

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Todd Michels. Commissioners present: Geoffrey Wilkie, Cora Warfield, Robert Duprau, and Anne Learned-Ellis. Excused was Penny Ryerson.

Staff present: Contract Planner (CP) Justin Peterson, City Attorney David Robinson, Secretary Arlene Inukai, and City Recorder Lisa Figueroa

VISITORS: Craig Lash

APPROVAL OF THE OCTOBER 9, 2019, MINUTES:

It was moved and seconded (Learned-Ellis/Warfield) to approve the October 9, 2019, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, noting the absence of Ryerson.

CONTINUED PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS FOR PROPERTY LOCATED AT 1606 NW SPRUCE STREET (FILE #MP-2-19), REQUESTED BY DAVID AND TAMI HOWARD:

President Michels re-opened the continued public hearing by stating the nature and purpose. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reported he met with the applicant and discussed the current proposal and options for the partition. In the past, the applicant asked the City for a property line adjustment and potential land trade. This Spruce Street property has potential for a City trade and street dedication. However, at this time, the City does not have a Public Works Director and has an interim City Manager. After the staff meeting, Mr. Howard submitted a letter to withdraw the request and re-submit an application at a later date. A copy of the letter, attached to the staff memorandum was included in the Planning Commission packet.

President Michels closed the public hearing.

It was moved and seconded (Learned-Ellis/Wilkie) to accept the October 26, 2019, letter from David Howard to withdraw his application. The **motion passed** unanimously, noting the absence of Ryerson.

DISCUSSION ITEM: ACCESSORY DWELLING UNIT STANDARDS:

CP Peterson reported that the State recently adopted House Bill (HB) 2001, which now requires some changes to the City's accessory dwelling unit (ADU) standards. He prepared a draft showing proposed changes to remove the owner-occupancy requirement and parking standard, as required by HB 2001. One additional parking space cannot be required for an ADU placement, unless it is used as a vacation rental.

Commissioners discussed the proposed revision and provided the following comments for ADU development:

- The ADU resident may have to park on the street, possibly on an undeveloped, narrow street. The City can no longer require one new parking space be created for the ADU.
- ADUs are currently allowed outright and must meet the zone standards, such as setbacks and lot coverage. A site review is still performed, generally within the building permit process, but a conditional use is not needed.

CP Peterson clarified that if there is a legal non-conforming structure, it can be converted into an ADU. For example, a garage that does not meet the setback, but is considered a legal non-conforming structure, can be converted to an ADU, as long as other zone requirements are met.

Commissioners reviewed the State's model code language, discussing the option of allowing one or two ADUs (one attached unit and one detached unit). ADU standards can be different in the RS and RG Zones. Commissioners discussed keeping one unit in the RS Zone and allowing two units in the RG Zone. If there are two ADUs, they still have to meet other zone standards and lot coverage. Commissioners also reviewed the minimum size requirements, agreeing that the accessory unit must be smaller than the primary home, but in general, stated that the size limit in the existing code is very small. The code limits ADUs to 650 square feet or 35% of the primary dwelling's total floor area, whichever is less.

CP Peterson provided a PowerPoint presentation for ADU standards and comparisons to other communities. The Planning Commission discussion and staff presentation are summarized below:

- The minimum lot size in the RS Zone is 7000 square feet and 6000 square feet in the RG Zone. Many lots pre-date the code and are smaller than the current minimum lot size.
- The other comparison communities may be relatively flat and are not facing the same topography constraints as Toledo.
- An 'attached' ADU is the conversion of a portion of the existing structure, such as an attic or basement, or the addition to an existing structure. A 'detached' ADU is construction not connected to the existing home.
- If an entire floor of the existing dwelling is converted to an ADU, the square footage limits could be removed for the ADU. For example, if the top floor of the existing home is converted to an ADU, it could be larger than the listed size limits.
- A parking space is only allowed if the ADU will become a vacation rental home. The City cannot require the parking space, regardless of the dwelling size. The State eliminated the option to regulate parking standards for ADUs.
- Design standards may need additional review and should have clear and objective standards.
- ADUs still have to meet building and fire life-safety codes.
- The existing code states that if the original use was allowed through a conditional use permit, the addition of an ADU must also go through a new conditional use process. This could be the case if a manufactured home or home occupation was allowed through a conditional use permit. This language can be removed, in order to allow ADUs outright. Removing the conditional use language complies with the State's requirement to allow ADUs outright.

