Toledo City Hall
Council Chambers
August 13, 2014

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:05 pm by President Jerry Seth. Commissioners present: Doug Alldridge, Julie Rockwell, Anne Learned-Ellis, and Paul Schneidecker. Excused were Mary Young and Paul Johnson.

Staff present: City Planner (CP) Aneta Synan and Secretary Arlene Inukai.

VISITORS: Shellene DeRocher.

The agenda was amended to allow the review of the July 9, 2014, Planning Commission minutes.

APPROVAL OF THE JULY 9, 2014, MINUTES:
CP Synan requested a revision to Page 1, Paragraph 9, Sentence 3 to read, "If the Planning Commission recommends the ordinance adoption, their motion statement should be revised to also be based upon the comments received." Sentence 4 should then be deleted. President Seth voiced appreciation of the Commissioners openness and ability to discuss topics. The minutes reflect that the Planning Commissioners want to do their job.

It was moved and seconded (Learned-Ellis/Rockwell) to approve the July 9, 2014, minutes as circulated and revised by the Planning Commission. The **motion passed** unanimously, noting the absence of Young and Johnson.

Commissioner Learned-Ellis suggested that if a joint Planning Commission and City Council worksession is held for performance standards, she would be comfortable to read the July minutes to Councilors. President Seth added that they covered a lot of ground last month and thanked all for the conversation. The July minutes should be relied on during future conversations.

PUBLIC HEARING: CONDITIONAL USE PERMIT TO ALLOW A MULTI-FAMILY RESIDENTIAL UNIT IN THE SINGLE-FAMILY RESIDENTIAL (R-S) ZONE AND FOR THE ADDITION OF A MANUFACTURED HOME THAT DOES NOT MEET THE MINIMUM STANDARDS ESTABLISHED FOR THE R-S ZONE, FOR PROPERTY LOCATED AT 1605 SE 14TH STREET, REQUESTED BY PHILLYS DEROCHER (CITY FILE #CU-2-14):
President Seth opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Rockwell announced she has personal knowledge of the request and knows the applicant. She feels she will not be impartial in the discussion and will not participate in the hearing. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Synan reviewed the staff report as on file at City Hall. At the time the staff report was written, no comments had been received. However, since that time, the Fire Chief submitted comments that he did not have a problem with the request.

CP Synan explained that the proposal is to add a second dwelling to property, to house extended

family. Several options were reviewed and considered during early conversations, but because of the applicant's needs, the options of an accessory dwelling unit, temporary housing, and minor partition did not work for the applicants.

CP Synan read the multi-family dwelling standards and structure/building definitions for Commissioners. The definition would allow a permanent placement of the new home, to be attached to the existing home. The property currently has a home with attached garage. A carport was recently removed.

The applicant's request is to place a single-wide manufactured home, attached by a breezeway to the existing home. Multi-family dwellings are allowed in the Single-Family Residential (RS) Zone with a conditional use permit. Manufactured homes are also allowed in the RS Zone, but multi-sectional homes are required outright. A single-wide manufactured home is allowed in the RS Zone through a conditional use permit.

In answer to questions posed by Commissioners, CP Synan provided the following information:

- Because the manufactured home would be physically attached to the existing home, it would be one continuous building.
- The manufactured home does not meet zoning ordinance criteria because of the width. The remaining criteria will be met.
- The applicant owns two tax lots—one is a small lot along the road, the other lot contains the existing home. The site is over one acre. There are some slopes on the property.
- The project will require a building permit. According to the applicant, they discussed the project with the Building Official and they are aware of the fire code requirements for wall-to-wall construction versus connecting via a breezeway.
- An approved conditional use permit continues with the property. If the property is sold, the multi-family status can continue. Should the property owner expand or revise the structure, a modified conditional use permit will be required. Conditions of approval on a conditional use permit would be enforced by the City and violations would go against the conditional use permit, not the building permit.

CP Synan recommended approval of the request. She said that the proposal is compatible with the area and no comments were received from the neighborhood. Commissioner Alldridge agreed that the request would fit well with the neighborhood, but he questioned if the breezeway meets the definition of a building. Commissioners discussed if there would be a continuous foundation to connect the homes as well. If the breezeway is removed, would it then be considered two dwellings? Commissioners held lengthy discussion to extend the foundation between the two units, in addition to the adjoining rooflines. They want assurance that the proposal meets code definitions. CP Synan noted that a breezeway option has been used in other communities, but the hearing could be continued in order to get the City Attorney's opinion on the definitions.

Commissioners considered different breezeway options and how the two different house rooflines would look with the breezeway. Commissioners wished for an illustration on the breezeway and how it would look. If the breezeway was not constructed, it would look like two separate homes. Commissioner Schneidecker reported that there will be two different titles for the structures—one for the existing home and one for the new manufactured home.

<u>Applicant Testimony</u>: Shelleen DeRocher of 125 SW 13th Street, Newport, Oregon, reported that

her husband, his mother, Phillys DeRocher, and she are now all property owners. At the time the application was submitted, Phillys DeRocher was the only listed property owner.

In answer to Commissioner questions, Ms. DeRocher stated that the Building Official reported that there must be a 6' minimum between the dwellings. The building official did not seem to have other concerns with the breezeway addition or permits. They plan to have a concrete floor for the breezeway, but did not plan for a continuous pour with the manufactured home—mainly because the foundation for the new home requires a stronger base. There will be gutters on the structures.

