

Toledo City Hall
Council Chambers*
206 N. Main St. Toledo OR
December 11, 2019
7:00 pm

AGENDA

TOLEDO PLANNING COMMISSION

1. CALL TO ORDER
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE NOVEMBER 13, 2019 MINUTES as circulated and reviewed by the Planning Commission
4. WORKSESSION: ACCESSORY DWELLING UNIT STANDARDS
5. DISCUSSION ITEMS:
 - a. Tree City USA 2019 Application
 - b. Updates and Reports
6. STAFF COMMENTS
7. COMMISSIONER COMMENTS
8. ADJOURNMENT

* The Toledo City Hall Council Chambers are accessible to persons with disabilities. A request for special accommodations for persons with disabilities should be made at least 48 hours in advance of the meeting date 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 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

Proposed Amendments to Toledo Municipal Code (TMC) Title 17

*Proposed additions to the text are underlined. Deletions are listed in ~~striketrough~~.

The Oregon State Legislature passed House Bill (HB) 2001 during the 2019 regular session. This document outlines the anticipated changes for residential property within the City of Toledo. HB 2001 prevents local governments from requiring owner occupancy or parking for Accessory Dwelling Units (ADUs) as of January 1, 2020. The proposed changes to the TMC include the required removal of the owner occupancy and parking standards, and updating other ADU standards to remove barriers to ADU development in the City of Toledo.

The City of Toledo has two residential zones, the Single Family Residential Zone (R-S) and the General Residential Zone (R-G). The proposed changes include updating the ADU definition, updating the floor area maximum, allowing the conversion of non-conforming structures, removing the conditional use requirement, clarifying that manufactured dwellings may not be used as accessory dwelling units, and removing the similar material requirement. The proposed changes are intended to be clear and objective and follow Department of Land Conservation and Development (DLCD) guidance.

The existing floor area standards are restrictive and the proposed floor area standards allow larger units and allow the conversion of an entire floor. The conditional use standard is proposed to be removed so that ADUs are processed as administrative applications which meets the intent of the HB 2001. The proposed changes remove the requirement that ADU's shall have exterior siding and roofing of a similar material.

The proposed changes for the R-S and R-G zone are the same with the exception of two units being allowed within the R-G zone and ADU's in the R-G zone not being subject to the 1,800 square foot for each additional unit requirement. The minimum lot area in the R-G zone is 6,000 square feet plus 1,800 square feet for each additional dwelling unit. The additional 1,800 square feet for each additional dwelling unit is a barrier for ADU development and the R-S zone does not have an additional square footage requirement for additional units. The R-G zone allows multi-family outright and the purpose of the R-G zone includes allowing "higher density housing". The allowance of two accessory units and the removal of the 1,800 square foot requirement for each additional unit meets the intent of the zone.

The TMC ADU definition and proposed changes to the TMC are outlined below.

I. Toledo Municipal Code (TMC) 17.04.020(B) - Accessory Dwelling Units Defined

~~"Accessory dwelling unit" means a dwelling unit incidental and subordinate to the main dwelling unit. Examples include a studio apartment located over a garage or a one bedroom cottage located in the backyard. (TMC 17.04.020)~~

"Accessory Dwelling Unit – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

II. Toledo Municipal Code (TMC) 17.08.090(D) Single Family Residential Zone (R-S) – Special Standards for Certain Uses

Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:

- ~~A. Accessory Dwelling Units. One accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, provided the following conditions can be met:~~
- A. One Unit.** A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a

garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Floor Area

- ~~1. Any additions shall not increase the gross floor area of the original dwelling by more than thirty five (35) percent. Gross floor area of the accessory unit shall not exceed thirty five (35) percent of the primary dwelling's total floor area, or six hundred fifty (650) square feet, whichever is the lesser.~~
1. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.

C. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
- ~~1. The owner(s) of the primary dwelling shall occupy at least one of the units.~~
2. No off-street parking is required for an Accessory Dwelling Unit.
- ~~1. One additional off street parking space shall be provided in addition to the required parking for the primary dwelling.~~
3. Accessory Dwelling Units may not be a manufactured dwelling.
- ~~1. Any accessory use and/or dwelling associated with a conditional use shall be allowed only after approval has been granted through the conditional use procedure. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions for a code interpretation.~~

D. Design Standards

1. Accessory dwelling units shall have exterior siding and roofing which in color, ~~material,~~ and appearance is similar to the exterior siding and roofing material of the primary dwelling.
2. Accessory Dwelling Units shall comply with fire and life-safety codes.

