

Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
August 13, 2025
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. Participants can also visit www.cityoftoledo.org/meetings for meeting details.

1. CALL TO ORDER AND ROLL CALL
2. ELECTION OF OFFICERS for the 2025-2026 fiscal year
3. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
4. APPROVAL OF THE JUNE 11, 2025 MINUTES as circulated and reviewed by the Planning Commission
5. PUBLIC HEARING: Subdivision to create seven lots for property located at NW 5th Street/Bus. Hwy 20/Bay Blvd (File #SD-1-25), requested by Dewey and Carol Goodell
6. DISCUSSION ITEMS:
 - a. Updates and Reports
 - i. Traffic Calming Introduction
 - ii. Grant Updates
 - iii. Building Permit and Land Use Application Updates
 - iv. Other
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 6:31 pm by President Cora Warfield. Commissioners present: Brian Lundgren, Anne Learned-Ellis, Ricky Dyson, Jonathan Mix, and Dennis Sutherland.

Staff present: Contract Planner (CP) Justin Peterson and Planning Assistant Arlene Inukai.

VISITORS: Jim Chambers and Charles Adams

APPROVAL OF THE MAY 14, 2025 MINUTES:

It was moved and seconded (Lundgren/Warfield) to approve the May 14, 2025, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Learned-Ellis and Dyson abstaining.

PUBLIC HEARING: MODIFICATION TO A CONDITIONAL USE PERMIT TO AMEND A CONDITION OF APPROVAL TO ADD A NEW BUILDING AT THE PROPERTY LOCATED AT 1803 NW LINCOLN WAY (FILE #CU-3-98MOD), REQUESTED BY INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (CHARLES W. ADAMS AUTHORIZED AGENT):

President Warfield opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest. Commissioners Learned-Ellis and Warfield each reported a site visit and Commissioner Dyson reported he is familiar with the area. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall and corrected a couple typographical errors located in the report. The proposal is for a modification to the existing Conditional Use Permit (CUP) to construct a new building at 1803 NW Lincoln Way. The original CUP was reviewed and approved in 1998 to convert the old hospital/clinic into a church in the R-S Zone. The property has been utilized as a church since that time. CP Peterson reviewed proposed facts and findings, criteria for the request, R-S Zone requirements, and proposed conditions of approval. Staff proposed modifications to the original conditions of approval to state that a deferred maintenance agreement could be signed and recorded that specifies the public road improvements be deferred, without the three year period.

Notice of the request was sent to public agencies and surrounding property owners and no public comments have been submitted. The City sent notice to Oregon DEQ for the question of underground tanks and DEQ provided information on the fuel tank program. It is unclear if the storage tanks are still onsite. Since the original conditional use permit was approved, the City has adopted updates to the Comprehensive Plan policies and ordinances. The zoning ordinance now allows two years to begin development or submit the building permit application.

The proposed building will be on the north side of the property, in an area that previously contained a structure. Access will not be changed. A parking plan will need to be reviewed during

the building permit phase. The application provided a description of the proposed use of the building, but the specifications will also be needed during the building code/fire code review for the building permit application.

Applicant Testimony: Charles Adams, Pastor of Foursquare Church, reported that the building would be 30x60' and used for storage and shade in the summer. The site contained an 8500 square feet building before being removed about 10 years ago. The fuel tanks were located in the back of the facility, by the garage. The fuel was removed and filled with sand.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Sutherland noted that if the storage tanks are in the back of the property, it should not impact the proposed building site. Commissioners discussed if the previous condition of approval regarding the tanks should be modified. It was determined that the existing condition can stay in place and the owner should work with Oregon DEQ to resolve the question about tank removal.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Mix voiced that if the tanks are not in the building area, they could move forward. It was the consensus of the group that the owner follow-up with DEQ for the tank removal investigation.

It was moved and seconded (Learned-Ellis/Dyson) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on June 11, 2025, the Planning Commission finds that the request by International Church of the Foursquare Gospel and authorized agent Charles W. Adams, (CU-3-98(mod#1)) 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-3-98(mod#1), and allowing for the correction of typographical and grammatical errors. The **motion passed** unanimously.

DISCUSSION ITEMS: Updates and Reports:

CP Peterson provided an update for the Arcadia Park project, noting that Public Works plans to resurface the tennis/pickleball courts soon. This is part of the grant project for upgrades and a restroom at the park.

The July Planning Commission will be cancelled.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS:

President Warfield reported she attended a Planning Commission training session and provided scenarios about common pitfalls that planning commissions experience. CP Peterson added that it would be good to provide another training session in the future.

Commissioner Learned-Ellis wished all a safe 4th of July.

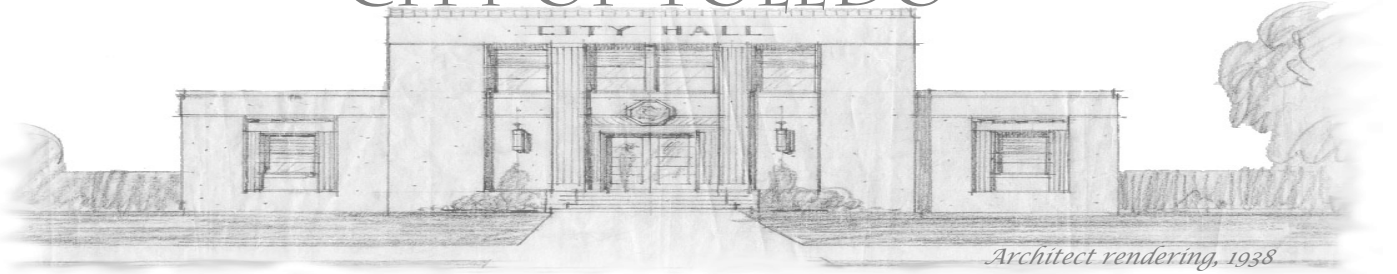
Commissioner Dyson asked for an update on the apartment project on Sturdevant Road. CP Peterson reported that the building permit has been submitted and is currently under plan review at Lincoln County. The Conditional Use Permit would have expired in mid-June if the building permit was not submitted, but they have meet the timelines. They hope to break ground this summer. The project is funded by various state and federal programs.

There being no further business before the Commission, the meeting was adjourned at 7:13 pm.

Planning Assistant

President

CITY OF TOLEDO



TO: Toledo Planning Commissioners
FROM: Arlene Inukai, Planning Assistant
DATE: August 6, 2025
RE: Election of Officers

The August 13th agenda contains the election of officers for the 2025-2026 fiscal year.

Be prepared to make nominations to fill the Planning Commission President position and Planning Commission Vice President position. Currently, Cora Warfield is the Commission President and Brian Lundgren is the Vice President.

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-7 DC as Tax Lot 4600, also known as 519 & 525 Bay Blvd; 749 & 767 W Hwy 20; 821, 847, & 867 NW 5th Street

APPLICATION #: SD-1-25

AUTHORIZED AGENT: David Loomis

PROPERTY OWNERS: Dewey and Carol Goodell (Applicants)

APPLICATION DATE: May 14, 2025

DATE APPL COMPLETE: July 17, 2025

HEARING DATE: Planning Commission – August 13, 2025

REQUEST: The request is for a Subdivision of approximately 6.74 acres to create 7 lots. The parent parcel currently has eight buildings. Three of the proposed lots will have existing single-family dwellings, one with an accessory building. Four of the lots will have existing commercial buildings. The applicant is requesting a subdivision, as marked on the attached Exhibit A to this staff report.

LOCATION: The property is identified as Lincoln County Assessor's Map #11-10-7 DC Tax Lot 4600 also known as 519 & 525 Bay Blvd; 749 & 767 W Hwy 20; and 821, 847, & 867 NW 5th St.

PARCEL SIZE: Tax Lot 4600 is approximately 6.74 acres in size. The proposed lots range in size from approximately 2,600 square feet to approximately 3.5 acres.

I. REPORT OF FACTS:

1. Plan Designation: Light Industrial and Commercial
2. Zone Designation: Light Industrial and Commercial
3. Existing Structures: Three single-family homes with one detached garage and four commercial buildings are located on the property. The commercial uses include the Toledo Scrub-a Dub car wash and the Toledo Motor Supply, and two industrial shop buildings.
4. Topography: The property is relatively flat with some slopes on the northwestern portion of the lot.
5. Development Constraints: All of the proposed lots are developed with existing buildings, driveways, parking areas and/or outdoor storage areas. There is a drainageway that crosses lots 6 and 7 leading to Depot Slough.

Lot 1, with the car wash, is zoned Commercial. The remainder of the parcel is zoned Light Industrial.

The drainage ditch is identified on the Toledo Local Wetlands Inventory.

The property is substantially located in the 100-year Floodplain. Any future development on the property is the Floodplain is subject to the standards in TMC 15.16 and subject to the FEMA BIOP standards.

Title 18 of the TMC establishes riparian corridors. Depot Slough has a 50-foot riparian boundary from the Top of Bank.

- 6. City water: City water is available. The existing uses are connected.
- 7. City sewer: City sewer is available. The existing uses are connected
- 8. Notice of Public Hearing: Notices mailed to 46 property owners and 19 public/service agencies on July 24, 2025 (note that due to a technical glitch 6 public/service notices were delayed to July 28, 2025). A wetland land use notification was submitted to the Department of State Lands (DSL).
- 9. Notice Published: July 30, 2025 and August 6, 2025
- 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 – Preliminary Subdivision Plan
 - B. Application with supporting information
 - C. Zoning Map
 - D. Aerial Map

II. APPLICABLE CRITERIA FOR EVALUATING THE SUBDIVISION 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. 2023 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.

Commercial - This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with commercial areas including allowing residential uses. A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

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 at appropriate locations to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy.

2. **TMC Chapter 17.16 – C Zone and TMC Chapter 17.20 – LI Zone.**

Staff Analysis: Tax Lot 4600 appears to be a lawfully created unit of land according to the Lincoln County Assessor's records.

The subject property is approximately 6.74 acres. The applicant is requesting to divide the property into seven lots, resulting in proposed Lot 1 being approximately 22,200 square feet, proposed Lot 2 being approximately 15,722 square feet, proposed Lot 3 being approximately 14,225 square feet, proposed Lot 4 being approximately 2,860, proposed Lot 5 being approximately 2,860 square feet, proposed Lot 6 being approximately 156,953 square feet, proposed Lot 7 being approximately 57,248 square feet.

There are no lot size, lot width or lot depth requirements for new lots in the C or LI Zone. Proposed Lot 1 will be zoned Commercial. Proposed Lots 2-7 will be zoned Light Industrial.

The applicant is not proposing to change the use of the property. Many of the existing uses are considered legal non-conforming uses. Proposed Lots 1 and 2 will be commercial uses (Car Wash and Car Parts Store). Proposed Lots 3, 4, and 5 will be residential uses. The residential lots will be considered legal non-conforming uses. The applicant stated in the pre-app meeting that they are considering a zone change and comprehensive plan map change to residential. Proposed Lots 6 and 7 will be industrial uses.

3. **2023 Toledo Comprehensive Land Use Plan – Article 9, Goal 3 – Economic Development**

1. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Toledo's residents and others. Reduce the need for Toledo's residents to go to other communities for retail purchases and services.

