

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:01 pm by President Joyce Mackenroth. Commissioners present: Mary Young, Anne Learned-Ellis, Paul Schneidecker, and Terri Strom (arrived at 7:04 pm). Excused were Linda Brodeur and Dawn Grafe.

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

VISITORS: Simon Burn and Jim Bruster

APPROVAL OF THE OCTOBER 8, 2008, MINUTES:

It was moved and seconded (Learned-Ellis/Young) to approve the October 8, 2008, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Schneidecker abstaining and noting the absence of Brodeur, Grafe, and Strom.

PUBLIC HEARING: VARIANCE TO THE SETBACK REQUIREMENTS FOR CONSTRUCTION OF A NEW HOME FOR PROPERTY LOCATED ADJACENT TO 736 NW HIGHWAY 20, REQUESTED BY BRUSTER LIVING TRUST (JIM BRUSTER):

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

Staff Report: CDC Klem reviewed the staff report as on file at City Hall. He explained that there were two platted lots that were combined into one tax lot (2900) and there is a house at 736 NW Hwy 20. The two platted lots will be re-established, but the existing home at 736 NW Hwy 20 encroaches over the interior line. A lot line adjustment was recently approved to reconfigure the interior lot line around the existing house. The applicant proposes to build a home on the newly established platted lot. There is not enough space on the lot to meet the Single-Family Residential (RS) Zone setbacks of 9' side yard setback and 15' rear yard setback. The applicant is proposing a setback variance to build 2' 3" on the side and 6' on the rear. The minimum lot size in the RS Zone is 7,000 square feet and the lot does not meet this standard. This is an older neighborhood and improvements, including those of the applicants' other properties, have been occurring in the neighborhood. The proposal will increase the density, but it is already a dense neighborhood. Staff reviewed and recommends approval of the request. One comment was received from Qwest regarding utility locations and general standards, which is included in the staff report. CDC Klem then reviewed proposed facts, findings, and conditions of approval. It was noted that the listed conditions were mis-numbered.

Applicant Testimony: Jim Bruster of 453 S. Coast Hwy, Newport, reported this construction project would be used as a rental home. He has three other homes in the area, also used as rentals. This is good opportunity to put in a new home. There will be two parking spaces on the

property. French Avenue is very narrow and on-street parking is quite difficult. The elevation would remain the same, as no grading is proposed, and a retaining wall is not necessary. The house will be located in the same area as the existing trailer. Originally, a pier foundation was planned, but because it would need engineered, a typical framed foundation will be constructed. There are problems with clay soils in the area. The site-built home will be set away from the edge and cantilever the house over the property. Mr. Bruster reported that the house plan is very efficient and is quite popular in Europe, but they expanded the floor plan to get 850 square feet.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commissioners: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Learned-Ellis believes that the project would fit into the neighborhood well and there is probably as much off-street parking spaces as other homes. Her only concern is to include the language from Qwest as a condition of approval. Commissioner Young noted Condition 3 should address the concern.

It was moved and seconded (Young/Learned-Ellis) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing held on November 12, 2008, the Planning Commission finds that the application file # VAR-3-08 (a request for a variance from the side yard setback to within two feet three inches of the property line and a rear setback to within six feet) complies with the criteria identified in TMC Section 17.68.050 (D)(1) and the Commission adopts the proposed facts, findings and the following conditions of approval as amended tonight for the addition of Condition 3(A) and allowing for correction of typographical and grammatical errors as needed.

1. Development of the site shall be in general conformance with the submitted application materials dated September 18, 2008, which includes the construction of the proposed residence to within two feet three inches of the west property line (side yard), and to within six feet of the south property line (rear yard).
2. Two off-street parking spaces are required.
3. The costs associated with relocating, extending, or installing any utilities/facilities shall be borne by the applicant and any digging must be preceded by a request for locates.
 - A. Any costs associated with relocating existing Qwest facilities and cables are to be borne by the requesting party/developer. Easements should be considered when developing duplexes. This may/or may not be an issue—contact utilities if there are any questions. Utility locates to be called in prior to digging, customer can dial 811 for locates.
4. Approval is contingent upon completing and recording the survey associated with City File #LLA-1-08.

5. Expiration of the variance permit will occur one year from the date the order is signed, if development on the variance has not begun or a building permit has not been issued. The applicant may request an additional one year of time if the request is made in writing and submitted prior to the expiration date.

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

PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS FOR PROPERTY LOCATED AT 1302, 1304, 1306, 1308 SE STURDEVANT ROAD, REQUESTED BY SIMON AND ALETHEA BURN:

President Mackenroth opened the public hearing by stating the nature and purpose. After calling for ex parte contact, bias, or conflict of interest, President Mackenroth reported she is very familiar with the property, Commissioner Young announced she knows Mr. Burn, but they have not discussed the application, and Commissioner Learned-Ellis disclosed she conducted a site visit. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CDC Klem reviewed the staff report as on file at City Hall. He reported that one of the duplexes has been fixed up and the owner wants to repair the second structure. The lender has suggested that the two duplexes be separated and the repaired unit used as collateral. The applicant proposes to divide the property down the middle and each lot contain one duplex structure. The applicant would retain ownership and still fund the repair work. CDC Klem reviewed the minor partition criteria. Staff reviewed and recommends approval of the request. Like the first public hearing tonight, Qwest submitted comments for the project. Also, the adjacent property owner asked for information on the project and reported that the eaves of the southern duplex structure hangs over the property line. The neighbor does not have a problem with the request. The applicant may eventually deal with the problem with the eaves, but it will not be addressed in this proposal. The lower portion of the property is in the 100-year floodplain. The structures are existing and the finished floor elevation should be above the flood elevation. The property slopes up in the back of the property. CDC Klem then reviewed findings, facts, and conditions of approval.

