

Toledo City Hall
Council Chambers
206 N. Main St. Toledo OR
September 9, 2020
7:00 pm

AGENDA

TOLEDO PLANNING COMMISSION

ELECTRONIC/VIRTUAL MEETING VIA ZOOM MEETING PLATFORM. The Planning Commission will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

Public Comments: The Planning Commission may take limited verbal comments during the meeting. Written comments can be submitted by email to planning@cityoftoledo.org by 4:00 pm on September 9, 2020, to be included in the record. Comments received will be shared with the Planning Commission and included in the record.

1. CALL TO ORDER AND ROLL CALL
2. INTRODUCTION of newly appointed Planning Commissioner Terri Neimann
3. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
4. APPROVAL OF THE AUGUST 12, 2020 MINUTES as circulated and reviewed by the Planning Commission
5. WORKSESSION:
 - a. Sign Code Standards
 - b. Housing Review (Residential Zone Standards)
6. DISCUSSION ITEMS:
 - a. Planning Commission/City Council Joint Worksession September 23, 2020
 - b. Safe Routes to School Grant Update
 - c. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting 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 7:02 pm by President Anne Learned-Ellis. Commissioners present: Todd Michels, Cora Warfield, and Geoffrey Wilkie. Excused was Robert Duprau.

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

VISITORS: Lisa Figueroa, Matt Moore, Mayor Rod Cross.

APPROVAL OF THE JULY 8, 2020, MINUTES:

It was moved and seconded (Warfield/Wilkie) to approve the July 8, 2020, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Duprau.

INFORMATION ITEM: IDENTIFYING BUILDABLE LANDS AND CODE UPDATES, PRESENTED BY MAYOR ROD CROSS:

Mayor Rod Cross presented a list of projects for the Planning Commissioners to work on. He explained that the City Council wants to give the Commission direction, especially to seek funding for the projects. Mayor Cross recommended the following tasks:

1. Buildable Lands Inventory (BLI). An updated BLI is needed for Toledo. Areas with excessive slope can be excluded from the BLI, but it could still be developed. The community should know where there are buildable sites and this could increase the amount of affordable housing.
2. Update the development code for a more efficient development process. Make it easier/quicker to build housing. Consider moving items from the 'Conditional Use Permit' list to the 'Uses Permitted Outright' with a list of criteria the developer can follow. Reducing the regulations could make it easier to develop and create more work-force housing.
3. Natural Resource (NR) Zone tax reduction. Because development is difficult in the NR Zone, can there be a tax exemption/reduction which may encourage annexation of those properties? There could be a streamlined process to reduce restrictions and get some of the Sturdevant Road properties into the City limits.

President Learned-Ellis asked if there are grants available. Mayor Cross stated there could be federal funds for affordable housing and they have the housing rehab loan program. President Learned-Ellis voiced the potential difficulty with establishing a NR Zone tax exemption, stating that there must be State guidelines for such a program. Mayor Cross suggested a tax deferral until the property sells, this may encourage annexation into the City.

DECISION ITEM: REVIEW AND ACCEPT PRIVATE ROAD MAINTENANCE CONDITIONS FOR ESTATES OF BEAVER HOMES:

CP Peterson reported that the Estates of Beaver Homes development was reviewed and approved in 2006. The development includes a private road and a Condition of Approval from 2006 stating that there needs to be an agreement or by-laws for the maintenance of the private road before the lots are sold. One home was recently built and the property owner is now ready to sell the home. This request

is a review of Article 3 of the CCRs, to consider if the proposed road maintenance conditions are acceptable.

Matt Moore is the contractor and representing the owner, Richard Wolff, at tonight's meeting. He reported that the Parsons created the project in 2006. Mr. Wolff purchased the property within the last couple years. One home has been built. There is a pending offer on the home, but the CCRs need to be completed before sale. There is a total of 8 home sites and each owner will have 1/8 responsibility of the road. Until the lots are sold, the owner has full responsibility. In response to Commissioner questions, Mr. Moore provided the following information:

- Beaver Street is located off of SE East Slope Road, north of SE 10th Street. There is a paved roadway, 8 lots with one new home constructed. A street sign has been placed at the site.
- All 8 owners will have to maintain the road, including gutters.