4. **2023 Toledo Comprehensive Land Use Plan – Article 14, Goals 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 subdivision is adjacent to existing city streets minimizing the need for additional infrastructure. The proposed subdivision divides a property generally along existing use boundaries. This will allow the future sale of individual lots rather than the sale of a single lot with multiple distinct uses. For example, the Commercial lot 1 (car wash) could be sold separately when the subdivision is completed. The subdivision promotes economic development in the City of Toledo. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code and standards.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

5. 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 August 6, 2025, the subdivision appears to conform to relevant provisions of the City's plans and ordinances as described herein. The City of Toledo updated the subdivision and partition code on May 7th and the code was effective on June 7th (See Ordinance 1429). The applicant submitted the application prior to adoption and elected to use the "old" subdivision code.

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: All of the proposed lots have existing development and existing driveways on either Business Hwy 20, NW 5th St or Bay Blvd. Bay Blvd is a County Road, Business Hwy 20 is a city road, and NW 5th Street is currently an undedicated road. NW 5th Street is proposed to be dedicated to the City of Toledo. Based on review of the tax lot map the roadway is predominately on the neighbors to the north lots. However, the applicant provided documentation of a surveyor's error. The area proposed to be dedicated is from the Goodell property.

Any driveway modifications shall be reviewed and approved by the City of Toledo Public Works Department and/or the Lincoln County Public Works Department. Staff recommends that this is listed as a condition of approval.

Proposed Lot 1 has driveway access to Business Hwy 20 and Bay Blvd. Proposed Lot 2 driveway access to Business Hwy 20. Proposed Lots 3,4, and 5 have access onto what is labeled as NW 5th Street (see analysis above). Proposed Lots 6 and 7 have driveway access to Bay Blvd. Any driveway modification to Bay Blvd, 5th Street, or Business Highway 20, 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 any future development will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. Any required easements shall be noted on the plat and will be listed as a condition of approval.

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 only 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 3.11 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 day (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: Proposed Lot 1 is adjacent to Business Hwy 20 and Bay Blvd. Proposed Lot 2 is adjacent to Business Hwy 20. Proposed Lots 2, 3, and 4 are adjacent to NW 5th Street. Proposed Lot 6 is adjacent to Bay Blvd. Proposed Lot 7 is adjacent to Bay Blvd and NW 5th Street. Road improvements may be required by the City of Toledo Public Works Department or Lincoln County Public Works if the lots are redeveloped. Staff recommends that this is listed as a condition of approval.

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. Sidewalks are located on Business Hwy 20 and on a portion of Bay Blvd within 500 feet (adjacent) of the property. The applicant proposed to sign a deferred development agreement for Bay Blvd Improvements. The sidewalks on Business Hwy 20 are existing. The applicant is dedicating NW 5th Street to the city and will be required to sign a deferred development agreement. The entirety of the dedication shall be from the Goodell property as indicated on the submitted plat and application. Staff recommends that this is listed as a condition of approval.

6. 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.

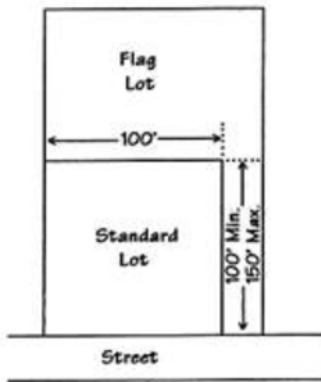
Staff Analysis: The application is for a subdivision. Business Hwy 20 and Bay Blvd are existing Streets. NW 5th Street is proposed to be dedicated to the city. Historically, NW 5th Street has operated as a Street; however, it has never been dedicated, and no public easement exists.

7. TMC 16.04.050 (D). All subdivisions within residential zones shall create enough lots to allow building residential units to meet the higher of the following density standards

Staff Analysis: The proposed subdivision is not within a residential zone. The subdivision does create three lots that will have single-unit residences. The applicant may complete a zone change and Comprehensive Plan map change in the future.

8. 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 lot shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty five (25) feet. The preliminary subdivision plat shows each lot will have in excess of 25 feet of frontage on a public street.

Staff Analysis: TMC 16.04.050 (E)(2) provides that lots with double frontage shall not be permitted unless an odd-shaped tract, existing street layout, or existing topography makes such a lot unavoidable. The preliminary subdivision plat shows that lot 6 will have frontage on both NE 5th St and Bay Blvd. The current access to the existing use on lot 6 is from N Bay Blvd. Lot 1 is a corner lot and not considered a double frontage lot. Staff recommends a condition of approval prohibiting future access from lot 6 to N 5th St.

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 preliminary subdivision plat shows side lot lines will be close to perpendicular with the street except for the line between lots 6 and 7. The proposed lot is in excess of 3 acres in size.

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 lots 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 lots 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. Lots 2, 3, 4, and 5 are less than 25,000 square feet in area. The depth-to-width ratio on lots 2, 4, and 5 is approximately 1. The depth to width ratio on lot 3 is less than 1. Lots 6 and 7 are larger than 25,000 square feet. Lot 6 is irregularly shaped and in excess of 3 acres in size. The TMC does not define the terms lot width or lot depth. Lot 6 will have approximately 88 feet of street frontage on N Bay Blvd and approximately 178 feet of street frontage on NW 5th St. In a line that is roughly parallel with N Bay Blvd, the lot is approximately 400 feet wide. On a line that is roughly perpendicular to N Bay Blvd, the lot is approximately 900 feet deep. Therefore, the lot depth to width ratio does not exceed 3.5. The lot depth-to-width ratio for lot 7 is approximately 1.

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 lots 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. The Toledo Local Wetlands Inventory identifies two drainage ditches on the property. The Statewide wetlands map identified the drainage ditches and hydric soils on the property. Staff notified the Department of State Lands (DSL) by submitting a wetland land use notification (WN2023-0504). The property is developed and no development is proposed as part of this subdivision. The applicant's narrative submitted with the application states that there is a drainage ditch along the north side of lot 7 that is then culverted and flows to Depoe Slough. The narrative states the drainage area will remain the way to drain the property. The Preliminary Title Report listed an

ODOT drainage easement. Staff recommends that the applicant be required to protect any natural or piped drainages with public or private storm drainage easements. In addition, the applicant shall obtain any required permits from the Department of State lands and/or the US Army Corps of Engineers (USACE).

9. Public Water and Sewer

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 subdivision and indicated that water and sewer are currently available to all lots. Any sewer line and water line easement areas should be noted on the subdivision plat and protected from damage. The public water line is located in the Business Hwy 20, Bay Blvd, and proposed 5th Street right-of-way and the public sewer line is located in the Business Hwy 20 and proposed 5th Street right-of-way. Utility connections to water and sewer exist.

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

10. TMC Chapter 16.06 Transportation Facility Standards.

The purpose of this section is to establish standards for city streets and pathways that minimize improvement width and total right-of-way consistent with the operational needs of the facility and provide safe and convenient pedestrian and bicycle access in compliance with the city Transportation System Plan and the Oregon Transportation Planning Rule (OAR 660-012).

The local minimum street width is 39' with two 14' travel lanes.

Staff Analysis: The proposed subdivision is adjacent to Business Hwy 20 and Bay Blvd which are existing dedicated streets. The proposed to be dedicated 5th Street is proposed to be 40' wide and have a short section that is 35' wide.

IMPROVEMENTS

11. TMC 16.12.150 Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for roads, alleys, pedestrian or bicycle ways, drainage channels, private easements of access and other rights-of-way as a condition preceding the acceptance and approval of the final plat. Prior to the commission's certifying approval on the final plat, the subdivider shall either install all required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or shall execute and file with the commission an agreement between the subdivider 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 subdivider. The subdivider shall also post a performance bond as required by this title.

12. TMC 16.12.160 Performance Bond

A. A performance bond, pursuant to this section, is required with the executed agreement to complete the improvements and repairs within the subdivision. The subdivider shall file with the agreement one of the following to assure full and faithful performance:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon on a form approved by the city manager;
2. Cash or a certified check in an amount fixed by the city manager; or
3. Certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses and that the money will only be released upon authorization of the city manager.

B. Such assurance of full and faithful performance shall be for a sum determined by the city manager as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance, including related engineering and inspection costs and may include an additional percentage as determined by the manager to cover any inflationary costs which may be incurred during the construction period.

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 subdivision, 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. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so.

EVALUATION CRITERIA

13. TMC 16.12.070 Subdivision Phasing

A. A subdivision may be platted in as many as three phases. All phases shall be designated on the preliminary plan with time limitations not to exceed the following:

1. Phase 1 shall be recorded not later than one year after preliminary plat approval;
2. Phase 2 shall be recorded not later than three years after preliminary plat approval;
3. Phase 3 shall be recorded not later than five years after preliminary plat approval.

B. The planning commission shall review each phase before recording, and no phase shall

be recorded before the commission grants its final approval. If any of the above time limitations are exceeded, the applicant shall reapply for preliminary plat approval and comply with the requirements of this title.

Staff Analysis: The proposed subdivision does not involve Phasing.

14. TMC 16.12.090 Criteria for evaluation.

In reviewing preliminary plats, all of the following criteria shall be met before the planning commission may approve the proposed subdivision:

- A. The application is complete in accordance with this title;
- B. All of the proposed lots conform to the minimum standards for lot designs as required by the city zoning ordinance;
- C. The preliminary plat conforms with the city of Toledo comprehensive land use plan;
- D. The preliminary plat complies with the zoning ordinance and all other applicable city ordinances;
- E. The street design has received approval from the public works department, and if a bond is required to be posted, the subdivider has agreed in writing to do so; and
- F. Each lot can be served with city sewer and water service and must be at the time of construction.

Staff Analysis: The proposed subdivision involves the dedication of NW 5th Street and will create lots 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 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 City Public Works Director, Police and Fire Chief have all reviewed the application and have indicated their approval in relation to their respective departments. Their approvals coincide with the applicant's assertion that the requested subdivision will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.

15. 16.12.100 Planning Commission Action

A. The planning commission is authorized to approve, conditionally approve or deny the application and shall take action within forty-five (45) days of the first public hearing on the application. The approval of the planning commission shall be binding upon the city and the subdivider for the purpose of preparing the final plat.

B. Approval by the commission of the preliminary plat shall be valid for twelve (12) months from the effective date of the approval. Unless an extension is granted under the terms of this title, that approval of the preliminary plat shall be void after the expiration of the twelve (12) month period and the proposal for subdivision shall be resubmitted to the planning commission for consideration of the preliminary plat before the filing of a final plat.

16. 16.12.110 Extensions of Time

The planning commission may grant one extension of time of up to twelve (12) months to the approval of the preliminary plat of a subdivision or to the time required to complete any phase of a subdivision. Upon the receipt of a written request for such an extension, the commission may grant the extension and may attach any conditions necessary for compliance with this title. The written request shall be filed with the city manager prior to the termination of the original approval; otherwise, the commission's approval will be considered expired and the subdivider must reapply with the commission.

17. 16.12.120 - Submission of final plat.

A. Within twelve (12) months after the effective date or a valid extension of approval of the preliminary plat, the subdivider shall have the subdivision surveyed and a plat drawn in accordance with the preliminary plat and the changes required by the planning commission. All owners and mortgagees of the subdivision and the engineer and surveyor responsible for laying out the subdivision shall approve and sign the final plat.

B. The subdivider shall then file the final plat with the city manager, who shall review it in light of the criteria of this title. The manager may consult with the subdivider and any other person during the review and may suggest to the subdivider revisions to the final plat. The manager shall submit the final plat, together with recommendations, to the planning commission at the next regularly scheduled meeting.

