: Oct 15, 2019

EXHIBIT "A"

A tract of land in Section 17, Township 11 South, Range 10 West, Willamette Meridian, as recorded in Book N, page 407, Lincoln County Record of Deeds, described as follows:

Beginning at a point that is 225 feet East of the Northeast corner of Lot 7, Block 8, JONES ADDITION TO TOLEDO, OREGON; thence East 200 feet; thence South to a line between B.F. Jones and F.M. Stanton Addition; thence West 200 feet; thence North 200 feet to the place of beginning.

EXCEPT any portion of that tract of land described in Book 161, page 421, Lincoln County Record of Deeds and described as follows:

Beginning at a point that is 388 feet East and 100 feet South of the Northeast corner of Block 8 in JONES ADDITION TO TOLEDO, Lincoln County, Oregon; thence East 85 feet; thence South 100 feet, more or less, to the North boundary of First Street North if extended Easterly; thence Westerly following the North boundary of said street if extended Easterly, to a point that is 100 feet, more or less, South of the point of beginning; thence North 100 feet, more or less, to the point of beginning in Lincoln County, Oregon.

Together with that portion of vacated street that inured thereto by instrument recorded January 12, 1961 in Book 213, page 428, Deed Records for Lincoln County, Oregon.

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
DANA W. JENKINS, Lincoln County Clerk



Doc : 200715929
Rect: 710057 31.00
11/13/2007 01:15:29pm

After recording return to:
EDWARD N. FRENCH
KELLY C. FRENCH
PO BOX 411
TOLEDO, OR 97391

Until a change is requested all tax statements
shall be sent to the following address:
EDWARD N. FRENCH
KELLY C. FRENCH
PO BOX 411
TOLEDO, OR 97391

WARRANTY DEED - STATUTORY FORM

SIDNEY H. NEAL and MELISSA J. NEAL, Trustees of the Neal Family Trust
dated March 18, 1988, Grantor,

conveys and warrants to

EDWARD N. FRENCH and KELLY C. FRENCH, husband and wife, Grantee,

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

Beginning at a point that is 175 feet east of the southeast corner of Block 8,
JONES ADDITION TO TOLEDO in Lincoln County, Oregon; thence north 100 feet;
thence east, 50 feet; thence south 100 feet; thence west, 50 feet to the point
of beginning. Together with that portion of First Street North which inured
thereto by reason of vacation recorded January 21, 1961 in Book 213, page 438,
Deed Records.

Tax Account No(s): R136870
Map/Tax Lot No(s): 11-10-17-BA-4300

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 \$40,000.00 .

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 13 day of November, 2007.

NEAL FAMILY TRUST

BY: *Sidney H. Neal*
SIDNEY H. NEAL,
TRUSTEE

BY: *Melissa J. Neal*
MELISSA J. NEAL,
TRUSTEE

STATE OF OREGON, COUNTY OF LINCOLN) SS.

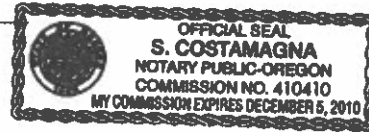
This instrument was acknowledged before me on November 13, 2007 by SIDNEY H. NEAL and MELISSA J. NEAL, TRUSTEES OF THE NEAL FAMILY TRUST.

S. Costamagna

(Notary Public for Oregon)