CP Peterson confirmed that the Planning Commission should focus on Article 3, because this was required as a condition of approval. Other sections do not have to be approved by the Commission. Article 3 was reviewed by the City attorney.

It was moved and seconded (Learned-Ellis/Warfield) that based upon a review of the Toledo Municipal Code criteria set forth in Sections 16.12.130 and 16.12.140 and the conditions of approval of the preliminary plat order dated April 14, 2006 and the final plat approved on July 6, 2006, the Planning Commission approves Article 3 of the proposed CCR's, on behalf of Richard Wolff. The **motion passed** unanimously, noting the absence of Duprau.

Mr. Moore reported that he has developed properties in a lot of other communities and he would be happy to offer help with the Mayor's recommendation to update the development standards. He would be available to meet with staff or Commissioners to discuss ideas.

WORKSESSION: SIGN CODE REVIEW:

CP Peterson provided an updated draft of the sign code, along with a visual example of a residential lot with the maximum amount of signage (based on the lot frontage formula). All thanked CP Peterson for the example, it provide a good illustration of the maximum amount of signage.

Commissioners discussed an exemption for holiday displays. It may be good to extend the holiday and election season exception, especially for blow-up Christmas decorations. Commissioners discussed a permit process for the inflatable decorations over a certain size. If a permit program is established, notice could be provided as a water bill insert, mailings, or social media announcements. The group discussed a grace period of one year for the holiday displays. There should be no charge for this permit.

Discussion continued on political signs and placement in the right-of-way. It was noted that if the signs are placed in the public right-of-way, they can be removed. Current election laws may also help with the placement/time period for political signs. Commissioners discussed public areas that could be designated for signage, limiting the proliferation of signs to a particular area. Size limits could be established and the location can be identified in the code. Anything over 3'x5' could create a clear vision issue. Commissioners agreed to provide a specific area for election sign proliferation, but additional research would be necessary to find the proper location.

WORKSESSION: HOUSING REVIEW (RESIDENTIAL ZONE STANDARDS):

CP Peterson reviewed the residential code standards, providing general ideas for expansion and

including items from the Lincoln County Housing Strategy Plan. This discussion follows the recommendation coming from Mayor Cross and the City Council.

There are two residential zones—Single Family Residential (RS) and General Residential (RG). Some residential uses are allowed in the Commercial Zone. CP Peterson offered a few new concepts for Commissioners to consider, if interested:

- Should a duplex be allowed outright in the RS Zone if it meets certain criteria? For example, if it is located on a corner lot or the lot is 1000 square feet over the minimum lot size. Currently a duplex is a Conditional Use in the RS Zone. Other standards such as setbacks and lot coverage would still apply. If the duplex meets all the standards, it could be an outright use, if it does not, it could still be processed as a Conditional Use. Commissioners generally stated that it is a good idea to expand.
- Currently, site-built single-family homes in the RS Zone must be a minimum of 1000 square feet. Could this be expanded to allow homes under 1000 square feet as a Conditional Use? CP Peterson explained that this square footage amount came about when the manufactured home language was expanded, but there is nothing in the code for a smaller site-built home.

Commissioner Wilkie commented that a smaller home should be option, because owners may want to start small and can always add-on at a later date. Commissioners considered reducing the figure to 850 square feet and if the house is below 850, a Conditional Use Permit is necessary.

