

Toledo City Hall  
Council Chambers  
June 11, 2008

## TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:03 pm by President Joyce Mackenroth. Commissioners present: Mary Young, Anne Learned-Ellis, and Paul Schneidecker. Excused were Linda Brodeur and Leon Araiza.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

### ELECTION OF OFFICER: APPOINT PLANNING COMMISSION VICE PRESIDENT DUE TO THE RESIGNATION OF JIMMIE K. CHENEY:

It was moved and seconded (Mackenroth/Learned-Ellis) to nominate Mary Young to serve as Planning Commission Vice President. The **motion passed** unanimously, noting the absence of Brodeur and Araiza.

VISITORS: Curt Wilkins

### APPROVAL OF THE MAY 14, 2008, MINUTES:

It was moved and seconded (Learned-Ellis/Young) to approve the May 14, 2008, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Brodeur and Araiza.

### CONTINUED PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS AND VARIANCE TO ALLOW THE CREATION OF TWO SUBSTANDARD LOTS FOR PROPERTY LOCATED AT 116 AND 122 NE 10<sup>TH</sup> STREET, REQUESTED BY CURT WILKINS:

President Mackenroth opened the public hearing by stating the nature and purpose. She called for declarations of ex parte contact, bias, or conflict of interest since the last meeting. Only President Mackenroth reported she made another drive-by visitation of the site.

CDC Klem explained that staff does not have additional information to submit since the last meeting. The public hearing was closed last month and if the applicant has any new information, the Planning Commission should re-open the hearing to allow applicant testimony.

President Mackenroth re-opened the public hearing.

Applicant Testimony: Curt Wilkins of PO Box 25, Siletz, reported he debated with the Planning Department and between the Planner and himself, they share different opinions that there are three existing lots of record that make up the property. The three existing lots—two 25'x100' and one 50'x100', were created in 1923 and have been combined into one tax lot. When Mr. Wilkins first approached staff with the proposal, he was required to submit the minor partition and variance applications because it was one tax lot. Mr. Wilkins added that the staff memorandum to the Planning Commission states the proposal makes the situation more convoluted, however, he disagrees with the memo, believing that the proposal makes it less convoluted. He does not

want to sound threatening, but if the request is denied, he plans to move forward in re-establishing the lot lines for the eastern house which sits on a 25'x100' lot. The western house also sits on a 25'x100' lot and the third lot, on the corner of Main & 10<sup>th</sup> Street, is 50x100'. Mr. Wilkins intends to keep a good working relationship with the City and would not be disgruntled if denied, but just wanted the Planning Commission to be aware of his options. If the Planning Commission approves the request, he could still choose to keep the original configuration of the lots. The platted lot option could be a viable alternative. Mr. Wilkins discovered this information in the last few days. The two homes were in different ownership and the property description refers to it, but vaguely. It is important for the Planning Commission to know the background. The platted property line is almost exactly between the two houses. The tax lot contains portions of Lot 20, 21, and another unrecorded lot of Stanton's Tract addition. Commissioners reviewed the applicant's survey, included in the staff report, and that it only identifies Lot 20 and 21. Mr. Wilkins reported that there are lots of record which have been combined into one tax lot for tax purposes and for County convenience. A tax lot does not indicate legal deeded lot and he can prove, through records, there are deeded lots. He will re-create two lots through the County. Commissioner Learned-Ellis questioned the status of an "unrecorded plat". Mr. Wilkins reported that the plat was not recorded, but his research discovered that the individual lots were transferred to new ownership through inheritance, presumably to family members. When ownership later changed, it showed up as parcels of record described as one tax lot. Commissioners asked for clarification on Mr. Wilkins' deed description for the property, specifically if there are three deeds/legal descriptions for the property. Mr. Wilkins stated that he is in ownership of the three lots and in order to sell the lots, he will first file a quitclaim deed, transferred to himself, to create the separate lots. Mr. Wilkins has one deed for the property and he believes the legal description is a metes and bounds description, but he does not have a copy of the deed with him. The property contains Lots 20, 21, and another unrecorded lot from the Stanton's Tract Six subdivision.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Young would like to see an equal split of the lot, allow one of the homes to exist with improper setbacks, and the second home either moved or removed. She would like the property line split down the middle and a variance on one lot. Commissioner Learned-Ellis stated it is up to the applicant as to re-establish the platted lot line and it is beyond the Planning Commission's control, but it is common sense to combine the platted lots to make two decent size lots. Commissioners discussed the option for the applicant to re-establish the lot line and other homes in the neighborhood. Commissioner Schneidecker reported that after viewing the property, there is a problem with parking and it is not an ideal situation.

It was moved and seconded (Learned-Ellis/Young) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing held May 14 and June 11, 2008, the Planning Commission finds that the application file # VAR-1-08 (a request for a variance from lot size and width/depths ratio) does not comply with the criteria identified in Toledo Municipal Code Sections 17.68.050(D) and 17.68.050(A), and the Commission adopts the proposed Facts and Findings for denial, as amended for typographical errors.

The **motion passed** unanimously, noting the absence of Brodeur and Araiza.

It was moved and seconded (Mackenroth/Learned-Ellis) that based on the testimony received,

the staff report, and the evidence and argument before the Planning Commission, the Planning Commission determines that the request by the applicant for a minor partition does not comply with the Toledo Municipal Code Subdivision criteria A in Section 16.08.070 nor comply with the criteria in Section 16.04.050(A) - (F7) and the Planning Commission adopts the Facts and Findings of denial as amended for typographical errors.

The **motion passed** unanimously, noting the absence of Brodeur and Araiza.

STAFF COMMENTS:

CDC Klem announced the City Council has advertised the vacant Planning Commissioner position and the application date will be held open until filled. Staff also learned Commissioner Araiza will submit a letter of resignation. Therefore, there are two open positions if Commissioners know anyone interested in serving. He stressed that with only five Commissioners, it may be a challenge to achieve a quorum for upcoming meetings. Four members are necessary to have a quorum and to conduct business.

COMMISSIONER COMMENTS:

Commissioner Schneidecker reported he will not be at the July 9<sup>th</sup> meeting.

Commissioner Learned-Ellis wished everyone a safe 4<sup>th</sup> of July holiday.

There being no further business before the Commission, the meeting was adjourned at 7:28 pm.

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Secretary

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President