18. 16.12.130 Final Plat Information

The following information shall be shown on the final plat:

- A. The name of the subdivision, the date the plat was prepared, the scale, north point and legend;
- B. Legal description of the subdivision boundaries;
- C. Reference, by distance and bearings, to adjoining recorded surveys, if any and referenced to a field book or map as follows:
 - 1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,
 - 2. Adjoining corners of adjoining subdivisions,
 - 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this title;
- D. Numbering of lots and blocks as follows:
 - 1. Lot numbers beginning with the number "1" numbered consecutively in each block,
 - 2. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision;
- E. All dimensions shall be in feet and decimals of a foot, to the nearest one one-hundredth of a foot;
- F. Ties to any city, county or adjacent subdivisions' boundary lines;
- G. Square footage of each parcel and total acreage of the subdivision;
- H. All sites to be utilized for public purposes shall be clearly noted on the plat;
- I. Exact location and width of streets and easements of access intersecting the boundary of the subdivision;
- J. Subdivision block and lot boundary lines and street rights-of-way and centerlines with dimensions to the nearest one one-hundredth of a foot, bearings or deflection angles, radii, arch, points of curvature, chord bearings and distances and tangent bearings. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest thirty (30)

seconds with basis of bearings;

K. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated; L. Utility and private easements of access to public streets or roads denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;

M. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed roads or along the edge of partial width roads on the boundary of the subdivision;

N. Any conditions specified by the planning commission upon granting preliminary approval.

19. 16.12.140 Supplementary Information

The subdivider shall supply to the city manager the following information with the final plat:

A. A preliminary or supplementary title report for the property being subdivided, including the exceptions, if any, that will be imposed when the final plat is recorded;

B. A copy of the restrictive covenants to be filed with the final plat;

C. Improvement plans for the facilities to be constructed by the subdivider, including plans for drainage, sewer, water, curbs and gutters, sidewalks and streets, and any other construction plan that may be required. All such plans shall meet or exceed the specifications for construction adopted by the city;

D. A deed or deeds, satisfactory to the commission, conveying all land to be dedicated for public use other than streets;

E. A statement to be fixed to the final plat which offers for public dedication all streets, pedestrian and bicycle ways, private easements of access, other rights-of-way, drainage channels, watercourses and any other property intended for public use;

F. A statement from the Lincoln County assessor concerning unpaid taxes on the property to be subdivided.

20. 16.12.170 Final plat approval and recording

A. Upon receipt of the final plat and all supplementary information and documents, the planning commission shall determine whether the final plat conforms to the preliminary plat, the conditions of approval, and the ordinances of the city. If any changes are to be considered by the planning commission in the approved preliminary plat, the planning commission shall first hold a public hearing in accordance with this title.

B. If the planning commission finds that the final plat conforms to the approved preliminary plat, the conditions of approval, and the requirements of all city ordinances, the final plat may be approved and submitted for the necessary signatures. Approval by the planning commission shall constitute acceptance by the public of the dedication of any street on the plat and agreement by the city to maintain that street as a city street.

C. The subdivider shall record the final plat with the clerk of Lincoln County within thirty (30) days of the date that the last required signature to the final plat has been obtained. If not, the subdivider shall resubmit the final plat to the planning commission which may require alterations in the final

plat because of changes in the area of the subdivision.

Staff Analysis: Staff recommends that the final plat approval and recording standards are listed as a condition of approval.

III. FURTHER STAFF ANALYSIS:

The current owner has correctly indicated that the proposed subdivision would create seven lots. The applicant's request would be compatible with surrounding land uses. The applicant is not proposing to change the existing uses. Commercial and Light Industrial Zoning is located to the north. The properties to the north are developed as residential and commercial. Light Industrial zoning is located to the west, east, and south. See Zoning Map Attachment C.

The applicant's site plan shows that the proposed lot lines would result in all existing buildings complying with setback standards. No setback standards are outlined in the Commercial or Light Industrial zone. No proposed property lines cross over existing buildings.

The City Public Works Department has been advised of the proposal and has indicated that both water and sewer services are available for the proposed lots and are currently connected.

The objective of the Commercial and Industrial designation as contained in the Comprehensive Plan is to provide for employment opportunities. These designations shall be implemented through the zoning map's Commercial, Industrial, and Light Industrial zone designations, which the current maps indicate. Note that a future zone change for the lots proposed to be residential uses was discussed. This would require a separate application process.

FINDINGS:

The applicant is requesting approval of a subdivision to divide a parcel of land that is approximately 6.74 acres in size into seven lots. Based upon the information received by city staff through August 6, 2025, the subdivision 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 4600 appears to be a lawfully created unit of land and, according to the Lincoln County Assessor's records.
2. The subject property is approximately 6.74 acres. The applicant is requesting to divide the property into seven lots, resulting in proposed Lot 1 being approximately 22,200 square feet, proposed Lot 2 being approximately 15,722 square feet, proposed Lot 3 being approximately 14,225 square feet, proposed Lot 4 being approximately 2,860, proposed Lot 5 being approximately 2,860 square feet, proposed Lot 6 being approximately 156,953 square feet, proposed Lot 7 being approximately 57,248 square feet.
3. There are no lot size, lot width or lot depth requirements for new lots in the C or LI Zone. Proposed Lot 1 will be zoned Commercial. Proposed Lots 2-7 will be zoned Light Industrial.
4. The applicant is not proposing to change the use of the property. Many of the existing uses are considered legal non-conforming uses. Proposed Lots 1 and 2 will be

- commercial uses (Car Wash and Car Parts Store). Proposed Lots 3, 4, and 5 will be residential uses. The residential lots will be considered legal non-conforming lots. The applicant stated in the pre-app meeting that they are considering a zone change and comprehensive plan map change to residential. Proposed Lots 6 and 7 will be industrial uses.
5. The proposed subdivision is adjacent to existing city streets minimizing the need for additional infrastructure. The proposed subdivision divides a property generally along existing use boundaries. This will allow the future sale of individual lots rather than the sale of a single lot with multiple distinct uses. For example, the Commercial lot 1 (car wash) could be sold separately when the subdivision is completed. The subdivision promotes economic development in the City of Toledo. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code and standards.
 6. Based upon the information received by City staff through August 6, 2025, the subdivision appears to conform to relevant provisions of the City's plans and ordinances as described herein. The City of Toledo updated the subdivision and partition code on May 7th and the code was effective on June 7th (See Ordinance 1429). The applicant submitted the application prior to adoption and elected to use the "old" subdivision code.
 7. All of the proposed lots have existing development and existing driveways on either Business Hwy 20, NW 5th St or Bay Blvd. Bay Blvd is a County Road, Business Hwy 20 is a city road, and NW 5th Street is currently an undedicated road. NW 5th Street is proposed to be dedicated to the City of Toledo. Based on review of the tax lot map the roadway is predominately on the neighbors to the north lots. However, the applicant provided documentation of a surveyor's error. The area proposed to be dedicated is from the Goodell property.
 8. Any driveway modifications shall be reviewed and approved by the City of Toledo Public Works Department and/or the Lincoln County Public Works Department. Staff recommends that this is listed as a condition of approval.
 9. Proposed Lot 1 has driveway access to Business Hwy 20 and Bay Blvd. Proposed Lot 2 driveway access to Business Hwy 20. Proposed Lots 3,4, and 5 have access onto what is labeled as NW 5th Street (see analysis above). Proposed Lots 6 and 7 have driveway access to Bay Blvd. Any driveway modification to Bay Blvd, 5th Street, or Business Highway 20, 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 any future development will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. Any required easements shall be noted on the plat and will be listed as a condition of approval.
 10. 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.
 11. Proposed Lot 1 is adjacent to Business Hwy 20 and Bay Blvd. Proposed Lot 2 is

- adjacent to Business Hwy 20. Proposed Lots 2, 3, and 4 are adjacent to NW 5th Street. Proposed Lot 6 is adjacent to Bay Blvd. Proposed Lot 7 is adjacent to Bay Blvd and NW 5th Street. Road improvements may be required by the City of Toledo Public Works Department or Lincoln County Public Works if the lots are redeveloped. Staff recommends that this is listed as a condition of approval.
12. 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. Sidewalks are located on Business Hwy 20 and on a portion of Bay Blvd within 500 feet (adjacent) of the property. The applicant proposed to sign a deferred development agreement for Bay Blvd Improvements. The sidewalks on Business Hwy 20 are existing. The applicant is dedicating NW 5th Street to the city and will be required to sign a deferred development agreement.
 13. The application is for a subdivision. Business Hwy 20 and Bay Blvd are existing Streets. NW 5th Street is proposed to be dedicated to the city. Historically, NW 5th Street has operated as a Street; however, it has never been dedicated, and no public easement exists.
 14. The proposed subdivision is not within a residential zone. The subdivision does create three lots that will have single-unit residences. The applicant may complete a zone change and Comprehensive Plan map change in the future.
 15. The request meets TMC 16.04.050(E)(1-8), as provided below:
 - a. TMC 16.04.050 (E)(1) provides that each lot shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty five (25) feet. The preliminary subdivision plat shows each lot will have in excess of 25 feet of frontage on a public street.
 - b. 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 preliminary subdivision plat shows that lot 6 will have frontage on both NE 5th St and Bay Blvd. The current access to the existing use on lot 6 is from N Bay Blvd. Lot 1 is a corner lot and not considered a double frontage lot. Staff recommends a condition of approval prohibiting future access from lot 6 to N 5th St.
 - c. 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 preliminary subdivision plat shows side lot lines will be close to perpendicular with the street except for the line between lots 6 and 7. The proposed lot is in excess of 3 acres in size.
 - d. 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 lots are not flag lots.
 - e. 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 lots are not flag lots.
 - f. 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. Lots 2, 3, 4, and 5 are less than 25,000 square feet in area. The depth-to-width ratio on lots 2, 4, and 5 is approximately 1. The depth to width ratio on lot 3 is less than 1. Lots 6 and 7 are larger than 25,000 square feet. Lot 6 is irregularly shaped and in excess of 3 acres in size. The TMC does not define the terms lot width or lot depth. Lot 6 will have approximately 88 feet of street frontage on N Bay Blvd and approximately 178 feet of street frontage on NW 5th St. In a line that is roughly parallel with N Bay Blvd, the lot is approximately 400 feet wide. On a line that is roughly perpendicular to N Bay Blvd, the lot is approximately 900 feet deep. Therefore, the lot depth to width ratio does not exceed 3.5. The lot depth-to-width ratio for lot 7 is approximately 1.

- g. 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 lots are not flag lots.
 - h. 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. The Toledo Local Wetlands Inventory identifies two drainage ditches on the property. The Statewide wetlands map identified the drainage ditches and hydric soils on the property. Staff notified the Department of State Lands (DSL) by submitting a wetland land use notification (WN2023-0504). The property is developed and no development is proposed as part of this subdivision. The applicant's narrative submitted with the application states that there is a drainage ditch along the north side of lot 7 that is then culverted and flows to Depoe Slough. The narrative states the drainage area will remain the way to drain the property. The Preliminary Title Report listed an ODOT drainage easement. Staff recommends that the applicant be required to protect any natural or piped drainages with public or private storm drainage easements. In addition, the applicant shall obtain any required permits from the Department of State lands and/or the US Army Corps of Engineers (USACE). 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. Their approvals coincide with the applicant's assertion that the requested partition will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.
16. The Public Works Director reviewed the proposed subdivision and indicated that water and sewer are currently available to all lots. Any sewer line and water line easement areas should be noted on the subdivision plat and protected from damage. The public water line is located in the Business Hwy 20, Bay Blvd, and proposed 5th Street right-of-way and the public sewer line is located in the Business Hwy 20 and proposed 5th Street right-of-way. Utility connections to water and sewer exist. The applicant shall submit a water and sewer application to create separate connections for each lot if any proposed lots have shared utility connections.
17. The applicant should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines on any lot that may cross over another lot.