Applicant Testimony: Simon Burn of 951 NE Grant Street, Newport, corrected CDC Klem that this proposal will be used to help fund improvements to another property he owns in Toledo. He owns an 8-plex on SE 2nd Street. Improvements were made to one of the 4-plex structures and he plans to refinance the Sturdevant Road property in order to repair the second 4-plex structure on SE 2nd Street. Remodel costs on the first SE 2nd Street 4-plex were high and the second 4-plex is in great need for repairs. The Sturdevant Road duplexes are structurally sound. He purchased the Sturdevant property one year ago and he has already completed some upgrades, such as painting, flooring, and fixtures, but will continue to work on the property. In order to refinance the Sturdevant Road property and bring the property values up, he needs to divide the property into two lots. There are no comps for 4-plexes, but there are a lot of comps for duplexes and he can easily refinance the two lots. This is an expensive process because of the fees involved, but he wants to improve his properties and be proud rather than ashamed of their condition.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commissioners: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Schneidecker voiced that this is a natural division of the property and will create two nice lots. President Mackenroth discussed the Qwest comment.

It was moved and seconded (Young/Mackenroth) 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 complies with the Toledo Municipal Code Subdivision criteria in Section 16.08.070 (A) - (I) and complies with the criteria in Section 16.04.050 (A) - (H) and the Planning Commission adopts the facts, findings, and the following conditions of approval as amended for typographical errors.

1. Partitioning of the property shall be in compliance with the proposed partition plan and submitted October 16, 2008, and as modified by the following conditions of approval.
2. The applicant shall provide a Minor Partition plat prepared by a licensed surveyor and meeting the plat standards of the City of Toledo and including an approval signature line for the City Manager's signature. Applicant shall submit the plat to the Lincoln County Surveyor for review and approval and shall record the plat. A copy of the recorded plat shall be submitted by the applicant to the City of Toledo.
3. Solution of an overhanging eave into the neighbor's property is to be undertaken by the property owners. The City has no responsibility in the matter.
4. The applicant shall sign and record a deferred improvement agreement, Irrevocable Petition for Public Improvements, for the creation of public sidewalks along SE Sturdevant Road.
5. In accordance with TMC Section 16.08.080, the final partition plat shall be recorded within one year from the effective date of the Planning Commission approval. One extension of time, not to exceed one year, may be granted to complete the partition if an application for an extension of time is made in writing prior to the expiration date.

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

STAFF COMMENTS:

CDC Klem provided updates and information on the following programs:

- A Habitat for Humanity informational flyer was included in Commission packet.
- Ivy control information was included in November's City newsletter. This topic was discussed at a recent Planning Commission meeting.
- The outdoor market has moved to an indoor commercial space on Main Street. Planning staff sent a letter with the approved business license for the new location.
- Staff heard from one resident along Arcadia Road who is strongly opposed to a street name change. Staff received information from the Post Office that there would be no problem changing the street name, although everyone on the street would have to submit a 'change of address' form. The Fire Chief likes the idea and is willing to discuss the

topic with residents and to encourage those in opposition. It is also a good idea to train emergency response people, but most are volunteers. The City has a number of street issues that should be discussed, including Wagon Road.

- The Blackberry Hill development project (sponsored by Lincoln County Community Development Corporation) is moving along. The low-income housing project has made it through the permit review process. The Fire Chief had concerns with the driveway access at 24% slope. After talking with the engineer, they reported that there is another street with 24% slope—East Slope Road. The Fire Department does not use this street if at all possible.
- CDC Klem started a draft design review section and will soon get it before the Commission to discuss.

COMMISSIONER COMMENTS:

President Mackenroth asked about a recent discussion to move certain types of variances, like the one reviewed tonight, as a staff-level variance. Commissioners discussed this option and felt City staff can handle the application if it meets criteria. This allows construction projects to start quicker. A process can be made for appeals to go to the Planning Commission and staff can notify the Commission of all decisions. Also, a provision could be created that "calls up" all decisions for the Commission to review during the appeal period. Commissioners reiterated the benefit of working on transportation issues and having more time to work on goals.

Commissioner Young was congratulated for winning the City Councilor seat. She stressed that she has enjoyed working with the Planning Commission and has learned a lot. She would've been happy to stay on the Commission. CDC Klem reported the Planning Commission opening will soon be advertised. President Mackenroth's term expires at the end of December and she has voiced the willingness to continue with the Commission. CDC Klem announced that no land use applications have been submitted for December 10th and the meeting may be canceled. Commissioners agreed to cancel if no applications are received.

Commissioner Learned-Ellis wished everyone a happy Thanksgiving.

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

Secretary

President