My commission expires 12/5/10

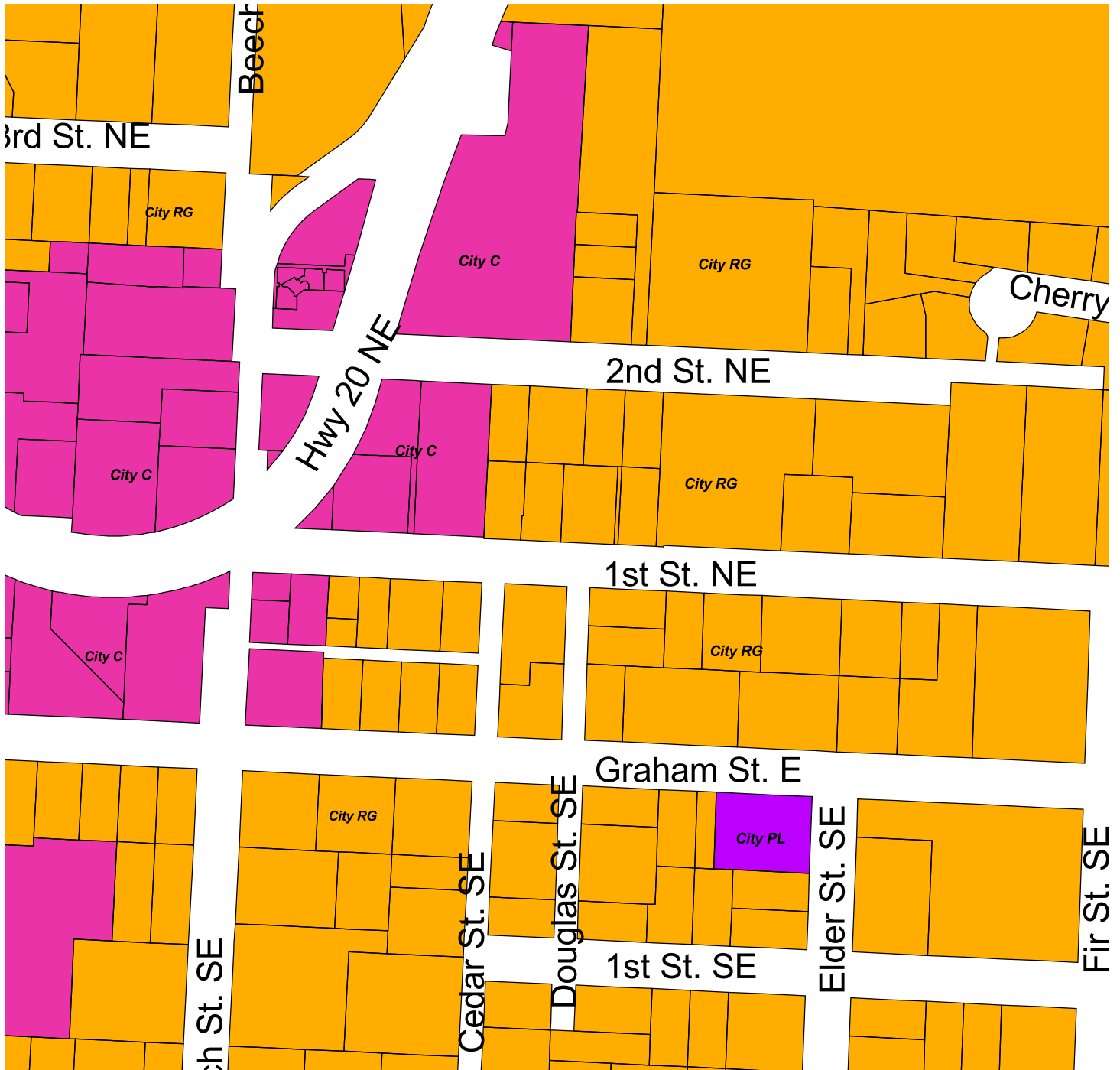
TITLE NO. 20-0215707
ESCROW NO. 20-0215707



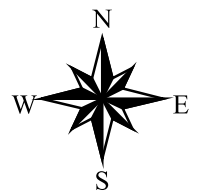
ATTACHMENT C

Zoning Map

(City of Toledo File #MP-1-22)



- City Limits
- UGB
- Parcels
- Railroad
- 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 E
LLA-1-22 Draft Approval
(City of Toledo File #MP-1-22)

CITY OF TOLEDO
LOT LINE ADJUSTMENT STAFF REPORT

PROPERTY: Lincoln County Assessor's Map # 11-10-17 BA Tax Lots 6000 and 4300 (514 NE 1st Street).

APPLICATION #: Case File #LLA-1-22

APPLICANT: Stephen Swinehart, Authorized Agent

OWNER: Edward and Kelly French, Property Owners

APPLICATION DATE: April 13, 2022

DATE OF DECISION: May 4, 2022

REQUEST: The applicants are requesting approval of a property line adjustment for Tax Lots 4300 and 6000. Tax Lot 4300 will change from 5,100 square feet to approximately 5,877 square feet. Tax Lot 6000 will change from approximately 36,268 square feet to approximately 35,491 square feet. The property line adjustment will transfer approximately 777 square feet of land from Tax Lot 6000 to Tax Lot 4300.