III. Toledo Municipal Code (TMC) 17.12.040(A) General Residential Zone (R-G) – Special Standards for certain uses

Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:

- ~~A. Accessory Dwelling Units. One accessory dwelling unit may be allowed in conjunction with a single family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, provided the following conditions can be met:~~

A. Two Units. A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling Unit, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Floor Area

~~1. Any additions shall not increase the gross floor area of the original dwelling by more than thirty five (35) percent. Gross floor area of the accessory unit shall not exceed thirty five (35) percent of the primary dwelling's total floor area, or six hundred fifty (650) square feet, whichever is the lesser.~~

1. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.

2. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.

C. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.

~~1. The owner(s) of the primary dwelling shall occupy at least one of the units.~~

2. No off-street parking is required for an Accessory Dwelling Unit.

~~1. One additional off-street parking space shall be provided in addition to the required parking for the primary dwelling.~~

3. Accessory Dwelling Units may not be a manufactured dwelling.

~~1. Any accessory use and/or dwelling associated with a conditional use shall be allowed only after approval has been granted through the conditional use procedure. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions for a code interpretation.~~

D. Design Standards

1. Accessory dwelling units shall have exterior siding and roofing which in color, ~~material~~, and appearance is similar to the exterior siding and roofing material of the primary dwelling.

2. Accessory Dwelling Units shall comply with fire and life-safety codes.

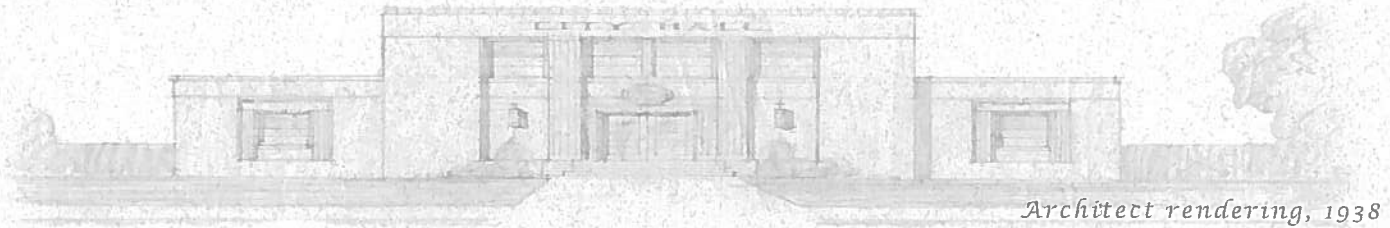
IV. Toledo Municipal Code (TMC) 17.12.060 – Residential General (R-G) - Lot Size

A. The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

V. Toledo Municipal Code (TMC) 17.44.030(A)(7) – Vehicle Parking Standards

~~**A.** Accessory dwelling. One parking space required.~~

CITY OF TOLEDO



MEMORANDUM

TO: Toledo Planning Commissioners

FROM: Arlene Inukai, Planning Department Secretary *AI*

DATE: December 4, 2019

RE: Toledo Tree Board - Annual Tree Plan

Attached is a copy of the 2019 Annual Tree Plan, which was submitted for the TreeCity USA certification last year. The plan is presented to you in order to review the projects and to begin discussion for the 2020 annual plan.

Oregon Tree City USA
Standard 3

Annual Urban Forestry Plan

City: TOLEDO

To be accomplished in Year: 2019

Month	<i>City Tree-Related Activities (tree maintenance and tree promotion efforts)</i>
<i>Jan</i>	<i>Inventory Main Street trees and begin community survey for new tree planting or tree maintenance project.</i>
<i>Feb</i>	<i>Compile survey results to award tree planting project site. Plan Arbor Day event. Complete Main Street Tree Inventory and Report.</i>
<i>Mar</i>	<i>Perform tree trimming and pruning. Tree planting project in neighborhood park. Informational article in City newsletter and promote neighborhood park sites.</i>
<i>Apr</i>	<i>Hold Arbor Day event. Distribute trees to children and community groups. Hold an ivy-pull work party.</i>
<i>May</i>	<i>Tour Mill Creek Riparian Restoration Project site. Begin review of the Tree Board Ordinance.</i>
<i>Jun</i>	<i>Conduct tree inspections. Provide public education about trees.</i>
<i>Jul</i>	<i>Partner with the Children's Summer Reading Program at the library for an educational tree program.</i>
<i>Aug</i>	<i>Hold a tree-related event at a City park.</i>
<i>Sep</i>	<i>Prepare plans for 2020. Finalize proposed amendments to the Tree Board Ordinance.</i>
<i>Oct</i>	<i>Organize a leaf pick-up event. Hold a joint worksession with Toledo City Council and Tree Board. Public hearing for Tree Board Ordinance.</i>
<i>Nov</i>	<i>Hold a leaf pick-up event. Perform fall tree pruning and maintenance.</i>
<i>Dec</i>	<i>Finalize Tree City USA application, 2020 Annual Plan, and prepare for the Spring tree planning project.</i>

