

TOLEDO PLANNING COMMISSION MINUTES

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

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

VISITORS: Matt Moore, Ron Knemeyer, Jim Chambers, Cindy Loomis, Leila Boys, Linda Tucker, Tom Tucker, Mikel Johnson, Jessica Moll, Jon Lawrence, David Boys, Craig Lash

APPROVAL OF THE DECEMBER 11, 2019, MINUTES:

It was moved and seconded (Learned-Ellis/Wilkie) to approve the December 11, 2019, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Warfield abstaining and noting the absence of Michels.

PUBLIC HEARING: ZONING ORDINANCE AMENDMENT TO MODIFY THE ACCESSORY DWELLING UNIT DEFINITION AND STANDARDS IN THE SINGLE-FAMILY RESIDENTIAL ZONE AND GENERAL RESIDENTIAL ZONE (FILE #ZOA-1-19), REQUESTED BY THE CITY OF TOLEDO:

Vice President Ryerson opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. The statements of rights and relevances were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. The request is a code amendment to the Accessory Dwelling Unit (ADU) standards in the Single-Family Residential (RS) Zone and the General Residential (RG) Zone.

Notice of the public hearings were sent to 19 public/service agencies and to all property owners within the RS and RG Zones. Notice was also published in the Newport News-Times. Staff did not receive any department comments for the proposal. Several calls for questions or additional information were received. Two written comments were submitted this week, after the staff report was written. Both were provided to the Planning Commission for review tonight.

CP Peterson reviewed the process for the amendment. Recently adopted Oregon House Bill 2001 prohibits Toledo from requiring one additional parking space for an ADU and owner occupancy of either the primary residence or the ADU. During the recent worksessions, Planning Commissioners reviewed the required changes and began a review of the other ADU standards. The proposal reflects the required changes and suggested amendments to remove barriers for development.

CP Peterson listed the proposed changes. An ADU can be attached to the existing home or it can be detached. Both the RS and RG Zones provide the same ADU standards, but the RG Zone could allow two ADUs—one attached to the primary home and one detached. ADUs would be limited to

850 square feet or 80% of the primary dwelling. However, if the ADU converts an entire floor of the existing home, the size could exceed 850 square feet. Language was added to address existing nonconforming structures. All new ADUs must comply with Fire/Life Safety codes and other zone standards. ADUs may not be manufactured homes. The RG Zone's minimum lot size section includes a language update to clarify that an extra 1800 square feet is needed for "multi-family" dwellings. ADUs would be exempt from the minimum lot size standard. HB 2001 removes the parking requirement and the parking chapter is amended to remove the off-street parking requirement. Language in the ADU definition would also be revised.

CP Peterson reviewed the criteria for text amendments. Notices were sent to the State and Lincoln County. No comments were received. The request must comply with the Comprehensive Land Use Plan and Toledo Municipal Code. CP Peterson reviewed relevant goals and findings from the staff report. The Planning Commission provides a recommendation to the City Council and the Council has the final decision on ordinance amendments. The Planning Commission's options are to recommend the City Council 1) approve the amendments, 2) approve with modifications or 3) deny the proposal. Staff recommends the Commission forward the request to Council for approval.

Public Comments: Mikel Johnson of 718 SE Fir Street reported he has lived in Toledo for 37 years and encouraged the Planning Commission to go forward with the proposed changes. They have been needed for a long time and it is a win-win for the community.

Cynthia Loomis of 657 NE Cherry Lane reported she has an easement across her property to 2nd Street. She questioned how the proposal would impact or enforce the easement. She explained she has an addition on the back of her home and expressed concerns if 2nd Street would be built. CA Robinson clarified that the amendment does not extinguish any easements. Commissioners encouraged her to meet with City staff to review the easement areas.

Tom Tucker of 1849 SE Emerald Court asked how the changes will affect existing buildings and if they could be 'grandfathered'. CP Peterson confirmed that the amendment would only affect new units for residential use. Existing sheds, garages, etc. would not be impacted, unless they are converted to an ADU residence. Building permits would still be needed.

Jim Chambers of 565 NW Aspen Street noted that the State is removing the off-street parking requirement, but Toledo should question this standard based on the width of existing streets. If the existing street is narrow, dead-ends, or restricts fire access, on-street parking should be limited. On-street parking creates hazards on narrow streets. Commissioner Learned-Ellis shared the concern, adding that the Commission held long discussions on parking, but it is mandated by the State, so the City does not have an option. Mr. Chambers suggested creating no-parking zones that could help with fire access and public safety. CA Robinson confirmed that the City can still look at establishing no-parking areas if on-street parking is not safe. Commissioner Learned-Ellis added that fire and building codes are still applicable, along with other zone criteria (setbacks, lot coverage, etc). Mr. Chambers stated he is not opposed to the amendment, but questioned why manufactured homes are prohibited. He asked if the 'kit-style' homes would be allowed. CP Peterson reviewed the manufactured home definition. Manufactured homes are allowed as the primary residence, but not as the ADU. Commissioner discussed the manufactured home definition in the code and state statute. Kit homes could be allowed as an ADU. An ADU could be an addition to an existing manufactured home, while still needing to meet building code and other ADU standards. The addition of a home business area would have to comply with the home

occupation standards and building codes. Commissioners discussed the manufactured home placements and the difficulty to find the smaller units which meet both the ADU and manufactured home standards. Mr. Chambers asked that the definitions be clear to allow a kit home. Discussion continued on the definition of manufactured home vs. pre-constructed/kit built houses. Mr. Chambers questioned the number of units per acre in the RG Zone. It was clarified that the RG Zone allows 21 multi-family dwelling units. Adding an ADU to a single-family home does not impact the square footage requirement. Mr. Chambers stated there may be covenants that restrict ADU development. CA Robinson noted that HB 2001 does not discuss CCRs or HOAs and how to implement within existing subdivisions. Mr. Chambers asked for clarity on low and moderate income housing units. CP Peterson stated it is defined by the State.

