

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

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) Mike Adams, Community Outreach Specialist Katy Keuter, Planning Assistant Arlene Inukai.

VISITORS: Sheila Stiley, Robert Bare, Samantha Hergenroeder, Brian Ludwig, Candy Ludwig, Norman Thompson, Tony Reed

APPROVAL OF THE MAY 10, 2023, MINUTES:

It was moved and seconded (Dyson/Mix) to approve the May 10, 2023, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann, Morris, and Warfield

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A MULTI-FAMILY RESIDENTIAL USE IN THE SINGLE-FAMILY RESIDENTIAL ZONE AND VARIANCE TO THE REAR PROPERTY LINE STANDARDS, FOR PROPERTY LOCATED AT SE STURDEVANT ROAD (FILE #CU-2-23/VAR-2-23), REQUESTED BY NORTHWEST COASTAL HOUSING AND CITY OF TOLEDO:

President Learned-Ellis opened the public hearing by stating the nature and purpose. Commissioners Mix and Learned-Ellis reported they each viewed the property, but there were no declarations of ex parte contact, bias, or conflict of interest. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He reported that the request is for a conditional use for a 30-unit apartment in the RS Zone and variance to the rear setback standards. The 1.7 acre property is shown as the newly approved partitioned parcel, which is currently being finalized. The proposed building location is in the RS Zone and is outside of the adjacent NR Zone. There is a conservation easement and wetlands on the NR Zoned property and is not the building site. The project will also be outside of the floodplain. A future lot line adjustment may be necessary in order to remove any floodplain from the property. DSL has been notified of the project and the applicant will need to coordinate the project with the State to show the work is outside of the wetland area. The property has sewer, power, and water line easements crossing the site. The structures will avoid the easement areas. City water and sewer services are available to the property.

CP Peterson reported that comments from Lincoln County Public Works were included in the staff report. The applicant must continue to work with Lincoln County for the final access design because Sturdevant Road is a County road. The proposal shows two access points to serve the property, but the layout and directional restrictions must be approved by Lincoln County. There is

also an option to establish one driveway for property. Toledo Fire Department noted a fire access lane and hydrant requirements. One comment was received from the neighbor expressing concerns with safety at Sturdevant Road and impacts to the wildlife at the area. One comment was submitted after the staff report was completed and was distributed for review tonight.

The RS Zone allows multi-family residential with a conditional use permit. This same request was reviewed and approved by the Planning Commission in 2021. The conditional use and variance policies only allow one extension to the deadline date and the 2021 approval would expire July, 2023. If approved, this provides the applicant one more year to break ground.

CP Peterson reviewed criteria for the request, the Comprehensive Plan housing policies, and proposed findings listed in the staff report. The applicant would need to follow the building permit process, fire code requirements, and stormwater standards. The existing barn would be removed. The applicant will also need an approved access permit from Lincoln County, which may also include some street or guardrail improvements for the project. The site plan shows 59 parking spaces for the project. The zoning ordinance requires 47 spaces, based on the number of units. The structures will be 26' in height, which is less than the maximum height standard. The applicant must protect all of the easement areas on the site. If the slope is 25% or more, a geo-tech report is required. There should be no impacts to the wetlands, as the project is not located in the NR Zone area. The property was rezoned in 2001 through the Periodic Review process. The current application does not propose a rezone of the property. The City received approval to partition the 22 acre site into two parcels. The partition plat is still being finalized and the City expects to submit the final plat to be recorded soon. The project would be on Parcel 1. Staff included a maximum size limit of 32 square feet for signs at the site.

CP Peterson explained that the variance request is for the rear setback standard. The applicant's original application from 2021 asked for a reduction from the 15' minimum standard to 1'. Since that time, the zoning ordinance was amended and the current minimum rear yard setback is 5'. The applicants are now asking for a reduction from the minimum 5' rear yard setback to 1'. CP Peterson reviewed variance criteria and the facts/findings listed in the staff report.

Staff recommends approval of the requests, with the adoption of the recommended conditions of approval. The applicant would need to have an approved Lincoln County Access Permit, a landscape and stormwater plan must be submitted, 'no trespass' sign posted along the western property line, and possible geo-tech report. The partition plat would need to be recorded prior to development.