LOCATION: The subject properties are located at 514 NE 1st Street and the lot to the east (Tax Lots 6000 and 4300).

I. REPORT OF FACTS:

Existing Size of Tax Lots:	Tax Lot 6000 is approximately 36,268 square feet and Tax Lot 4300 is approximately 5,100 square feet.
Plan & Zone Designation:	General Residential (R-G) for Tax Lots 4300 and 6000.
Existing Structures:	Tax Lot 4300 has an existing Duplex. Tax Lot 6000 is vacant.
Development Constraints:	TL 6000 is sloped downhill to the northeast.
City water & sewer:	Water and sewer services are located in NE 2 nd Street. Water is also available in NE 1 st Street. The duplex is served by City water and sewer.

II. CRITERIA AND FINDINGS:

The following ordinance standards apply to this request. The ordinance standards are listed below in regular type. Staff analysis including facts and findings are highlighted below each ordinance standard in an italicized font.

TMC 16.28.040. The city manager shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

- A. No additional parcel or lot is created by the lot line adjustment; however, the number of lots or parcels may be reduced.

Fact #1: The proposed adjustments will revise the area of two existing parcels and will not result in the creation of additional parcels.

Finding #1: No additional lots or parcels are created by the proposal.

- B. Lot Standards. All lots and parcels comply with the applicable lot standards of the land use district including lot area and dimensions.

Fact #2: The proposal will result in the following adjustments: Tax Lot 4300 will be increased from 5,100 square feet to approximately 5,877 square feet in size. Tax Lot 6000 will be reduced from 36,268 square feet to approximately 35,491 square feet in size.

Finding # 2: The proposed lot line adjustment for Tax Lots 4300 and 6000 will result in a lot size that will meet and exceed the minimum lot size of 5,500 square feet that is required in the R-G Zone. TL 4300 is currently below the minimum lot size and the lot line adjustment will result in a parcel that meets the minimum lot size requirement.

- C. Access. All lots and parcels comply with the standards or requirements of access and circulation.

Fact #3: The proposal will not revise existing access and circulation.

Finding #3: All lots and parcels will comply with the standards of access and circulation.

- D. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district.

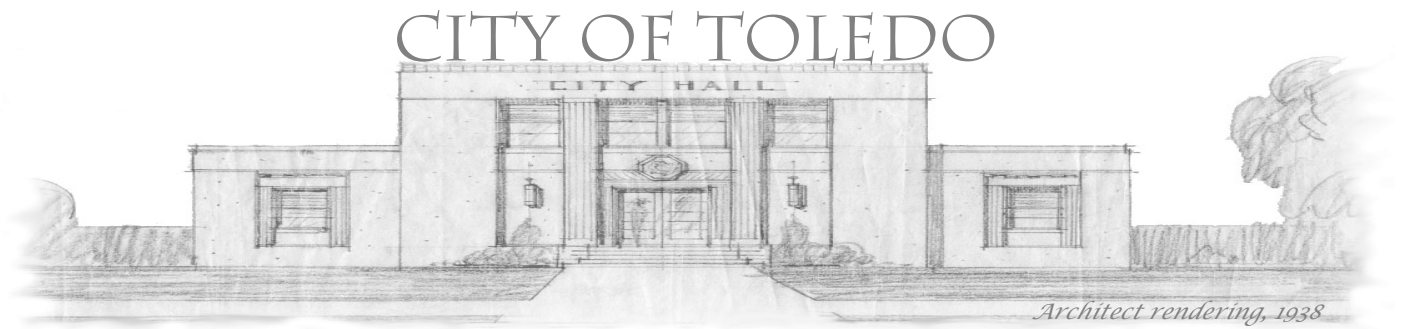
Fact #4: Tax Lot 4300 has an existing duplex. TL 6000 is currently vacant.

Finding #4: The adjusted lot lines will not reduce any setback below the minimum standards allowed for the R-G zone in TMC 17.12.070. The side yard setback for the duplex on TL 4300 will be increased.