David Boys of 1250 NW Lakewood Drive, Newport, stated he and his wife Leila own a home in Toledo (990 SE Gaither Way), which is used as a rental. They are working to keep the Gaither area nice and they are in favor of the proposal. Mr. Boys noted that it would be a good option to convert the existing garage into a second dwelling.

Ron Knemeyer of 450 NE Andie Lane reported on the Andie Lane area and number of survey problems in the area. He stated that his neighbor, Bill Hayden, showed him three Toledo homes that were mail-order kit homes from Sears Roebuck. He asked if this type of construction would be allowed today. He received clarification on the maximum ADU size of 850 square foot or 80% of the primary home size.

Questions by Commission: Commissioner Learned-Ellis addressed the comments from Central Lincoln PUD, which were provided tonight. Central Lincoln suggests that each of the two dwelling units be on a separate power meter. CA Robinson thought it is a good idea for the property owner to be aware of, but did not believe that the City can regulate the electrical meter requirement. Staff can discuss the issue with property owners during the pre-application conference.

Vice President Ryerson clarified for the audience this is her first public hearing to run as Vice President and appreciated the assistance of her fellow Commissioners and patience of the attendees.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners discussed kit homes versus manufactured homes. Commissioners would like to see the pre-packaged/build-on-site construction continue as an option and to make sure this type of construction is not classified as manufactured home. Commissioners also asked to bring back the issue of manufactured homes as ADUs in one year if it is in the best interest of the community to allow the option. The City Council may choose to remove the requirement. CP Peterson reported there will be a review of the residential zones this year and the manufactured home as an ADU topic can be further discussed during the housing review. Discussion continued on updating the manufactured home definition. CA Robinson suggested not listing the ORS number, as it can be renumbered. He offered a statement or finding that, "the Planning Commission's prohibition on manufactured dwellings, as written in the staff report, is self-executing by virtue of the definition of manufactured dwelling in both the Toledo Municipal Code and in the Oregon Revised Statute."

It was moved and seconded (Learned-Ellis/Warfield) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on January 8, 2020, the Planning Commission finds that application file #ZOA-1-19 complies with the criteria identified in TMC 19.20.070(A)-(D) and recommends approval of the proposal by the City

Council. The Planning Commission hereby adopts the staff report as findings, allowing for the correction of typographical and grammatical errors, and additions, as needed.

The **motion passed** unanimously, noting the absence of Michels.

DISCUSSION ITEMS: UPDATES AND REPORTS:

CP Peterson provided an update on the Olalla Slough park project, stating that he will meet with the City Manager, Mayor, and Oregon Department of State Lands to discuss the project and review the challenges. Commissioner Warfield asked about the wetland delineation report and expressed concern with the complexity of the project and potential obstacles. She is worried about spending the money for a wetlands study if there are too many barriers to develop the site. She asked if the funds earmarked for the project could be used to upgrade another park. Commissioners shared the concerns. CP Peterson stated that either the boardwalk or the ballfield would need a wetland delineation study. Commissioner Learned-Ellis asked for donations or to fundraise to complete the wetlands study, rather than spend City funds. Vice President Ryerson added that it could be a waste if the wetlands prohibit developing the site or too much flooding occurs, making it unsafe to use the boardwalk. Commissioner Learned-Ellis stressed the need to provide a safe route for kids, while still keeping the feasibility of the project in mind. CP Peterson reviewed the grant opportunities for added safety near the school. There are also options for the bridge crossing and boardwalk. Commissioners discussed the levee height and designing a trail that could be elevated.

Staff will begin working with the Planning Commission to start a review of the residential standards. There could be changes or refinements to consider in several worksessions this year.

The City of Yachats is hosting a League of Oregon Cities training opportunity on January 30th and invited Toledo City Councilors, Planning Commissioners and staff. There are several topics that could be valuable for Planning Commissioners.

STAFF COMMENTS:

CA Robinson reported he provided the Library Director with a copy of the Tree City USA planning goals and the Library will incorporate some of the projects into their program activities.

COMMISSIONER COMMENTS:

Commissioners Learned-Ellis and Duprau wished all a happy new year.

Vice President Ryerson thanked fellow Commissioners for the help provided during the public hearing. Commissioners discussed the hearing script for legislative and quasi-judicial decisions. Commissioner Wilkie suggested the term 'meeting' be changed to 'hearing'.

Commissioners received confirmation that the comments distributed tonight for the ordinance amendment hearing will be included in the City Council's staff report and hearing record.

There being no further business before the Commission, the meeting was adjourned at 8:40 pm.

Secretary

Vice President