18. The proposed subdivision is adjacent to Business Hwy 20 and Bay Blvd which are existing dedicated streets. The proposed to be dedicated 5th Street is proposed to be 40' wide and have a short section that is 35' wide.
19. 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 subdivision, 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. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so.
20. The proposed subdivision does not involve Phasing.
21. The proposed subdivision does not involve the development or extension of any streets and will create lots 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 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.
22. 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. Their approvals coincide with the applicant's assertion that the requested subdivision will not cause a significant adverse impact on the livability, value or appropriate development of the surrounding neighborhood.
23. The current owner has correctly indicated that the subdivision would create seven lots. The applicant's request would be compatible with surrounding land uses. The applicant is not proposing to change the existing uses. Commercial and Light Industrial Zoning is located to the north. The properties to the north are developed as residential and commercial. Light Industrial zoning is located to the west, east, and south. See Zoning Map Attachment C.
24. The applicant's site plan shows that the proposed partition line would comply with setback standards. No setback standards are outlined in the Commercial or Light Industrial zone. No proposed property lines cross over existing buildings.
25. The City Public Works Department has been advised of the proposal and has indicated that both water and sewer services are available for the proposed parcels and are currently connected.
26. The objective of the Commercial and Industrial designation as contained in the Comprehensive Plan is to provide for employment opportunities. These designations shall be implemented through the zoning map's Commercial, Industrial, and Light

Industrial zone designations, which the current maps indicate. Note that a future zone change for the lots proposed to be residential uses was discussed. This would require a separate application process.

27. Notification to 46 surrounding property owners, 19 public/service agencies, and publication of the proposed subdivision were completed in accordance with the TMC requirements. As of August 6, 2025, 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 #SD-1-25 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, it appears to staff that the application meets the criteria of a subdivision. Therefore, staff recommends the Planning Commission approve the subdivision, pursuant to the criteria in TMC Section 16.12.120 and 16.12.170. There may be testimony received between writing the staff report and the public hearing, or at the public hearing that necessitates revisions.

Staff further recommends approval of the request, subject to the following conditions:

1. The final plat shall be in compliance with the proposed subdivision plan as described in the application, plan and drawings submitted and included in Exhibit A of this report.
2. Submission of final plat
 - A. Within twelve (12) months after the effective date or a valid extension of approval of the preliminary plat, the subdivider shall have the subdivision surveyed and a plat drawn in accordance with the preliminary plat and the changes required by the planning commission. All owners and mortgagees of the subdivision and the engineer and surveyor responsible for laying out the subdivision shall approve and sign the final plat.
 - B. The subdivider shall then file the final plat with the city manager, who shall review it in light of the criteria of this title. The manager may consult with the subdivider and any other person during the review and may suggest to the subdivider revisions to the final plat. The manager shall submit the final plat, together with recommendations, to the planning commission at the next regularly scheduled meeting.
3. Final plat approval and recording
 - A. Upon receipt of the final plat and all supplementary information and documents, the planning commission shall determine whether the final plat

conforms to the preliminary plat, the conditions of approval, and the ordinances of the city. If any changes are to be considered by the planning commission in the approved preliminary plat, the planning commission shall first hold a public hearing in accordance with this title.

- B. If the planning commission finds that the final plat conforms to the approved preliminary plat, the conditions of approval, and the requirements of all city ordinances, the final plat may be approved and submitted for the necessary signatures. Approval by the planning commission shall constitute acceptance by the public of the dedication of any street on the plat and agreement by the city to maintain that street as a city street.
 - C. The subdivider shall record the final plat with the clerk of Lincoln County within thirty (30) days of the date that the last required signature to the final plat has been obtained. If not, the subdivider shall resubmit the final plat to the planning commission which may require alterations in the final plat because of changes in the area of the subdivision.
4. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed lots for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.
 5. To prevent a double frontage access, future access from lot 6 to NW 5th St. is prohibited. If the property is further divided this will be re-evaluated with the new application.
 6. Future development shall be reviewed by the Toledo Public Works Department and any applicable road improvements shall be made by the applicant.
 7. Any driveway modifications adjacent to NW 5th Street, Bay Blvd, or Business Highway 20 shall be reviewed and approved by the City of Toledo Public Works Department and/or the Lincoln County Public Works Department. In accordance with the standards specified in the Public Infrastructure Design Standards Manual, improvements 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.
 8. The entirety of the NW 5th Street dedication shall be from the Goodell property as indicated on the submitted plat and application.
 9. 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.
 10. The applicant shall obtain any required permits from the Department of Statelands and/or USACE.
 11. All standards and requirements in the Infrastructure Design Standards Manual, TMC Chapter 16 and 17 are met, as to all lots marked on Exhibit A.

PLANNING COMMISSION DECISION

PROPOSED MOTION (SD-1-25):

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON AUGUST 13, 2025, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY DEWEY AND CAROL GOODELL, AND DAVE LOOMIS (AUTHORIZED AGENT) (SD-1-25) 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 PROPOSED CONDITIONS OF APPROVAL FOR SD-1-25, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

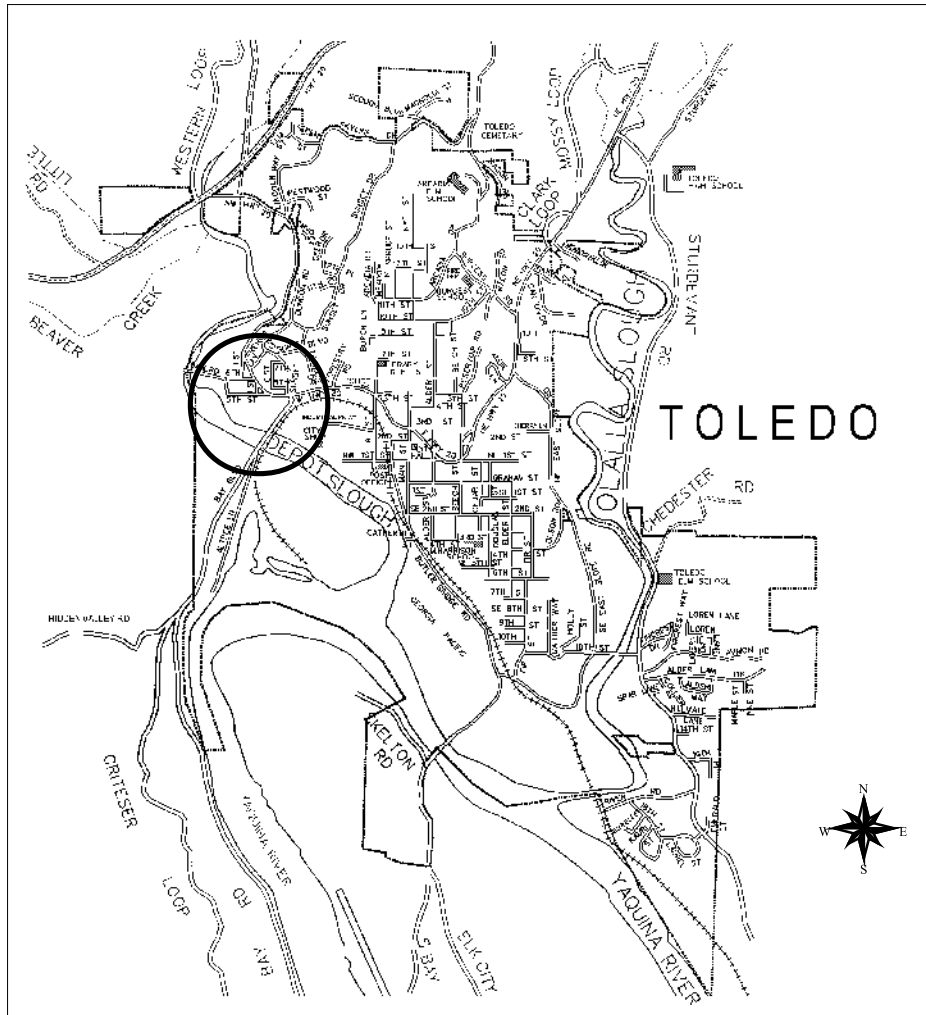
V. PLANNING COMMISSION ROLE:

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.

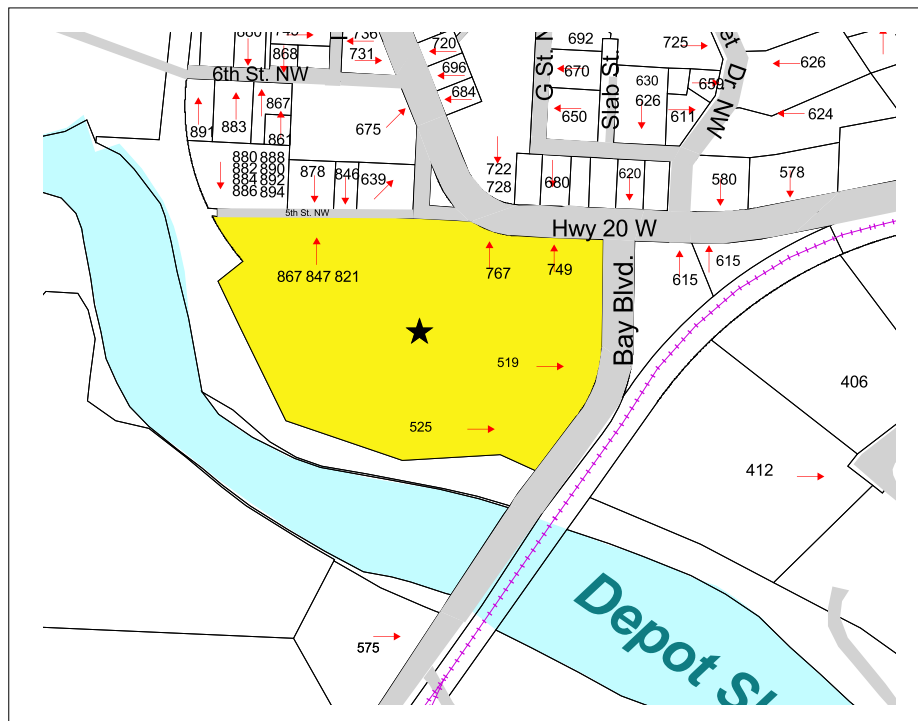
Prepared by,

Justin Peterson
Contract Planner

Location Map




Site Map



Parcels
 Streets
 Railroad
 Waterways

7/18/25



ATTACHMENT A

Exhibit A - Preliminary Subdivision Plan

(City of Toledo File #SD-1-25)

LEEWAY INDUSTRIAL SITES FOR DEWEY & CAROL GOODELL IN THE NE 1/4 OF SECTION 18 TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM IN TOLEDO, LINCOLN COUNTY, OREGON