III. DECISION

Case File #LLA-1-22 is hereby **approved** provided the following conditions are met:

1. Approval is based on the submitted plan, including the attached map that shows combined Tax Lots 4300 and 6000. Any change to the approved plan will require a new application for a lot line adjustment.
2. Approvals shall be subject to the following minimum conditions:
 - a. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Lincoln County Clerk's office.
 - b. A certified boundary survey map that reflects the approved lot line adjustment shall be filed with Lincoln County. Prior to the filing of the survey map with Lincoln County, the map shall be reviewed by the City and signed by the City Manager.
 - c. Copies of the recorded deeds and filed survey map shall be provided to the City following recordation.
3. Within one year from the date of this decision, the applicant shall file the lot line adjustment survey with the Lincoln County Surveyor's office, and provide a copy of the filed survey to the City of Toledo Planning Department. The date of this decision is **May 4, 2022**.
4. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded with the Lincoln County Clerk within the time limit of one year;
 - b. The lot line adjustment survey is not filed with the Lincoln County Surveyor within the time limit of one year;
 - c. The lot line adjustment has been improperly recorded with Lincoln County without the satisfactory completion of all conditions attached to the approval; or
 - d. The final recording is a departure from the approved plan.
5. Extension. The City shall, upon your written request and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 - a. No changes are made on the original plan as approved by the City;
 - b. You can show intent of recording the approved lot line adjustment within the one year extension period; and
 - c. There have been no changes in the applicable code or plan revisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied.



To: Toledo Planning Commission

From: Justin Peterson, Oregon Cascades West Contract Planner

Date: May 5, 2022

Re: Comprehensive Plan Update – Survey Questions

Background

The 2020 Vision for Toledo, Oregon - 2000 Toledo Comprehensive Land Use Plan (Plan) was adopted on April 4, 2001. The current vision for the City needs to be updated to incorporate the current vision and goals for the City of Toledo. The last update was intended to plan for the next 20 years and we are now past 2020.

Draft Survey Questions

The survey questions below are draft questions. The questions will be modified or removed based on Planning Commission and City Council input. The plan is to have the survey primarily available online using survey monkey with a write in option. The goal of the survey is to increase public outreach and support the comprehensive plan update process. We plan to have the survey available in English and Spanish.

An introduction page will describe the comprehensive plan process and why the city is completing an update. Survey is high level and the first step to community outreach.

Date of the joint work session – Tentatively scheduled for June 22nd.

Survey Questions (Note: Aiming for 8-10 questions. Other question options: a transportation question.

1. What are the greatest strengths of Toledo? (choose up to three).
 - Location,
 - Parks and recreation options/areas,
 - City services,

- Employment opportunities,
 - Public safety,
 - Community/inclusivity,
 - Housing,
 - Arts/ culture,
 - Shopping options,
 - Active/responsible city government,
 - Affordability,
 - Volunteer opportunities,
 - Toledo's downtown,
 - Other (please specify).
2. Thinking about the future of Toledo, what are the three most important things the city should focus on? (choose up to three).
- Public safety,
 - Improving streets/ transportation infrastructure,
 - Expanding public transit,
 - New business development,
 - Supporting existing businesses,
 - Trails (biking and walking),
 - Greenspaces/parks,
 - Community accessibility,
 - Access to Arts & Culture,
 - Improve Public facilities and services (sewer, water, etc.),
 - Increasing housing options,
 - Downtown improvements,
 - Natural hazard and emergency preparedness,
 - Education,
 - Childcare availability,
 - Broadband access,
 - Other (please specify).
3. What are your top priorities for Toledo's downtown? (choose up to three)
- Mix of housing and commercial,
 - Improved walkability (e.g. new sidewalks, wider sidewalks),
 - Business support and attracting businesses,
 - Façade improvements,
 - Public infrastructure improvements (streets, sidewalks, water lines, sewer lines, etc.),
 - More outdoor events and festivals (street fairs, Toledo Art, Oysters, and Brews, etc.),
 - Revitalizing historic buildings,
 - Art and culture (murals, galleries, etc.),

- Enhancing Public Safety,
 - Other (please specify).
4. If you could promote and target economic business development and growth – which of the following sectors would be a good fit for Toledo? (choose up to three)
- Transportation and wholesale/warehousing,
 - Agriculture, Forestry, fishing and hunting,
 - Construction,
 - Accommodation and Food services,
 - Financial and Banking,
 - Legal,
 - Insurance and real estate services,
 - Retail,
 - Light Industrial,
 - Heavy Industrial,
 - Manufacturing,
 - Health/Medical/Life services,
 - Automotive,
 - Educational services,
 - Arts and culture,
 - Agri-tourism,
 - Other (please specify)
5. What are your top priorities for recreation in Toledo? (choose up to two).
- Trails/paths,
 - Maintaining and improving existing parks,
 - Developing new parks,
 - Community Gardens,
 - Dog Parks,
 - Tennis Courts or Pickleball Courts,
 - Sports Fields,
 - Indoor options,
 - Other (please specify).
6. What natural disasters are you most concerned about in Toledo? (choose up to two).
- Landslides,
 - Windstorm,
 - Flooding,
 - Earthquake,
 - Wildfires,
 - Tsunami,
 - Drought,
 - Other (please specify).

