

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 3:00 pm on January 13, 2021, 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. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. TRAINING:
 - a. Land Use Basics, Presented by DLCD North Coast Representative, Lisa Phipps
4. APPROVAL OF THE DECEMBER 9, 2020 MINUTES as circulated and reviewed by the Planning Commission
5. DISCUSSION ITEMS:
 - a. Residential Code Updates – Comprehensive Land Use Plan Update
 - b. Outdoor Seating/Food Carts
 - c. Updates and Reports
6. STAFF COMMENTS
7. COMMISSIONER COMMENTS
8. 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 7:00 pm by President Anne Learned-Ellis. Commissioners present: Robert Duprau, Geoffrey Wilkie, Todd Michels, Ruthanne Morris, and Cora Warfield (arrived at 7:05 pm). Excused was Terri Neimann.

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

VISITORS: None.

APPROVAL OF THE NOVEMBER 12, 2020, MINUTES:

It was moved and seconded (Michels/Wilkie) to approve the November 12, 2020, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann and Warfield.

CP Peterson took a moment to thank Commissioners for the attempt of a hybrid meeting last month (in-person and virtual attendance). It appears that the meetings will need to continue on the virtual platform for some time before in-person meetings can resume.

DISCUSSION ITEMS: RESIDENTIAL CODE UPDATES:

CP Peterson provided updates to the residential code standards. Updates focused on cottage clusters and the Main Street Overlay District. Information on tiny homes was also included in the packet. The City received a \$5000 grant to update the residential code and to begin the scope of work on an updated Buildable Lands Inventory. Commissioner Warfield entered the meeting at this time.

Cottage Clusters are defined as not more than 1200 square foot units (removed gross square footage language), 3-12 units on the property, and having a common space. They would be listed as a Conditional Use Permit in the Single-Family Residential (RS) Zone and outright in the General Residential (RG) Zone. Language was added to allow community buildings, for example, a laundry room or exercise room can be included in the development. Fire access standards would need to be met. Open space of 2000 square feet is necessary and parking spaces/required yards are not included in the open space formula. One parking space is needed per unit. If interior fencing is placed, it shall not exceed 3' tall between units. Perimeter fencing, along the outside of the development can be over 3' tall. Language was included to allow an existing building that is over 1200 square feet to remain if the property is re-developed into cottage clusters. Cottage cluster development must be connected to City sewer, no septic systems.

The Commercial Zone language for an accessory residential unit was modified, to avoid confusion with an "accessory dwelling unit". The terminology was updated to "live work accessory dwelling unit" and requires an active commercial use/business license on the site. Multi-family is a Conditional Use Permit in the Commercial Zone and cottage cluster was also included as a Conditional Use. One parking space per unit is also needed for a cottage cluster in the Commercial Zone.

The Main Street Overlay District map was provided to show the properties within the district. Updates to the Main Street Overlay District include no residential parking allowed on Main Street. Residents would have to park on-site or on side streets. New language was also included to prohibit the main floor (store front area abutting Main Street) to be used for residential, unless approved through the Conditional Use Permit process. The ground-floor commercial units along Main Street should maintain a commercial use. Residential units could be in the upper floors, basement, or along side streets. Pre-existing units would be considered non-conforming. All residential units must comply with building and fire life/safety codes.

Commissioners discussed the parking issue and if there is a current problem with residents parking on Main Street. Parking concerns were brought up at a recent City Council/Planning Commission worksession, but there was no consensus on how to address Main Street parking. Some businesses want to reserve on-street parking for customers, while some store owners or employees utilize the on-street parking space to work downtown. Balancing owner/employee parking with customers and residents has been an ongoing concern with several businesses. Many other communities experience this similar problem. The group discussed enforcement if the new parking standards are added to the code. The Planning Commission makes a recommendation to the City Council for the proposed amendments, but the Council could decide to remove this standard. Commissioners discussed limiting residential tenants to park on the side streets or on-site. President Learned-Ellis voiced that she likes the proposed language, but would discuss further if there were any objections.

CP Peterson reviewed existing parking spaces in the downtown area, reporting there are 63 spaces along Main Street. Approximately 13 spaces are available in the public parking lots in the downtown area. There are private parking lots or private parking spaces located behind the buildings, but this was not calculated. There are over 90 spaces along the side streets.

Tiny home regulations were included in the packet. Cottage cluster developments could place tiny homes, but they must meet building codes, be placed on a foundation, and are permanent units. There is a market for temporary/transitional construction options, but this type of construction would not be allowed through the cottage cluster option. Commissioners discussed the definition of cottage cluster and permanent placement vs. temporary. A permanent structure would be on a foundation and meets building code. The City is not required by the State to add cottage cluster to the code, but it allows one more housing option. Commissioners discussed house boats and it was noted that they would have to meet ORS requirements for construction standards and waste management. CP Peterson provided an illustration of a cottage cluster development on a 10000 square foot lot, containing three units. It would be difficult to fit more than three cottages on 10000 square feet, while still maintaining setbacks, providing parking and open spaces.

Commissioners agreed that it will be good to have a Buildable Lands Inventory to be able to see the larger lots and areas of potential development. Topography will also be considered.

Commissioners voiced appreciation for the work and illustrations, agreeing that the standards are coming together and getting better.

DISCUSSION ITEM: BUILDING PERMIT AND LAND USE ACTIVITY:

An updated report for building permits and land use activities was included in the Planning Commission packet. Commissioners reviewed a couple of the listed applications.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported that DLCD can provide a training presentation at either the January or February meeting.

STAFF COMMENTS:

CP Peterson will provide edits to the Housing Chapter of the Comprehensive Land Use Plan for the next meeting.

