

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Anne Learned-Ellis. Commissioners present: Cora Warfield, Brian Lundgren, Ruthanne Morris, Ricky Dyson, and Jonathan Mix (arrived at 6:33 pm). Excused was Terri Neimann (was in attendance, but due to technical issues, lost connection at 6:30 pm).

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

VISITORS: Rich Kuehn, Ed French, and Stephen Swinehart

APPROVAL OF THE APRIL 13, 2022, MINUTES:

Commissioner Lundgren noted two corrections. Page 2, Paragraph 6 should be corrected to remove "as" and Page 4, Paragraph 1, add the word, "is" before "willing to work". Commissioner Mix entered the meeting at this time. It was moved and seconded (Dyson/Lundgren) to approve the March 9, 2022, minutes as circulated and corrected by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann.

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):

President Learned-Ellis opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Lundgren reported he worked at the site for the construction project and President Learned-Ellis is familiar with the site. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He reported that the request is for a change to the existing conditional use permit that was approved last year. The proposal includes a change to Condition of Approval #3 to remove the requirement that the temporary structure must be replaced with a permanent structure. The applicants would like to continue to use the temporary structure during the research and development phase, and to expire March 31, 2026. The temporary structure would have to continue to receive annual building/fire review for re-certification. One year extensions can be issued by the Building Official's certificate of occupancy. No other modifications or revision are proposed.

CP Peterson reviewed the findings presented in the staff report. He noted that the current certificate of occupancy is approved through June 1, 2022. If approved, the applicants will need to receive an updated certificate of occupancy.

The property is located at 5441 Highway 20 and is in the Light-Industrial Zone. The original conditional use permit allowed for the expansion of the existing waste/transfer facility to allow the

baler facility. Normally, temporary structures are only allowed for 180 days, but the applicants worked with both the Fire Department and Building Division to extend the time limits. CP Peterson reviewed the criteria and recommended approval of the extension and the requirement to obtain an annual certificate of occupancy. President Learned-Ellis asked if the request is not approved, the applicants would need to discontinue use of the temporary structure. CP Peterson clarified that the applicants want to continue use of the temporary structure while they complete the research and development work needed on the baler project.

Applicant Testimony: Rich Kuehn of Dahl Disposal, 5441 Hwy 20, reported that staff summarized the request well. The membrane structure will outlast the time period they are requesting (2026), but they are asking for an extension in order to continue the research work and wanting to align the use with GP's facility.

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. It was moved and seconded (Warfield/Dyson) that 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. The **motion passed** unanimously, noting the absence of Neimann.

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):

President Learned-Ellis opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, President Learned-Ellis reported she conducted a site visit. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He reported that the proposal is to create three parcels. The property fronts NE 1st Street and NE 2nd Street. Two proposed parcels are on the south side (NE 1st Street) and one on the north side (NE 2nd Street). A property line adjustment has been reviewed and is nearing approval. This would adjust the property boundaries for Tax Lots 4300 and 6000. The lot line adjustment plat must be finalized before the minor partition plat can be finalized.

The proposed partition meets the R-G Zone standards. Water and sewer are available and an easement will be provided for any utility services to cross Parcel 3. CP Peterson reviewed the

criteria, minimum lot size, and the ability for Proposed Parcel 3 to be divided in the future. Although, there are some slopes on the site, which could limit future development. The proposal meets the Comprehensive Plan goals and objectives. Proposed improvements will be proportional to the impacts of the development. There will be driveway, street, and sidewalk improvements and the applicant could defer those improvements until development occurs. Sidewalk improvements are needed, based on the requirement that there are sidewalks within 500' of the project. The work can begin when a building permit is issued. The applicant expects to start on the two southern parcels, along NE 1st Street. When this work begins, the sidewalk and street work will also be needed. The NE 2nd Street work would not be needed until construction starts on Parcel 3. Commissioners reviewed the current location of sidewalks, sidewalk width, and deferred improvement agreements.

The property has double frontage, but the proposed partition would remove the double frontage. The Public Works Department has asked for a stormwater plan when construction begins. The applicant expects the utility line for Parcel 1 and 2 to cross Parcel 3, and an easement has been identified in the proposal. Some site work and fill will be needed for the property.

CP Peterson reviewed proposed conditions. He noted a typo on Page 11, under Staff Analysis, should list "three" lots and Page 1, should be "steeper" under Topography. Staff recommends approval of the request.

Applicant Testimony: Ed French at Bus. Highway 20, Toledo, owns the property and has been working on the lot line adjustment to provide the existing home with an off-street parking area. He plans to provide affordable housing, with a duplex on Parcels 1 and 2. He will work with Public Works on the sidewalk requirement and is willing to sign the deferred improvement agreements. The sewer line connections will be challenging, as the properties will be served from NE 2nd Street. He expects to work on the two properties on NE 1st Street first.

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. It was moved and seconded (Lundgren/Warfield) that 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. The **motion passed** unanimously, noting the absence of Neimann.

DISCUSSION ITEMS: COMPREHENSIVE LAND USE PLAN UPDATE AND SURVEY QUESTION REVIEW:

Commissioners reviewed the proposed Comprehensive Plan survey. It will be an online questionnaire with the option for paper submittals. Information will be provided in the newsletter, website, and newspaper. English and Spanish versions will be available. Surveys can be available at City Hall, Library, farmers market, and online. Based on discussion, the survey will be modified to allow multiple selections for #3, #4, #5, and #6; expand the options for the type of residency; modify the responses for employment status/retired; include an education question, and limit the demographic questions.

The joint Planning Commission/City Council worksession will be held June 22nd to review the Comprehensive Plan update. Several Commissioners offered to volunteer to sit at the Thursday Market to distribute the survey. Commissioners also discussed an incentive to complete the survey.

DISCUSSION ITEMS: OREGON PARKS AND RECREATION GRANT – ARCADIA PARK:
CP Peterson reported that the Arcadia Park grant application was just submitted. This project includes restroom improvements, curbs and ramp upgrades for ADA compliance, crosswalk improvements, sidewalk widening, tennis court surface improvements, new fencing, and updated lighting. Grant awards will be announced late this summer.

STAFF COMMENTS:

CM Richter announced that Cycle Oregon is sponsoring a bike event that will be held in Toledo on May 20th. The gravel ride will be from Toledo to Ona Beach and campers will be located at Memorial Field. Volunteers are needed for the event.

COMMISSIONER COMMENTS:

President Learned-Ellis noted the new sign at the library.

Commissioner Mix apologized for being late, as it is his son's birthday.

There being no further business before the Commission, the meeting was adjourned at 8:00 pm.

Secretary

President