7. Where do you work? Toledo, Newport, Siletz, Waldport, Lincoln City, other (please specify) (Note: 7-9 in a matrix format)
8. Where do you shop (groceries, retail, etc.) most often? Toledo, Newport, Siletz, Waldport, Lincoln City, other (please specify)
9. Where do you eat out most often? Toledo, Newport, Siletz, Waldport, Lincoln City, other (please specify)
10. Describe your favorite thing about the City of Toledo in one word. (Note: this question will be used to create a word cloud)

Demographic and General Questions (each question will have a prefer not to answer option)
(Other question ideas: language question, gender question, household size, household income, education, Marital status, employment status)

1. Do you live in Toledo (inside city limits or the urban growth boundary)? Yes/No
2. If yes, how long have you lived in Toledo? 5 years or less, 6-10 years, 11-15 years, 15 plus years
3. Do you own a business in Toledo? Yes/No
4. What is your age? 18-24, 25-34, 35-54, 55-64, 65+
5. Are you of Hispanic, Latino, or of Spanish origin? Yes/No
6. How would you describe yourself? American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White (option to select two will be available)
7. What best describes your housing situation?
 - Homeowner,
 - Renter – apartment or home,
 - Renter – roommate,
 - Living with parents or a family member,
 - Unsheltered,
 - Group home,
 - Other (please specify).
8. How do you prefer to get your information from the city? (select all that apply).
 - Mailings,
 - Newsletter,
 - In-person events,
 - City website,
 - Social media,
 - Traditional electronic media (TV, radio, etc.),
 - Newspaper.

Final open ended question.

Is there anything else you would like to share to assist with the development of the Toledo Comprehensive Plan?

Comprehensive Plan Chapters.

In review of the Comprehensive Plan Chapters Staff believes the plan can be updated in coordination with other planning efforts. Some chapters will be a small update with a large update pending future planning efforts.

1. Citizen Involvement
2. Land Use Planning
3. Agriculture
4. Forested Areas
5. Open Spaces, Scenic, and Historical Areas, and Natural Resources (ideally this is updated at the same time a Local Wetlands Inventory (LWI) is completed. Staff suggests a minor update and then revisiting this section when funding is obtained to complete an LWI.)
6. Air, Water, and Land Resources Quality
7. Natural Hazards (2020 NHMP)
8. Recreation Needs
9. Economic Development (2010 Economic Opportunities Analysis(EOA))
10. Housing (Expected Housing Needs Analysis)
11. Public Facilities and Services
12. Transportation (2013 Transportation System Plan (TSP))
13. Energy Conservation
14. Urbanization and Livability
15. Intentionally Left Open (Goal 15 is the Willamette Greenway)
16. Estuarine Resources
17. Coastal Shorelands

Goals and Objectives for the Comprehensive Plan Update

Goal: Update the Toledo Comprehensive Plan. Prepare a hearings-ready comprehensive plan amendments to update the Vision for the City of Toledo.

Objective 1: Inclusive Outreach. The City intends to complete a broad outreach and engagement process to ensure that all Toledo Citizens are able to participate in the update process.

Objective 2: Community Participation. The City desires a robust public involvement process to consider the input for all Toledo citizens. Through the visioning process, residents and businesses will be able to reflect on current and potential opportunities and think creatively about the future.

Objective 3: Focus on Housing. The City desires to focus on housing development. With the anticipated HNA and BLI update and the need for additional housing in the community housing will be a focus throughout the update.

Objective 4: Education and Government Transparency. The community will educate City staff and elected officials on their experiences living in Toledo and their aspirations and values for the future, and in turn, the City staff and elected officials will have opportunities to share how the government functions and why Comprehensive Planning is important.

Objective 5: Comprehensive Plan Goals and Objectives. Based on public input, develop goals and policies for the Comprehensive Plan.