CP Synan again reviewed the definition of structure and building, which are very broad definitions. The breezeway can be considered a structure and the building definition refers to a structure. Commissioner Alldridge asked about the roofline of the proposed breezeway and if it would be an extension of the garage roof to look like one solid roof. Commissioner Learned-Ellis questioned if there are different roof pitches and how the new roofline will match. Commissioners reiterated that a side elevation drawing would have been very beneficial to see exactly how the breezeway would be constructed and how the rooflines are addressed. Commissioners wanted assurance that it is nice looking and has the same roof material. Ms. DeRocher reported that they do not have a drawing of the breezeway, but it will have a pitched roofline. Commissioners then used folded paper and the white board to try and illustrate the various rooflines and pitch that could be used for the breezeway structure to connect the two homes.

Commissioners considered a condition to have a drawing that shows exactly how the breezeway will be connected. Ms. DeRocher stated that they would like to have the manufactured home set in early October. There needs to be some site prep, retaining wall, and concrete work done first. The contractor is not available most of September, but they want to have the job done soon. She added that once approved, the contractor will finalize and file the building permit application with the County. Lincoln County did not seem to have any objections for the building permit process. CP Synan added that the City reviews and signs building permits for zoning items. A land use permit would be a City condition on the building permit as well. The land use application does not always require a full set of drawings like the building permit application, but Commissioners could continue the public hearing if they want to see a drawing for the proposed breezeway.

Commissioners discussed the accessory dwelling options, which is allowed outright. CP Synan reported that they looked at this option, but because accessory dwellings are limited in size to 35% of the primary dwelling or around 400 square feet, the applicant believed this would be too small. Also, it requires one of the units to be owner-occupied. A minor partition and new construction option was reviewed, but the applicant did not feel this was the best fit for their needs either.

Commissioner Learned-Ellis would like to see cement flooring for the breezeway. She also noted that the breezeway could eventually be enclosed, becoming living space. Commissioners discussed continuing the public hearing in order to see an elevation plan and to draft conditions. Commissioner Learned-Ellis proposed conditions of approval that, 1) the manufactured home shall meet all criteria for the RS Zone standards, except the dimension, 2) the breezeway shall have cement flooring, and 3) the roof line of the new structure and the breezeway shall be contiguous with the original structure.

Ms. DeRocher clarified that this request allows them to live onsite with a parent, while still

providing their mother with some independence. As a long term plan, they expect that the site will become their children's property. Commissioners discussed hardship housing and many times there is a sundown clause to remove the second home. However, the applicant's proposal is for permanent placement. Commissioner Schneidecker again voiced concerns how the units will be connected and if it will set a precedent. Ms. DeRocher stated she is willing to comply with the additional conditions to make the proposal works. She said they have ordered the manufactured home with the contingency for the outcome of tonight's meeting.

Commissioners reviewed proposed conditions, definitions, RS standards for accessory dwelling units, and appearance of the units. Commissioners noted that mixed-use neighborhoods are typically good. Commissioner Schneidecker asked if there are insurance implications for the applicant. Commissioners discussed the building permit process and how the project conforms with the building code.

Commissioner Learned-Ellis noted that the roof pitch/peak must be connected and contiguous with the buildings, but it could be at different heights. Ms. DeRocher clarified that the manufactured home would run perpendicular with the existing home and garage. The garage door will be the passway. Commissioner Learned-Ellis voiced acceptance as long as the roof line and foundation are connecting the structures. CP Synan noted that a continuous footing is the RS Zone standard for manufactured homes.

Proponent Testimony: None.

Opponent Testimony: None.

Questions by Others: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Learned-Ellis/Schneidecker) that based on the Facts, Findings, Staff Report and attachments, testimony received, and the evidence and arguments before the Planning Commission at the public hearing on August 13, 2014, the Planning Commission determines that the request by Phyllis DeRocher (to allow a multi-family residential unit in the Single-Family Residential (R-S) Zone and for the addition of a manufactured home that does not meet the minimum standards established for the R-S Zone) complies with Toledo Municipal Code 17.64.050. The Commission hereby adopts the staff report Findings for application #CU-2-14 with the following conditions, allowing for the correction of typographical and grammatical errors as needed.

1. The manufactured home shall meet all criteria in the R-S Zone, except for the dimensions.
2. The roof line and foundation connecting the structure shall be contiguous and consistent with the definition of multi-family structures.

The **motion passed** unanimously, with Rockwell abstaining and noting the absence of Young and Johnson.

STAFF COMMENTS:
CP Synan reported that she was feeling ill at last month's meeting and apologized for leaving the meeting early. She announced that she will be leaving Toledo, as her contract ends today.

President Seth voiced appreciation of CP Synan's contribution and awareness of potential issues. CP Synan stated that the Commissioners are very knowledgeable, ready to work and are a good group of Commissioners. She said she will not miss the two-hour drive, but she will miss the folks in Toledo. A new planner will be considered when the new City Manager starts in September. Commissioners discussed future updates to the code, specifically, reviewing definitions to deal with several inconsistencies.

COMMISSIONER COMMENTS:
Each Commissioner thanked CP Synan and noted that they will miss her.

Commissioners discussed the used car sales near the Police Department. It was noted that the owner now has a valid DMV permit to sell vehicles at the site.

There being no further business before the Commission, the meeting was adjourned at 8:50 pm.

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Secretary President