- Cottage cluster development added to the code for RS and RG Zones. This concept allows small homes on one large, common lot. Design standards could be created for cottage cluster development. Commissioner Warfield suggested adding additional concepts for tiny houses. Commissioners voiced agreement.
- Should the minimum lot size in the RS Zone be reduced? Currently, the minimum lot size is 7000 square feet and 7500 for a corner lot. Commissioners generally liked the idea of reducing the size because it provides the ability to divide larger lots. The BLI review may help with this concept.
- The side yard setbacks in the RS Zone are currently 6' and 9'. Should the side yards be reduced to 6' and 6'? The rear yard setback is 15', but it could also be reduced. This may open up the ability to develop accessory dwelling units (ADUs)
- The lot coverage in the RS Zone is 55% and 66% in the RG Zone. Could these figures be revised? The RG Zone allows multi-family residential units outright and has a higher density and coverage standard. President Learned-Ells felt the setback and lot coverage could be modified, as long as it complies with fire safety standards.
- Should the minimum lot size in the RG Zone be reduced? Currently, the minimum lot size is 6000 square feet and an additional 1800 square feet is needed for each new dwelling unit. Both figures could be reviewed. CP Peterson offered to create an illustration based on a couple different lot size scenarios. With the smaller lots and more dense development, there may be parking issues. Commissioners discussed flag lots and if the 'pole' portion is included in the total square footage.

- The Commercial (C) Zone needs to be updated to revise the term 'accessory dwelling unit' for a housing unit. This term is defined in the code and has development standards. The C Zone residential unit should be called something other than ADU.
- Should the upper floor apartments be allowed outright in the Main Street District? Currently, multi-family residential units are allowed with a Conditional Use Permit. Special standards could be created, such as parking spaces. Commissioners likes the idea and suggested moving forward with the concept.

CP Peterson would like to get input from property owners and developers about the barriers they experience in the Toledo development code. Mr. Moore may have some good ideas and should be contacted. CP Peterson noted the reference to the City of Tigard's cottage cluster standards.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson announced that the building/development permit log report will be included in the next Commissioner packet.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: None.

There being no further business before the Commission, the meeting was adjourned at 8:20 pm.

Secretary

President

Chapter 17.42. Sign Code

17.42.010 Purpose.

The purpose of this chapter is to improve traffic safety and to regulate the cumulative impact of communicative and aesthetic expression without regard to the content of the expression.

~~17.42.015 A sign permit is required to construct, erect, repair, or alter a sign when a building permit is required.~~

17.42.020 Definitions.

“Sign” means a display, illustration, structure, flag, banner, device that has a visual display, or any other visual representation, which is either temporary or permanent, free-standing or affixed to, painted upon or represented directly or indirectly upon a building or other outdoor surface, that is visible from a public right of way. The scope of the definition shall be interpreted broadly. The scope of the term “sign” does not depend on the content of the message or image being conveyed.

“Visual Area” is an area measured in square feet (sq. ft.) and equals the lesser of:

(a) the length in feet attributable to one address as identified by the City building number system (“address”), which is closest to the street, multiplied by 30 feet; or

(b) Lot Frontage multiplied by 30 ft.

17.42.XXX Non-conforming signs. Prior lawful nonconforming sign” is a sign that is permanently affixed to land or a structure, the location, dimensions, or other physical characteristics of which do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

A. A nonconforming permanent sign or sign structure shall not be:

1. Expanded in size or height that increases the nonconformity; or
2. Relocated

B. A nonconforming permanent sign may be maintained or altered, including changing the face and changing the types of materials comprising the sign, provided no changes are made that would increase the nonconformity.

C. If a nonconforming sign is destroyed in whole or in part, the sign shall not be replaced.

17.42.030. Signs. The following signs are allowed outright.

A. In the Single-Family Residential Zone (R-S) a maximum of five (5) signs are permitted per lot subject to the following conditions:

1. The maximum size of any individual sign is fifteen (15) square feet, and
2. The total square feet of all signs is equal to or less than 5% of the Visual Area.

B. In the General Residential Zone (R-G) a maximum of five (5) signs are permitted per lot subject to the following conditions:

1. The maximum size of any individual sign is fifteen (15) square feet, and
2. One additional sign is permitted for each dwelling unit in a duplex, triplex, fourplex, and multiplex, and
3. The total square feet of all signs is less than 5% of the Visual Area.

C. In the Commercial Zone (C) signs are regulated subject to the following conditions:

1. Business Occupation. Business occupation is defined as one commercial use located on one lot, commercial uses located at multiple addresses on one lot, or multiple commercial uses located at one address. The City imposes no limit to the number of signs that a business occupation may post, subject to the following:

(a) The total square footage of all signs must be equal to or less than 25% of the Visual Area; and

(b) The business occupant(s) must have a business license from the City.