CP Peterson clarified that a draft will come back to Planning Commissioners for further review. The Planning Commission will review an amendment first, making a recommendation to the City

Council. HB 2001 goes into effect January 1, 2020. The owner-occupied and parking standards must be removed, but the revision cannot be done before the first of the year. Therefore, if someone applies for an ADU before amendments are finalized, the City will follow the State standards.

Based on review of the draft, the DLCD model code, and State's recommended language, Planning Commissioners suggested the following updates to the ADU standards for future review:

- Increase the square footage beyond 650 square feet. The model code language is between 800-900 square feet. Planning Commissioners suggested 850 square feet and/or a percentage of the primary dwelling.
- Allow two ADUs in the RG Zone (one must be attached and the second unit can be detached). Keep one ADU in the RS Zone.
- Remove "material" from the design standards, but retain the language to keep the ADU structure to be similar in appearance.

Commissioners voiced that the changes could increase development of ADUs and increasing affordable housing options. CP Peterson added that they provide alternative housing options, filling a need for retirees or young couples just starting out.

DISCUSSION ITEM: OLALLA SLOUGH PEDESTRIAN TRAIL AND PARK PROJECT:

Commissioners reviewed their discoveries during their individual site visits to the area.

Commissioner Warfield noted the topography issues and that the gravel parking lot is higher than the remaining site. It is hard to envision the potential. Commissioner Wilkie suggested developing either the nature area or the park. Commissioner Learned-Ellis drove by the site and voiced the difficulty to see where to go from there. She added that a nature trail would be good, but it needs good parking and accessibility appears to be difficult. She also questioned if there are baseball fields at the site, where would parking be provided? She agreed that it's difficult to envision how to develop the site. If goats were allowed to work on the vegetation, it would be easier to view the topography and wetland areas. President Michels suggested a wetlands survey be performed and for Commissioners to view the floodplain maps.

CP Peterson reported he spoke with the Division of State Lands (DSL) and they suggested a wetlands delineation be performed. The City should have a consultant to study the site. If wetlands are discovered, there could be mitigation requirements and the cost to develop the site increases. Wetlands can become the most challenging and costly part of the project. The property is in the floodplain and in the Natural Resource (NR) Zone. Transportation facilities and parks are allowed in the NR Zone. The trail system is also mentioned in the Transportation System Plan.

CP Peterson also researched the Safe Routes to School grant program and the Oregon Parks and Recreation grant. He provided guidelines and submittal requirements for each grant opportunity.

The group discussed the elevation at the site and that a boardwalk may also need to be raised, especially if it will be used year-round for the school connection. Commissioners asked for more information on wetland mitigation or potential mitigation banking. They voiced the importance to have a safe connection and path to the school, which should be the priority. Next would be the trail system, then the park and ball fields. The City needs a wetland survey in order to find the suitable area for a parking lot, trail, etc. Additional research is necessary to find the cost of a wetland delineation. CP Peterson added that a wetland delineation report is only valid for five years.

Commissioners also discussed a pedestrian connection to the downtown area. Olson Road has been closed for quite some time, due to a slide. This route could provide a connection to the downtown area and could link to the East Slope Road property.

Parking standards, signage, and wetlands all need additional research. President Michels suggested a recommendation to the City Council to provide enough funding to move forward with a wetlands delineation report.

STAFF COMMENTS:

Secretary Inukai asked if Planning Commissioners had a preference to re-scheduling the November 11, 2020, meeting date, since the scheduled date falls on a holiday. Commissioners were generally open with either the day before or the day after the 11th, but did not choose a preferred date.

COMMISSIONER COMMENTS:

Commissioner Wilkie asked for information on the Oregon small cities conference that Toledo is hosting. City Recorder Figueroa reported that the Region 5 City Managers' meeting will be held November 21st at the Toledo Fire Department.

There being no further business before the Commission, the meeting was adjourned at 8:25 pm.

Secretary

President