**City of Toledo, Oregon
Annual Tree Plan
2019**

I. Tree Planting

- ♣ Conduct tree planting event in selected city park (March-April)

II. Tree Maintenance

- ♣ Tree maintenance and pruning in City parks and right-of-ways (on-going)
- ♣ Survey trees along Main Street business district (January-February)
- ♣ Tree inspection (June-September)
- ♣ Ivy pull event (March-April)
- ♣ Establish a leaf pick-up event (October-November)

III. Administration

- ♣ Continue annual Arbor Day event and maintain Tree City USA status (on-going)
- ♣ Tree Board Ordinance review and amendment (May-October)
- ♣ Joint Tree Board and City Council work session for tree issues (October)
- ♣ Tour Mill Creek riparian restoration project site (May)

IV. Education Activities

- ♣ Tree planting information, tree maintenance activities, tree identification, and property owners' responsibility for tree/vegetation maintenance for public right-of-ways (March-June)
- ♣ Distribute seedling trees to school children and community groups (April)
- ♣ Sponsor a tree-themed activity at Toledo Public Library to celebrate Arbor Day (April)
- ♣ Develop a tree-themed activity for children during the Summer Reading Program (May-July)
- ♣ Create a local park reading event and tree-themed scavenger hunt (August)

CITY OF TOLEDO PLANNING CALENDAR

2019		
JANUARY	FEBRUARY	MARCH
Begin Main Street Tree Inventory Prepare survey for Facebook and City website with suggested park location and tree species for public input for Spring tree planting or maintenance project	Plan Arbor Day/Week events and tree seeding distribution Compile website survey results and select a park for tree planning project. Tree Board tour of planting project Complete Main Street Tree Inventory and Report	Tree planting project in selected park. Promote planting project and increase publicity and public awareness of selected park site Maintenance pruning and tree inspections Identify ivy pull work site Information/education article for right-of-way planting, owner responsibilities, getting involved with tree activities, and tree maintenance
APRIL	MAY	JUNE
Adopt Arbor Day Proclamation, conduct Arbor Day ceremony, TCUSA Awards-milestone year! Tree activity at Toledo Library to celebrate Arbor Day Tree planting project finished Seedling trees to grade school children and community members Hold ivy pull work party	Tour Mill Creek riparian restoration project or provide virtual tour Begin Tree Board Ordinance review Plan a tree-related activity for the Summer Reading Program	Tree inspection Public education project, i.e. tree identification and disease prevention
JULY	AUGUST	SEPTEMBER
Children library event during the Summer Reading Program	Local park reading event and tree-themed scavenger hunt	Prepare tree planting plans for next year Tree Board Ordinance revisions
OCTOBER	NOVEMBER	DECEMBER
Finalize tree planting plan for next year Coordinate a leaf pick up event Tree Board and City Council work session Begin the TCUSA application	Hold the leaf pick up event and include woody debris information in the newsletter Fall tree pruning and maintenance	Finalize TCUSA application for submission Prepare recommendation for spring tree planting project



TOLEDO PLANNING COMMISSION SCHEDULE

2020 MEETING DATES



JANUARY 8
FEBRUARY 12
MARCH 11
APRIL 8
MAY 13
JUNE 10

JULY 8
AUGUST 12
SEPTEMBER 9
OCTOBER 14
NOVEMBER (TBD)
DECEMBER 9



All regular Planning Commission meetings begin at 7:00 pm in the
City Hall Council Chambers, 206 N Main Street, Toledo.

Worksessions/Special Meetings: The Planning Commission may conduct worksessions and/or special meetings throughout the year. These meetings will be scheduled as necessary and notice will be sent in advance of the meeting date. Unless otherwise noted, worksessions and special meetings will be held in the City Hall Council Chambers, 206 N Main Street, Toledo. Times may vary.