(c) Sidewalk signs. One sign is allowed on the sidewalk that abuts a business occupation. If a business occupies greater than 30 continuous feet of sidewalk, one additional sign is permitted on the sidewalk for each 30-foot of continuous distance that the business occupies. Sidewalk signs must not obstruct pedestrian traffic or ingress and egress from vehicles. Sidewalk signs are allowed only during the business's hours of operation.

2. Residential Occupation. Sign displays on a lot located in the C zone that is used exclusively for residential occupancy are regulated according to TMC 17.42.030(B).

3. Mixed Use Occupation.

(a) For mixed use residential and Business Occupation, located at one lot or at one address, the total square footage allowable for all signs is authorized to the Business Occupation and under no circumstance shall the signage on a mixed-use lot exceed 25 % of the Visual Area.

(b) For mixed use residential and Business Occupation, located at multiple addresses on the same lot, the signage at the residential addresses is regulated by TMC 17.42.020(B), the signage for the business occupation is regulated by TMC 17.42.030(C)(1).

D. In the Main Street District Overlay there is no maximum number of signs permitted per Business Occupation, subject to the following conditions:

1. The total square footage of all signs must be equal to or less than 15% of the Visual Area, and
2. The occupant(s) must have a business license from the City.
3. Sidewalk signs. One sign is allowed on the sidewalk that abuts a Business Occupation. If a business occupies greater than 20 continuous feet of sidewalk, one additional sign is permitted on the sidewalk for each 20-foot of continuous distance that the business occupies. Sidewalk signs must not obstruct pedestrian traffic or ingress and egress from vehicles. Sidewalk signs are allowed only during the business's hours of operation.
4. Residential Occupation. Sign displays on a lot located in the Main Street District Overlay that is used exclusively for residential occupancy is regulated according to TMC 17.42.030(B).
5. Mixed use Occupation in the Main Street District Overlay:
 - (a) For mixed use residential and Business Occupation, located at one lot or at one address, the total square footage allowable for all signs is authorized to the Business Occupation and under no circumstance shall the signage on a mixed use located at one address exceed 15% of the Visual Area.
 - (b) For mixed use residential and Business Occupation, located at multiple addresses on the same lot, the signage at the residential addresses are regulated under TMC 17.42.020(B), the signage for the business occupation is regulated consistent with TMC 17.42.020(C)(1).

E. Home Occupations. One additional sign is permitted for home occupations subject to the following conditions:

1. The Home Occupation must have a current business license from the City.
2. The maximum size of the Home Occupation sign is equal to or less than nine (9) square feet.

F. Industrial and Light Industrial Zone

G. Natural Resource and Water Dependent Zones

17.42.040 Exclusions. The following are excluded from this sign ordinance.

- A. Signs placed or authorized by a unit of government.
- B. Grave markers.
- C. Building numbers
- D Signs authorized or required by building permit.

E. Murals, window signs, and wall signs, defined as any depiction that is painted on a wall of a building, or a sign attached to the wall of a building.

17.42.050 Prohibited Signs. The following signs are not permitted inside the City limits

A. Billboards, defined as a sign on which any sign face exceeds 200 square feet in area.

B. Video Signs, as defined as a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities

C. Flying Signs, defined as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure;

D. Inflatable Signs, defined as signs that are attached to the property, ground or other permanent structure, including but not limited to balloons;

E. Abandoned Signs, defined as a sign or sign structure where:

1. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;
2. The sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

F. Signs placed in any public right-of-way or on public property, unless authorized by this sign code or otherwise authorized by law.

G. Signs located in the Clear Vision Area

17.42.xxx. Temporary Signs.

A. Definition. A Temporary Sign is a sign which is displayed consistently limited to 30 days or less.

B. Temporary signs are permitted as additional permitted signs in all zones.

C. The maximum square footage of a Temporary Sign may not be greater than 9 sq. ft.

D. A permit to post Temporary signs that do not conform to this section is available at City Hall. The posting of a nonconforming temporary sign is subject to review for safety and maintenance standards.