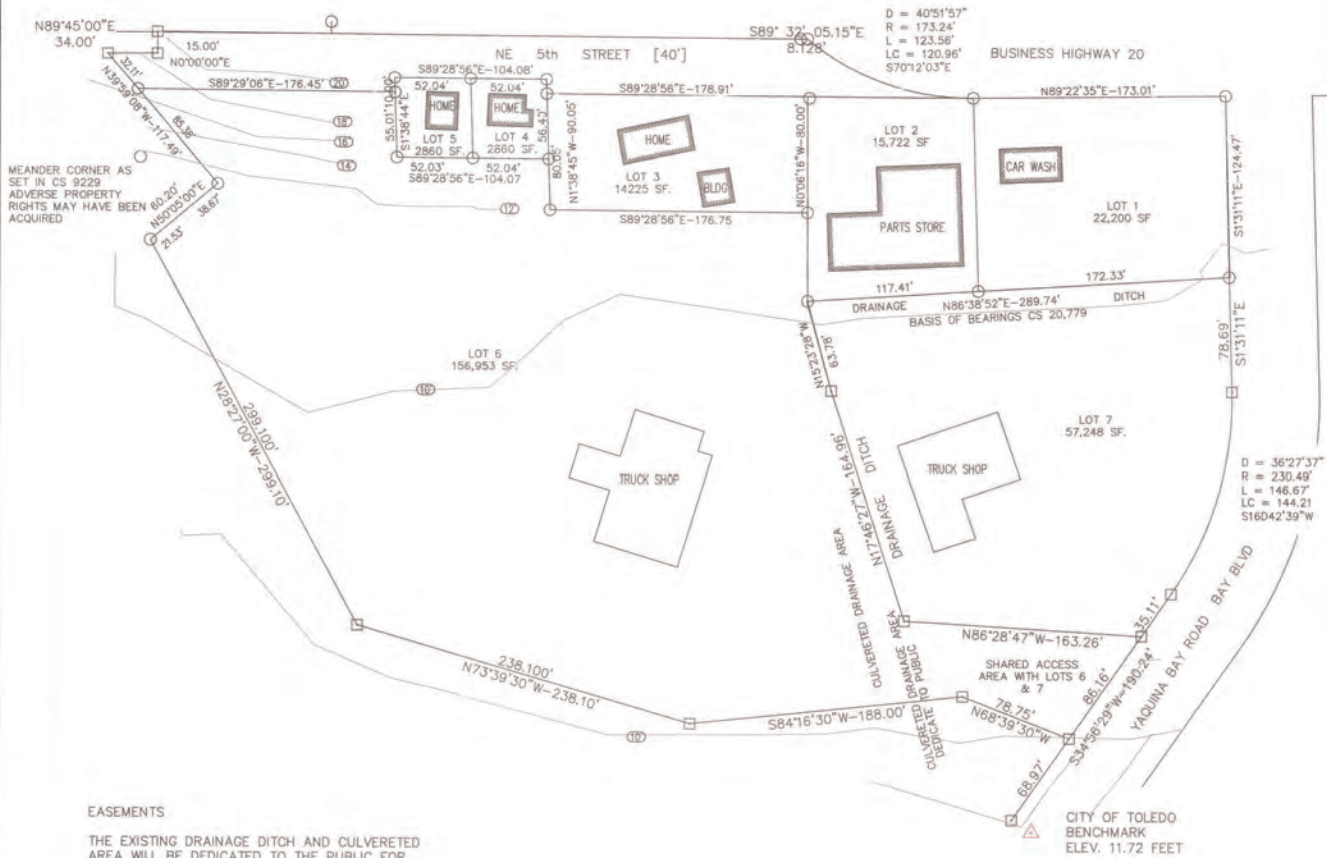
SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO DIVIDE THIS TRACT OF LAND INTO 7 NEW LOTS. THESE LOTS ARE ALREADY BEING USED SEPARATELY AS THEY ARE BEING DIVIDED. THE EXISTING MONUMENTS AROUND THE TRACT AND SOME AS SET BY A PREVIOUS SURVEYOR TO DIVIDE THE SEPARATE USES TO START THE DIVISION. THE STREET AREA KNOWN AS NE 5th STREET WILL BE DEDICATED TO THE PUBLIC FOR THEIR USE A STREET AND FOR UTILITIES. YAQUINA BAY ROAD WILL CONTINUE AS EXISTING AT 60 FEET IN WIDTH.

A TOPCON GPT-3100W ONE SECOND TOTAL STATION AND TDS RECON DATA COLLECTOR WERE USED TO GATHER THE DATA IN THIS SURVEY.

LEGEND

- FOUND SURVEY MONUMENT AS SHOWN
- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- CALCULATED POSITION ONLY
- [] RECORD DATA
- PROPERTY DEED BOUNDARY



EASEMENTS

THE EXISTING DRAINAGE DITCH AND CULVERETED AREA WILL BE DEDICATED TO THE PUBLIC FOR DRAINAGE. THIS EASEMENT WILL BE LOCATED ALONG THE NORTH AND WEST BOUNDARY OF LOT 7.

THE SEWER WATER AND POWER LINES TO LOT 6 WILL REMAIN PRIVATE EASEMENTS TO LOT 6.



1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
DAVID A. LOOMIS
1908
RENEWAL DATE:
JANUARY 1, 2027

60 0 60 120 180 Feet

SURVEY FOR: DEWEY & CAROL GOODELL
LOCATION: 11-10-7-DC-04600

SURVEYED BY



DAVID LOOMIS SURVEYING
= DAVID A. LOOMIS LS 1908 =
459 PIONEER MOUNTAIN LOOP
TOLEDO, OR, 97391
541.270.2928
dave@loomissurveying.com

CHECKED BY: DAL
DRAWN BY: DAL
SCALE: 1" = 60'
DATE: AUGUST 2024
No. D123-034

ATTACHMENT B

Application with Supporting Information

(City of Toledo File #SD-1-25)

CITY OF TOLEDO

LAND USE APPLICATION



Date 5/14/25

Property Owner DEWBY & CAROL GOODSELL
Mailing Address 525 NW BAY BLVD
TOLEDO OH 97391

Telephone [REDACTED]
Email [REDACTED]

Authorized Agent DAVID LOOMIS
Mailing Address 459 PIONEER MTN LN
TOLEDO OH

Telephone [REDACTED]
Email [REDACTED]

Property Address _____
Property Location 11-10-07-DG-04600
Assessors Map No. 04600

Property Size 6.74 AC.
Tax Lot No. _____

Present Zoning LIGHT INDUSTRIAL
Comprehensive Plan Designation _____

Proposed Change _____

Current Use of Property LIGHT INDUSTRIAL & RESIDENTIAL
Existing Structures (if any) 3 HOMES - 1 PARTS STORE - 2 INDUSTRIAL SHOPS

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 5/14/25 By oil Fee Paid \$930 Complete Application Date _____ City File No. SD-1-25

For Office Use Only

Public Works

1. Is City sewer available? Yes N/A No
Where _____
Will a connection have to be constructed? Yes No
What size of a line is required _____
2. Is City water available? Yes N/A 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 _____

REVIEWED AND APPROVED BY:

Brian Lorimer
Public Works Director

7/29/2025

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:

Jerry Rouse
Fire Chief

7-29-25
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

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 Date

Police Department

1. Is this application ready to be approved? Yes ^X _____ No _____
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

Michael Pace 07/29/25
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

PRELIMINARY SUBDIVISION
LEEWAY INDUSTRIAL SITES
 FOR DEWEY & CAROL GOODELL
 IN THE NE 1/4 OF SECTION 18
 TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM
 IN TOLEDO, LINCOLN COUNTY, OREGON

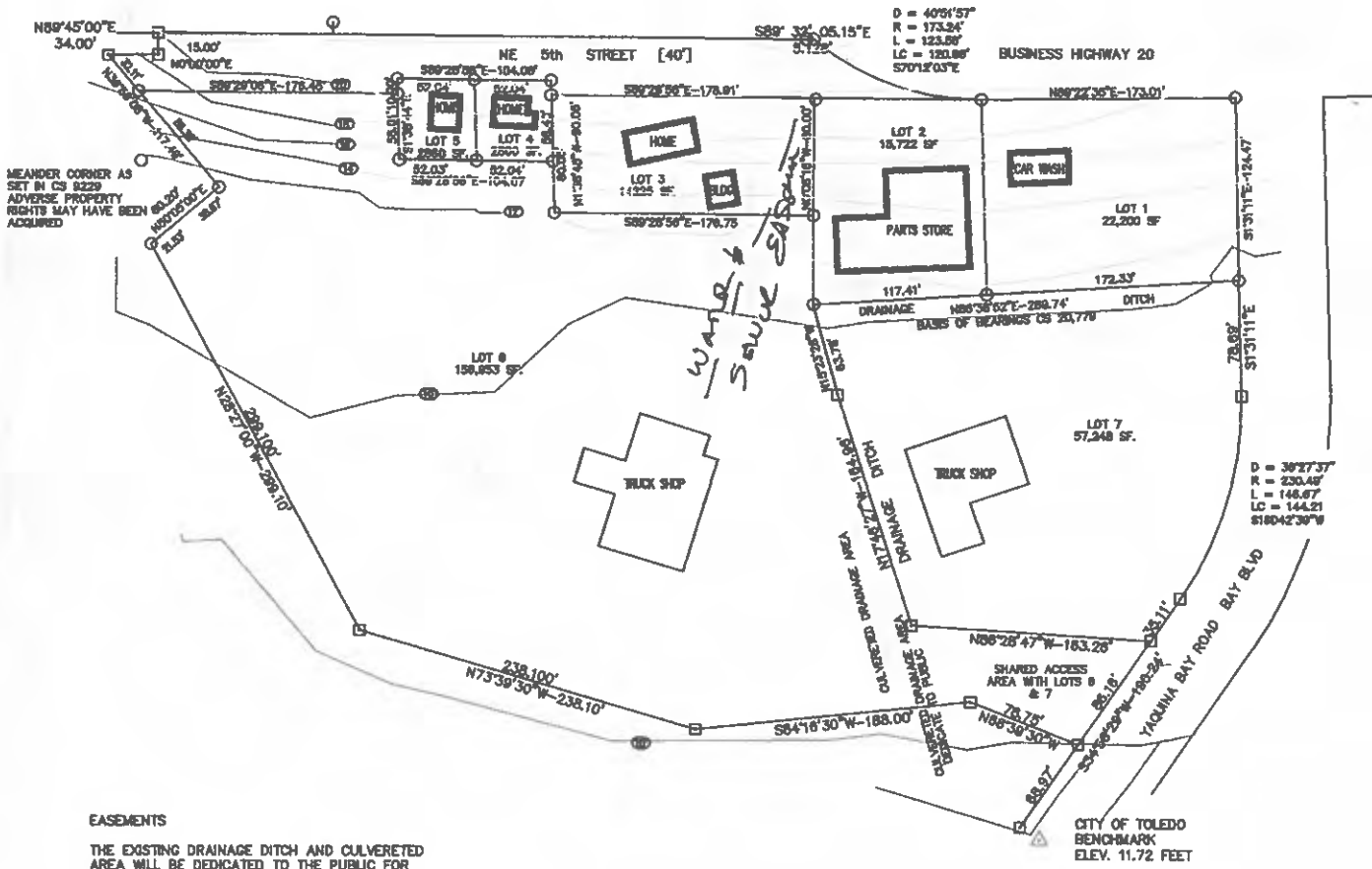
SURVEYOR'S NARRATIVE

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A TOPCON GPT-3100W ONE SECOND TOTAL STATION AND TDS RECON DATA COLLECTOR WERE USED TO GATHER THE DATA IN THIS SURVEY.