Applicant Testimony: Sheila Stiley of Northwest Coastal Housing reported that it has been a good partnership working with the City to get this project in Toledo. There would be 22 one-bedroom units and 8 two-bedroom units. She clarified that they are working with Lincoln County on the access plan and are open to restricting ingress/egress to right-turn only on the northern driveway. They prefer the two-driveway approach, because a significant amount of fill and retaining wall work would be needed to expand the driveway for a single approach.

Ms. Stiley provided the following information, in response to Commissioner questions:

- It was not been determined yet, but the northern driveway could be limited to the access point for southbound lane. The southern driveway for the northbound lane.
- They have a geo-tech report prepared for the project. There were no issues of concerns for the

- project.
- Some fill would be needed to level the area.

Proponent Testimony: None

Opponent Testimony: Brian Ludwig of 1310 SE Sturdevant Road, stated he is not against the project, but expressed concerns with the added traffic. He stated that his driveway is difficult because of the blind corner and lack of vision of on-coming traffic. There have been a lot of near misses. Most vehicles are travelling too fast, exceeding the speed limit. The proposal includes 59 parking spaces, but this is concerning for the neighbors. He suggested a mirror may improve safety along the road.

President Learned-Ellis suggested Mr. Ludwig speak with Lincoln County about the existing safety concerns and thought a mirror would be a good idea. Commissioners discussed the existing concerns and the need to work with the County to mitigate the current issues. They may need to review the speed limits in the area.

Norman Thompson of 1681 SE Sturdevant Road, reported he lives next to the subject project and stated he was opposed to the site being rezoned. He asked for clarity if the City would continue to own the property or sell. CM Adams reported that they are working on a 99-year lease with the option to purchase.

Mr. Thompson expressed his opposition to the project and the City's handling of the property. He noted that he was opposed to several changes at the site during the last 20 years. Several years ago, the voters were asked for an advisory vote if it the City should purchase the property. There are concerns with the safety of Sturdevant Road. A lot of wildlife visit the site. Since the dike was removed, water has washed away his property, including two trees lost due to erosion.

Other Interested Parties: None.

Applicant Rebuttal: Ms. Stiley reported that Lincoln County Public Works discussed the option of a traffic study, which could cause a reduction to the speed. Safety improvements in the area would be beneficial. A mirror would also be helpful. She recognizes the concerns and wants to make the project safe. There may be road, guardrail, turn lane improvements that could improve safety.

Questions by Commission: Commissioners discussed the option to reach out to Lincoln County to move forward with a traffic study and encourage safety improvements that benefit the area.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners noted the written comments handed out tonight and they are part of the record. Commissioners discussed impacts to Sturdevant Road, supporting a traffic study of the area, and reviewed the process for a speed zone review. The applicant can also reach out to Lincoln County to support a traffic and speed zone study. It was clarified that the applicant will need to work with Lincoln County to determine the best access option and street improvement standards.

It was moved and seconded (Mix/Lundgren) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on June 14, 2023, the Planning Commission finds that the request by the City of Toledo and Northwest Coastal

Housing, (CU-2-23 and VAR-2-23) complies with the criteria identified in Toledo Municipal Code 17.64.050 and 17.68.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for CU-2-23 and VAR-2-23, and allowing for the correction of typographical and grammatical errors. The **motion passed** unanimously, noting the absence of Neimann, Morris, and Warfield.

The Planning Commission took a brief recess and the meeting was resumed at 7:45.

WORKSESSION: COMPREHENSIVE LAND USE PLAN UPDATE – INTRODUCTION
CHAPTER UPDATES:

CP Peterson reported that draft updates will be reviewed over the next few months in detail. In July, the Planning Commission will get an update from DLCD on the Yaquina Bay Estuary Management Plan project. Planning Commissioners were asked to review the draft Introduction Chapter and return comments or updates to staff.

STAFF COMMENTS: CP Peterson announced that City Manager Judy Richter’s retirement party will be held June 21st at 4:30pm. CM Richter noted that next Wednesday will be her last day in the office, but she will continue to work remotely for a couple months. She will continue to attend Planning Commission meetings through Zoom. The Commission wished CM Richter well in retirement.

CM Richter announced National Night Out will be held August 1st at Memorial Field.

COMMISSIONER COMMENTS: None.

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

Planning Assistant

President