LEGEND

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- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- CALCULATED POSITION ONLY
- [] RECORD DATA
- PROPERTY DEED BOUNDARY



EASEMENTS

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THE SEWER WATER AND POWER LINES TO LOT 6 WILL REMAIN PRIVATE EASEMENTS TO LOT 6



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

CREATED
 JULY 8 1999
DAVID A. LOOMIS
 1939
 RENEWAL DATE:
 JANUARY 1, 2027

SURVEYED BY

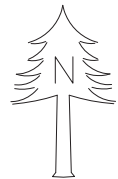
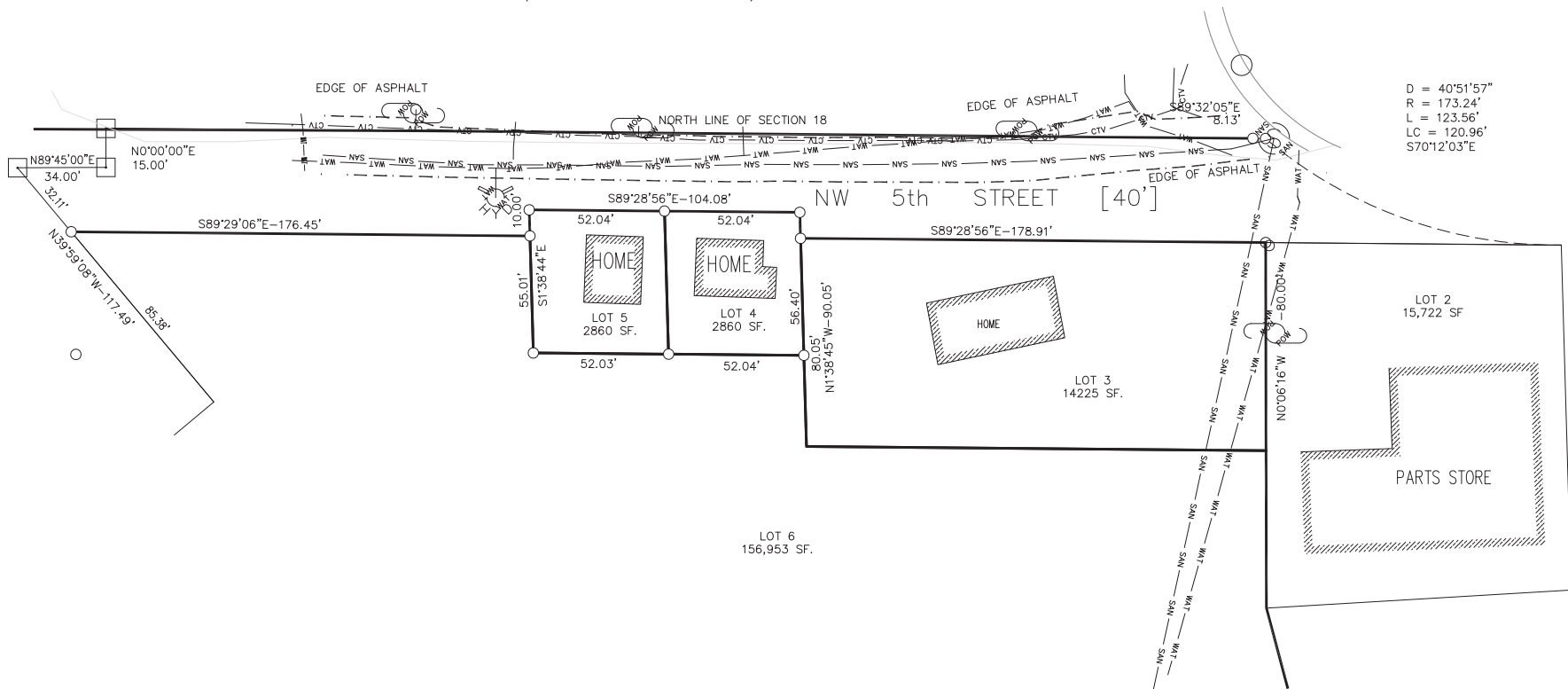


SURVEY FOR: DEWEY & CAROL GOODELL
 LOCATION: 11-10-7-DC-04800

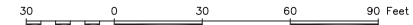
DAVID LOOMIS SURVEYING
 = DAVID A. LOOMIS LS 1908 =
 459 PIONEER MOUNTAIN LOOP
 TOLEDO, OR, 97391
 541.270.2928
 dave@loomissurveying.com

CHECKED BY: DAL
 DRAWN BY: DAL
 SCALE: 1" = 60'
 DATE: AUGUST 2024
 No. D123-034

PRELIMINARY SUBDIVISION
 NW 5th STREET UTILITY LOCATE
 LEEWAY INDUSTRIAL SITES
 FOR DEWEY & CAROL GOODELL
 IN THE NE 1/4 OF SECTION 18
 TOWNSHIP 11 SOUTH, RANGE 10 WEST, WM
 IN TOLEDO, LINCOLN COUNTY, OREGON



1" = 30'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 8, 1980
DAVID A. LOOMIS
 1908
 RENEWAL DATE:
 JANUARY 1, 2027

SURVEY FOR: DEWEY & CAROL GOODELL
 LOCATION: 11-10-7-DC-04600

SURVEYED BY



DAVID LOOMIS SURVEYING
 = DAVID A. LOOMIS LS 1908 =
 459 PIONEER MOUNTAIN LOOP
 TOLEDO, OR, 97391
 541.270.2928
 dave@loomissurveying.com

CHECKED BY: DAL
 DRAWN BY: DAL
 SCALE: 1" = 30'
 DATE: JULY 2025
 No. D123-034

Boundary Surveys
Topographic Surveys
Elevation Certificates
Construction Layouts
As-Built Surveys



Partitions
Subdivisions
Boundary Line Adjustments
Land Use Consulting
Wetland Boundaries

Loomis Surveying

459 Pioneer Mtn. Loop, Toledo, Or 97391 (541)764-2928

(541) 336-2994 fax - (541) 270-2928 cell

dave@loomissurveying.com

LEEWAY INDUSTRIAL LOTS

The area this subdivision is located in is Zoned Commercial and Light Industrial. Lots 1 & 2 are zoned Commercial and will remain a Parts store and Car wash facility. These are both allowed in this zoning. Lots 6 & 7 are both Truck shops which are allowed in this zoning, they will remain with the same use for the future. Lots 3, 4 & 5 have existing 70+ year old homes they are not allowed in this zoning, but they have been in this location prior to the zoning laws. They will stay in this location until we can change the zoning in this area to allow the homes.

NW 7/9/25
Northeast 5th street is a gravel unimproved street used for the local residents. It is a Local minimum street requiring 39 feet in width. Our proposal is to create a 40 feet wide street, the area in front of Lots 4 & 5 will be made 30 feet in width in order to maintain a front yard setback as required. This street could be updated in the future when a deferred improvement agreement is needed to improve the street. This area will be dedicated to the City of Toledo for the public use.

Yaquina Bay road borders the Eastern side of the Subdivision. It has a width of 60 feet since it is a main arterial street. The portion adjacent to Lot 1 has curbs and sidewalks, we wish to sign a deferred improvement form for future improvements, at this time the large trucks need a large approach area and the parking in the area does not make it convenient to have curbs and sidewalks in the area. There is very little foot and bicycle traffic in this area for sidewalks to be needed. In the future there may be a need to place a sidewalk and R x R crossing on the East side of the street to connect the walking paths.

The city has adopted a new subdivision ordinance to be used, We would like to continue using the old ordinance as the one which we started with. There does not appear to be any big differences to change our subdivision.

This Subdivision will divide the existing tract into 7 new Lots. The 3 with the existing homes will continue to have the homes on them and the other 4 lots will remain with the existing use at this time.

Only Lot 1 the Carwash lot has access on both sides. This is the way it has been for years and has worked quite well. Lot 6 also has access to Northeast 5th street and Yaquina Bay road. These are on a long distance apart and if Lot 6 was to be redivided then there would only be single access points for each tract.

The Lot sidelines are perpendicular to the existing roadways as close as possible.

All of these lots meet the length to width standards as required.

The water and sewer services to the existing lots will remain the same. Only lot 6 will require easements over the new lots. There will be no need for any improvements at this time, all of the lots have the required utility services.

At extreme flooding there is some flooding caused by the low elevation and the fact the city storm sewer dumps from Yaquina Bay road onto Lots 6 & 7. No change will be made at this time, we will continue using the open ditch and culverted drainage with a tidegate. No filling in the flood area is planned at this time.

This area is not in a proposed dredged material area or mitigation site.

All of these lots have conformity with the comprehensive plan. There will be a zone change in the near future for the area where the homes are.

All of these lots have frontage on an improved street. Curbs and sidewalks will need to be installed in the future to meet the city standards. These improvements will be placed on a deferred improvement agreement plan.

This subdivision will not change the use or density of the use on the public streets

This Subdivision is in a mostly flat area. No grade changes will be made with this subdivision.

Public water and Sewer is available to each lot.

No written agreements or proposals for the sale of any of these lots has happened or will happen until the final plat is filed.

NW 5th street will remain in the existing location. The new width will give a 40 foot wide street, excepting where the existing homes are too close to the road. A 10 foot offset will be made from the existing which will make 5th street only 30 feet in width at that point.

Along Bay Blvd there are no sidewalks. At some time in the future there may be a need for sidewalks for foot traffic along Bay Blvd. Along Bay Blvd we are proposing a deferred maintenance agreement, so that there will be sidewalks in the area when needed.

There is an open drainage ditch along the North side of Lot 7 and then it is culverted across Lot 6 over to Depoe Slough. This drainage area will remain the way to drain the property.

PRELIMINARY SUBDIVISION
LEEWAY INDUSTRIAL SITES
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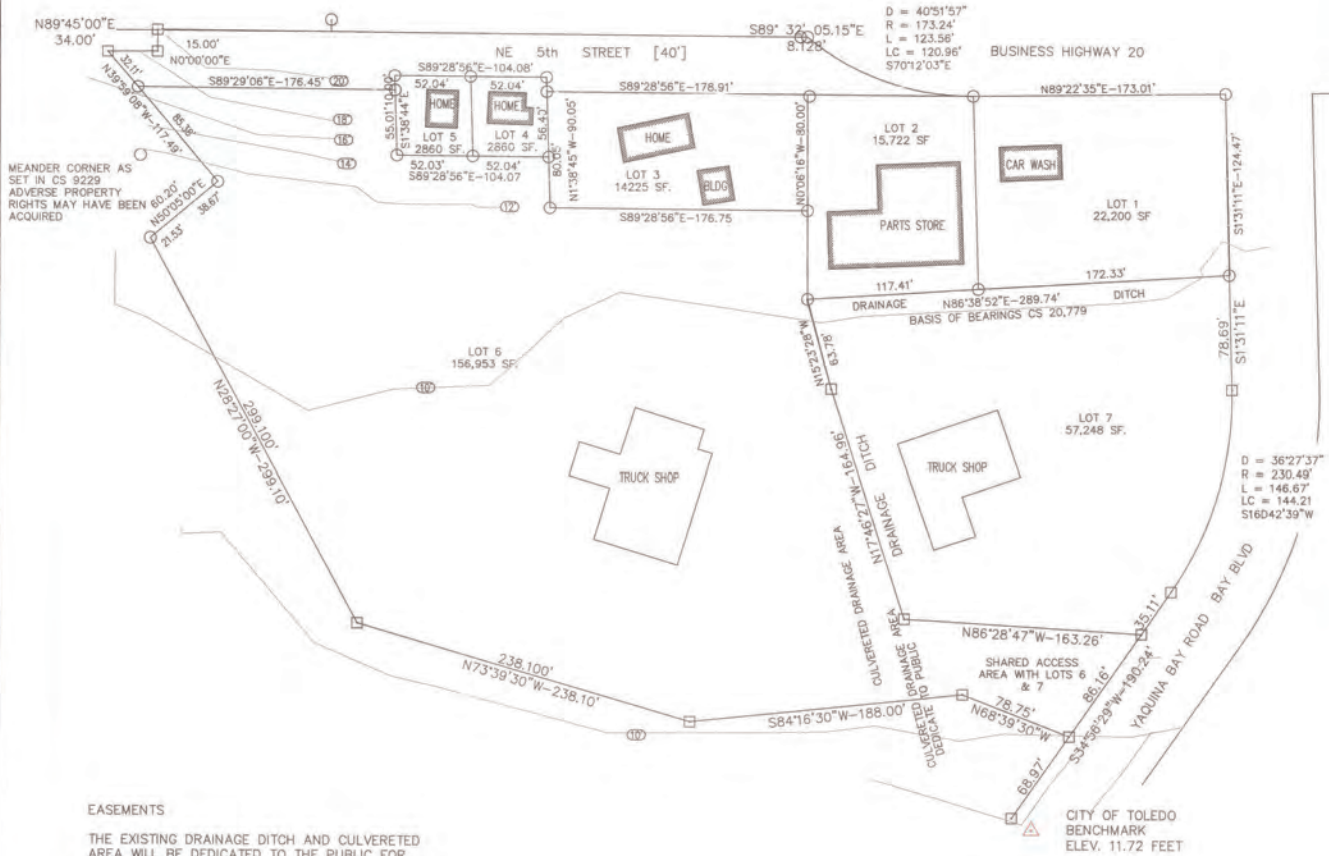
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1" = 60'

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 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 18, 1980
DAVID A. LOOMIS
 1908
 RENEWAL DATE:
 JANUARY 1, 2027

0 60 120 180 Feet

SURVEY FOR: DEWEY & CAROL GOODELL
 LOCATION: 11-10-7-DC-04600

SURVEYED BY



DAVID LOOMIS SURVEYING
 = DAVID A. LOOMIS LS 1908 =
 459 PIONEER MOUNTAIN LOOP
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RECORDING REQUESTED BY:



255 SW Coast Highway, Suite 100
Newport, OR 97365

AFTER RECORDING RETURN TO:

Order No.: WT0242499-AMM
Dewey L. Goodell and Carol S. Goodell
525 NW Bay Blvd.
Toledo, OR 97391

SEND TAX STATEMENTS TO:

Dewey L. Goodell and Carol S. Goodell
525 NW Bay Blvd.
Toledo, OR 97391

APN: R120355
R132281
R136919
R531713
Map: 11-10-07-DC-04600
11-10-07-DC-04600-L1
11-10-07-DC-04600-L2
11-10-07-DC-04600-L3

Lincoln County, Oregon
12/20/2022 03:20:02 PM
DOC-WD
\$25.00 \$11.00 \$10.00 \$60.00 \$7.00
Cnt=1 Pgs=5 Str=12
\$113.00
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



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Bogert-Over LLC, Grantor, conveys and warrants to **Dewey L. Goodell and Carol S. Goodell**, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lincoln, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS NINE HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$970,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 12/06/2022

Bogert-Over LLC

BY: Kent D. Bogert
Kent D. Bogert
Managing Member

State of OREGON
County of Clackamas

This instrument was acknowledged before me on 12-6-2022 by Kent D. Bogert, as Managing Member for Bogert-Over LLC.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 06-13-2025

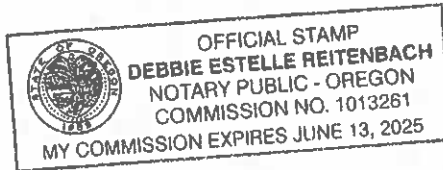


EXHIBIT "A"
Legal Description

A tract of land lying in the Northwest Quarter of the Northeast Quarter of Section 18, Township 11 South, Range 10 West of the Willamette Meridian in Lincoln County, Oregon

Beginning at a point 1599.3 feet West and 476.0 feet South of the Northeast corner of Section 18; thence North 68°39'30" West, 72.8 feet; thence South 84°16'30" West, 188.00 feet; thence North 73°39'30" West, 238.10 feet; thence North 28°27'00" West, 299.10 feet; thence North 50°05'00" East, 55.04 feet to the centerline of the Pacific Spruce Production Railroad; thence along the centerline of said Railroad on a 12 degree curve to the right the long chord of which bears North 38°36'59" West, 120.66 feet; thence North 89°45'.00" East, 34.00 feet; thence North 0°00'00" East, 15.00 feet to the Original North line of Section 18 as shown in County Survey 5528; thence South 89°29'09" East, 118.07 feet; thence South 89°28'56" East, 326.85 feet to Business Highway 20; thence following Business Highway 20 along a 173.24 feet radius curve to the left, the long chord of which bears South 70°12'34" East, 120.85 feet; thence North 89°22'35" East, 173.01 feet to the Yaquina Bay Road; thence following the Yaquina Bay Road South 1°38'00" East, 203.16 feet; thence along a 230.49 foot radius curve to the right the long chord of which bears South 16°42'39" West, 144.21 feet; thence South 34°56'29" West, 121.29 feet to a point South 68°39'30" East of the point of beginning; thence North 68°39'30" West, 5.95 feet to the point of beginning

Excepting any portion of NE 5th Street and Dahl Road as traveled.

EXHIBIT "B"
Exceptions

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as roads, streets and highways.

Unrecorded Lease in favor of KT Mitchell Trucking Co & Tonja Mitchell, as disclosed by the Lincoln County tax roll: (Account No. P518017)

Unrecorded Lease in favor of Leeway Logging Inc. & Dewey Goodell, as disclosed by the Lincoln County tax roll: (Account No. P474751)

Unrecorded Lease in favor of Toledo Auto Parts Inc & Kenneth Williams, as disclosed by the Lincoln County tax roll: (Account No. P115603)

Unrecorded Lease in favor of Toledo Wash N Vac LLC, as disclosed by the Lincoln County tax roll: (Account No. P534113 and M-11041)

An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Lincoln County Assessor's Office M-11041
Lessor: Bogert Over LLC
Lessee: Toledo Wash 'n' Vac. LLC

Lease with certain terms, covenants, conditions and provisions set forth therein,

Lessor: C.H. Bogert and Eleanor M. Bogert
Lessee: Standard Oil Company of California
Recording Date: November 26, 1968
Recording No: Book 4, Page 263

Agreement including the terms and provisions thereof,

Recording Date: November 26, 1968
Recording No: Book 4, Page 266
Between: C.H. Bogert and Eleanor M. Bogert
And: Standard Oil Company of California

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of: Northwest Natural Gas Company
Purpose: as disclosed therein
Recording Date: December 2, 1968
Recording No: Book 4, Page 418

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of: Central Lincoln People's Utility District, a municipal corporation
Purpose: as disclosed therein
Recording Date: December 22, 1978
Recording No: Book 95, Page 1734

EXHIBIT "B"
Exceptions

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Northwest Natural Gas Company, and its successors and assigns
Purpose: as disclosed therein
Recording Date: January 28, 2003
Recording No: 200301187

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of: State of Oregon, by and through its Department of Transportation
Purpose: as disclosed therein
Recording Date: April 2, 2004
Recording No: 200404904

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement,

Recording Date: November 15, 2004
Recording No.: 200417328

Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

LINCOLN COUNTY PROPERTY ASSESSMENT AND TAX DATA

Property R120355 Owner GOODELL DEWEY L & GOODELL CAROL S Property Address 847 NW 5TH ST 2025 In Process Real Market Value \$634,980

Property Page: Property Details

2025 GENERAL INFORMATION

RELATED PROPERTIES

Property Status A Active
 Property Type Industrial
 Legal Description TWNShP 11, RNg 10, ACRES 6.74, DOC202211555
 Alternate Account Number -
 Neighborhood T267: TOLEDO INDUSTRIAL
 Map Number 11-10-07-DC-04600-00
 Property Use 301: IND - IMPROVED
 Levy Code Area **204**
 Zoning L-4

Linked Properties [R132281](#), [R136919](#), [RS31713](#)

2025 OWNER INFORMATION

Owner Name GOODELL DEWEY L & GOODELL CAROL S
 Mailing Address 525 NW BAY BLVD TOLEDO, OR 97391

2025 IMPROVEMENTS

▼ Expand/Collapse All

Improvement #1	Improvement Type	Beds
<input type="checkbox"/> -	R: RESIDENTIAL	2
<input type="checkbox"/> -	R: RESIDENTIAL	2
<input type="checkbox"/> -	R: RESIDENTIAL	0
<input type="checkbox"/> -	C: COMMERCIAL	
<input type="checkbox"/> -	C: COMMERCIAL	

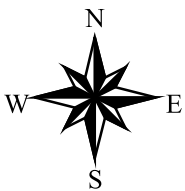
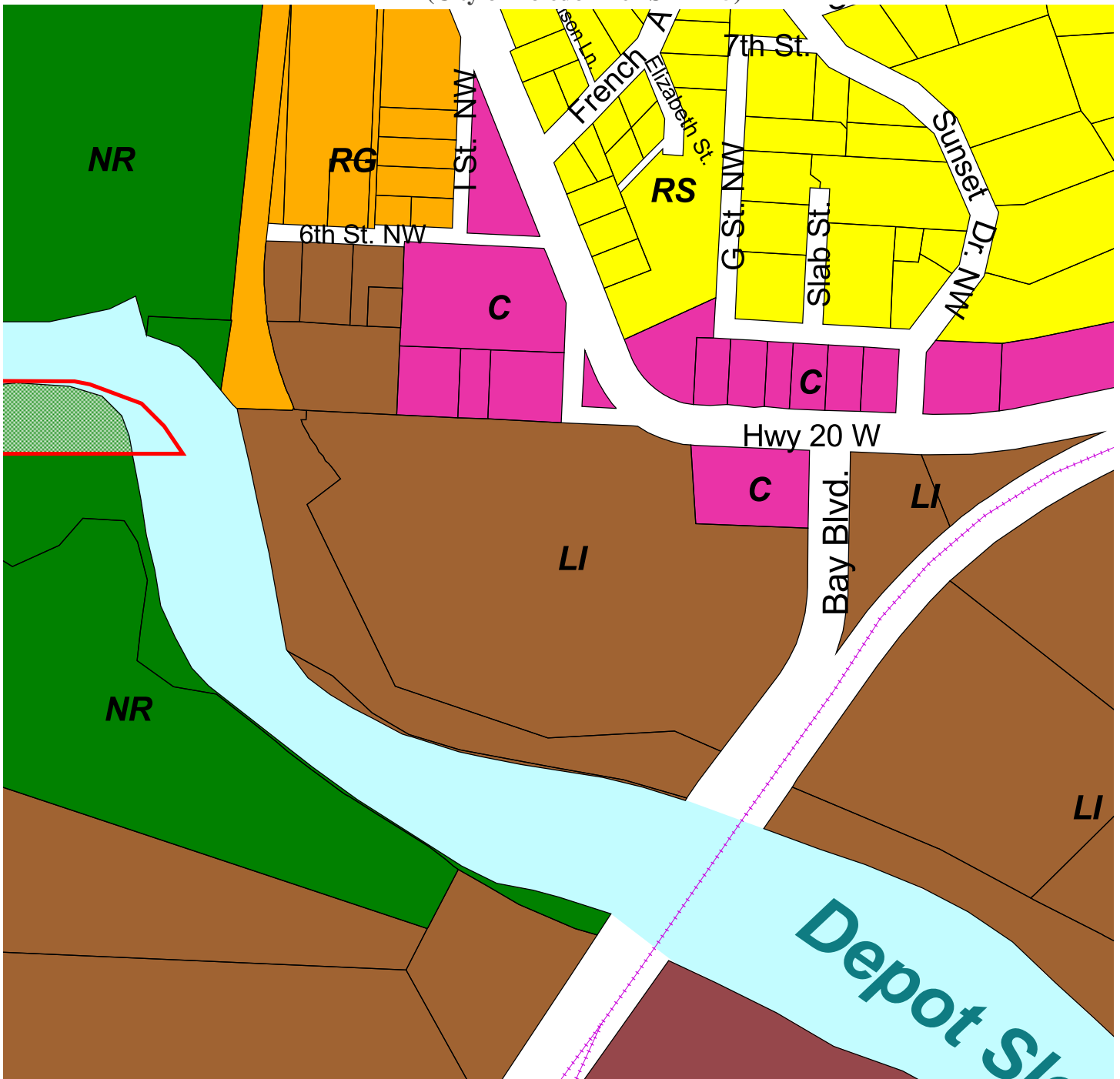
2025 LAND SEGMENTS

STATE CODE	SEGMENT TYPE	LAND SIZE
L1	HS: DEV RES HOMESITE	1.00 Acres
L2	SD: SITE DEVELOPMENT	-
L3	SD: SITE DEVELOPMENT	-
L4	SD: SITE DEVELOPMENT	-
L5	IS: INDUSTRIAL DEV SITE	1.00 Acres
L6	ISD: IND SITE DEVELOPMENT	-
L7	ISU: INDUSTRIAL UNDEV SITE	1.51 Acres
L8	IS: INDUSTRIAL DEV SITE	0.44 Acres
L9	ISD: IND SITE DEVELOPMENT	-
L10	IS: INDUSTRIAL DEV SITE	2.53 Acres
L11	IS: INDUSTRIAL DEV SITE	0.26 Acres
TOTALS		6.74 acres

ATTACHMENT C

Zoning Map

(City of Toledo File #SD-1-25)



- City Limits
- Parcels
- Railroad
- Comprehensive Plan
- Commercial (C)
- Industrial (I)
- Light Industrial (LI)
- Natural Resources (NR)
- Public Lands (PL)
- Residential General (RG)
- Residential Standard (RS)
- Water Dependent (WD)
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 D

Aerial Map

(City of Toledo File #SD-1-25)



Legend

-  Cities
-  Sections
-  40 Foot Contours

Printed on 8/6/2025

Tax Lot Data For Assessment Purposes Only

Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



City of Toledo
2025 Building Permit and Land Use Activity

Building Activity						
Date	Type of Permit	Applicant	Address	Map and Tax Lot	Description	Approved
1/3/2025	Building Permit	Lincoln County School District	295 NE Burgess Road	11-10-08-30-00101-00	Storage building	2/26/2025
1/13/2025	Excavation/Fill	Buzy Bee/Mary Limbrunner	578 W Hwy 20	11-10-07-44-10100-00	Excavate for drainage system	pending
1/15/2025	Work in the Right-of-Way	Central Lincoln PUD	Sturdevant Road	right-of-way	Bore for fiber	1/21/2025
1/21/2025	Building Permit	Wayne burkland	109-115 SE 1st Street	11-10-17-23-03800-00	Deck	2/10/2025
1/27/2025	Building Permit	Sawtooth Holdings	160 N Main Street	11-10-17-22-13300-00	Awning	pending
1/29/2025	Building Permit	Richard Wolff/Matt Moore	810 SE Beaver Street	11-10-17-13-01400-00	House	2/26/2025
2/5/2025	Building Permit	Katrina Theodore	309 N Main Street	11-10-17-22-10200-00	Apartment conversion	3/11/2025
2/20/2025	Work in the Right-of-Way	NW Natural	173 NW 6th Street	11-10-08-33-13000-00	Cut and cap gas service	2/26/2025
2/20/2025	Building Permit	Charles and Deanne Cook	392 SE 3rd Street	11-10-17-24-16400-00	Retaining wall	2/28/2025
2/24/2025	Work in the Right-of-Way	Charter Communication/HHS Constr	1046 NW Sunset Drive	right-of-way	Overhead and anchor line work	2/24/2025
2/25/2025	Building Permit	Virginia Thompson/Hagen Construct	453 N Main Street	11-10-17-22-03900-00	Rpair garage and retaining wall	3/12/2025
2/26/2025	Water/Sewer Connection	Port of Toledo	1000 Altree Lane/625 Bay Blvd	11-10-18-40-00400-00	Sewer connections	pending
2/27/2025	Work in the Right-of-Way	NW Natural	280 S Main Street	11-10-17-23-03100-00	cut gas service	2/27/2025
3/3/2025	Work in the Right-of-Way	Port of Toledo	W Hwy 20	right-of-way	Sewer installation	4/4/2025
3/12/2025	Work in the Right-of-Way	Railroad Signal Construction	Butler Bridge Road	right-of-way	Replace damaged railroad signal	3/13/2025
3/19/2025	Building Permit	Olga Karavaeva	1127/1201 NE Hwy 20	11-10-08-31-01700-00	Retaining wall	pending
3/20/2025	Work in the Right-of-Way	Astound	Hwy 20/NW A/Beech Streets	right-of-way	Install fiber	3/27/2025
3/27/2025	Water/Sewer Connection	Bighorn Construction	810 SE Beaver Street	11-10-17-13-01400-00	New water/sewer service	pending
3/31/2025	Work in the Right-of-Way	Joe Howry/Gregg Harrison	1352 NW Hwy 20	11-10-07-41-01500-00	Replace sewer lateral	4/1/2025
3/31/2025	Building Permit	Rod and Emeree Cross	931 NE Alder Street	11-10-08-33-05700-00	Deck	4/23/2025
4/17/2025	Demolition Permit	Rod and Emeree Cross	931 NE Alder Street	11-10-08-33-05700-00	Demolish deck	4/23/2025
4/24/2025	Work in the Right-of-Way	Astound	680 NW Hwy 20	11-10-07-44-09601-00	Aerial and bore work	4/22/2025
4/28/2025	Work in the Right-of-Way	NW Natural	640 SE 5th Street	11-10-17-24-10700-00	Cut gas service	4/30/2025
4/30/2025	Building Permit	Northwest Coastal Housing	1585 SE Sturdevant Road	11-10-17-44-06000-00	Apartments	6/3/2025
5/1/2025	Building Permit	First Baptist Church	120 NW 11th Street	11-10-08-32-04700-00	Lighthouse structure	6/4/2025
5/2/2025	Water/Sewer Connection	Larry Harris	534-542 NW Skyline Drive	11-10-07-10-01000-00 & 10	New water and sewer services	5/19/2025
5/5/2025	Building Permit	Jacob Wayman	600 NE Beech Street	11-10-08-33-08900-00	Manufactured home	5/15/2025
5/12/2025	Demolition Permit	City of Toledo	385 NW A Street	11-10-18-11-01600-00	Demolish restroom building	5/15/2025
5/12/2025	Work in the Right-of-Way	Larry Harris/Greg Owczarski	534-542 NW Skyline Drive	right-of-way	New sewer laterals	5/13/2025
5/21/2025	Building Permit	First Baptist Church	1222 NW Spruce Street	11-10-08-32-04800-00	Garage	6/4/2025
6/9/2025	Work in the Right-of-Way	Jaydn Spangler/Howard Rhodes	245 NE East Slope Road	11-10-17-21-05500-00	Tree removal	6/26/2025
6/17/2025	Excavation/Fill	Adam Steller	930 NE Hwy 20	11-10-08-34-00500-00	Excavate to level site	6/26/2025
6/23/2025	Work in the Right-of-Way	Omar Galicia	235 S Main Street	11-10-17-23-06500-00	Sidewalk and driveway repair	6/26/2025
6/24/2025	Building Permit	Kelle Judah	176 SE Beech Street	11-10-17-24-15100-00	Convert garage for ADU	7/17/2025
6/30/2025	Building Permit	Theresa Kessi	535 NW Aspen Street	11-10-07-10-02900-00	Sign	7/16/2025
6/30/2025	Building Permit	Michael Fantazia	1103-1133 NW A Street	11-10-07-41-01100-00	Structural repairs	7/9/2025
7/3/2025	Work in the Right-of-Way	GSI Water Solutions/DEQ	203 and 200 N Main Street	right-of-way	Install vapor pins in sidewalk	7/3/2025
7/7/2025	Building Permit	Foursquare Church	1803 NW Lincoln Way	11-10-07-10-01400-00	Metal storage building	7/18/2025
7/14/2025	Work in the Right-of-Way	NW Natural	797 SE 9th Street	11-10-17-31-06800-00	Abandon gas service	7/16/2025
7/14/2025	Work in the Right-of-Way	NW Natural	746 SE 9th Street	11-10-17-31-06200-00	Abandon gas service	7/16/2025
7/14/2025	Work in the Right-of-Way	GP/Astound	1400 SE Butler Bridge Road	right-of-way	Bore and aerial work	pending
7/17/2025	Building Permit	Kyla Purdum	1642 SE 16th Place	11-10-17-44-05506-00	Carport	pending
7/28/2025	Building Permit	Richard and Laura Ely	615 SE 2nd Street	11-10-17-24-06500-00	Carport	8/1/2025
7/29/2025	Building Permit	Carmen Admire	364 NE Alder Street	11-10-17-22-07400-00	Foundation	8/1/2025

Land Use						
Date	Type of Application	Applicant	Address	Map and Tax Lot	Description	Status
5/8/2025	Conditional Use	Foursquare Church	1803 NW Lincoln Way	11-10-7 A TL 1400	Modification of an existing conditional use permit to place a new metal building	PC = Approved
3/3/2025	Floodplain Development Permit	Port of Toledo	1000 Altree Lane	11-10-18 D 400	Sewer line work in the floodplain	Staff = Preliminary approval 4/4/2025
4/25/2025	Floodplain Development Permit	Astound	680 Hwy 20	11-10-7 DD 9600	Utility upgrades in the floodplain	Staff = Preliminary approval 5/29/2025
2/12/2025	Plan Amendment	City of Toledo			Amend Comp Plan for housing code updates/overlay district	PC=Recommended adoption CC=Adopted Ord. 1428
7/28/2025	Replat	Pacific Inland Holdings	375, 377, 381, 383, 395, 397 SE Alder St	11-10-17 BC 8000	Replat the existing properties into three parcels	pending
	Subdivision	Dewey and Carol Goodell	519, 525 Bay Blvd, 749 Hwy 20, 821, 847, 867 5th St	11-10-7 DC TL 4600	Subdivision to create 7 lots	pending
1/3/2025	Temporary RV Permit	Brandy Landrum/ Shawn Templeton	420 SE Elder Street	11-10-17 BD TL 7400	Reside in RV	Staff: Approved 2/3/2025
5/15/2025	Temporary RV Permit	Damien Crane, Israel Crane	149 NE 10th Street	11-10-8 CC TL 1000	Reside in RV	Staff: Approved 6/2/2025
5/27/2025	Temporary RV Permit	Abundant Life Center	1154 NW A Street	11-10-8 CB TL 8500	Reside in RV	Staff: Approved 6/12/2025
6/9/2025	Tree Permit	Jaydn Spangler/ Howard Rhoades	245 NE East Slope Rd	11-10-17 BA TL 5500	Remove fir trees	Staff: Approved 6/26/2025
2/12/2025	Zoning Ordinance Amendment	City of Toledo			Update zoning, land division, and procedures ordinances for housing code updates	PC=Recommended adoption CC=Adopted Ords. 1429, 1430, 1431