COMMISSIONER COMMENTS:

Commissioner Morris reported she attended the League of Oregon Cities elected official training. CM Richter added that it is good to see Commissioners attending the sessions and noted that the League has several more training dates available and there may be information available on their website. She announced that there will be vacancies on the Planning Commission.

President Learned-Ellis received confirmation that virtual meetings will continue at this time.

Secretary Inukai thanked Commissioner Wilkie for his Planning Commission service, as his term expires at the end of December and he will not seek re-appointment. She also thanked Commissioner Michels for his service as Planning Commissioner and congratulated him on his election win to serve on the City Council. All echoed appreciation to Commissioners Wilkie and Michels.

There being no further business before the Commission, the meeting was adjourned at 8:05 pm.

Secretary

President

City of Toledo Comprehensive Plan:

Article 2 Land Use Planning

GOALS:

1. To implement locally desired land use policies and practices that do not conflict with the State of Oregon's land use planning program.
2. To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.
3. To assure an adequate factual basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.

OBJECTIVES:

1. Implementation of the Toledo Comprehensive Land Use Plan shall be through a) management implementation measures such as ordinances, regulations or project plans, and b) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services related to the land use planning goals and objectives identified within the Toledo Comprehensive Land Use Plan.
2. The Toledo Comprehensive Land Use Plan Map and the Toledo Zoning Map shall provide for sufficient lands for a 20 year supply of land within the Urban Growth Boundary to meet the projected population growth of 5,550 by the year 2020 as projected in the Toledo Buildable Lands Inventory. The 20 year supply of land shall be a sufficient supply of land to implement the following land use zones:
 - A. Comprehensive Plan Map Designations: Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the City determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Low-Density Residential – This designation provides for lower density housing with a focus on single-family housing. This designation shall be implemented through the zoning map's Single-Family Residential (R-S) zone designation.

Medium-Density Residential – This designation provides for either lower 2020 Vision for Toledo, Oregon -- The 2000 Toledo Comprehensive Land Use Plan Page 15 or higher density housing. This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.

Commercial – This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with commercial areas including allowing residential uses. This designation shall be implemented by the zoning map designation of Commercial. A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

Industrial – This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial

designation. The intent is to encourage industrial growth and provide for industrial development at appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light-Industrial, and/or Water-Dependent.

Water-Dependent – This designation provides for uses of property that depend on a location adjacent to a waterway for the viability of that use. Toledo's water surface and its shorelands are a valuable resource and provide considerable potential for future economic growth. The Water-Dependent plan designation shall be implemented by the zoning map designation of Water-Dependent.

Natural Resource – This designation is intended to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities. This designation shall be implemented through the zoning map's Natural Resource zone designation.

Public Lands – This designation is intended to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses. This designation shall be implemented through the zoning map's Public Lands zone designation.

Estuary Management Units – The Lincoln County Estuary Management Plan classifies the Depot Slough, Olalla Slough, and Yaquina River segments within the Toledo Urban Growth Boundary into Management Units for Development, Conservation and Natural. The Lincoln County Estuary Management Plan Management Unit designations and uses shall apply to the waterways within Toledo. The current version of the Lincoln County Estuary Management Plan was adopted in 1982.

Dredged Material Disposal Sites – The Lincoln County Dredged Material Disposal Plan identifies dredged disposal sites for the Yaquina River and related tributaries. The current version of the Lincoln County Dredged Material Disposal Plan was adopted in 1982. The City will work in cooperation with the Port of Toledo and Lincoln County and other entities to adopt an updated dredged material disposal plan and site designations. When an updated plan is adopted, the City will adopt land use regulations to provide protection for the newly identified disposal sites as required by the Oregon Statewide Planning Goals and will designate the existence of disposal sites on the comprehensive plan and zoning maps. Existing disposal sites in River Segments 6 and 7 identified by the 1982 Lincoln County Dredged Material Disposal Plan may be used in a manner that precludes the future use of the site for dredged material disposal through use of the following procedure:

- 1) Any person wishing to develop or use property in a manner which would preclude its use for dredged material disposal shall submit a proposal in writing to the City. The proposal shall set forth the intended use of the property and any alternative disposal sites or methods (with appropriate documents) considered by the applicant. The City shall then notify the Port District of the proposal in writing to allow the Port an opportunity to negotiate for use of the dredged material site before the proposed use is approved.
- 2) After 30 days of receipt of a complete proposal and notification to the Port District, the City shall notify the property owner that the property

may be used consistent with City zoning and other applicable requirements.

B. Zoning Map Designations:

Single-family Residential (R-S) – The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services ~~which go along with those to their~~ residences. The facilities and services and other conditional uses should be compatible with low-density residential living ~~and should not result in heavy traffic, loud noise, or any other disturbing activity.~~

General Residential (R-G) – The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas and the facilities and services which go along with those residences.

Commercial (C) – The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses will also be allowed. Residential use above the commercial main floor or located so as not to prevent the main commercial use shall be allowed and encouraged especially in the Main Street District area.

Light-Industrial (L-I) – The purpose of the L-I zone is to provide area for industrial development around the areas of heavy industry for manufacturing, related establishments, and certain commercial and public uses which have a limited impact on surrounding properties.

Industrial (I) – The purpose of the I zone is to provide sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. At the same time, the undesirable results of industrial development (noise, air, and water discharges) should be kept, as much as possible, from adversely affecting the commercial and residential areas of the city.

Water-Dependent (W-D) – The purpose of the W-D zone is to protect uses which need contact with or use of the water for uses such as waterborne transportation, recreation, energy production, or water supply.

Natural Resource (N-R) – The purpose of the N-R zone is to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities.

Public Lands (P-L) – The purpose of the P-L zone is to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses.

C. Overlay Zone Designations:

Overlay zones not specifically identified in the Comprehensive Plan may be created as needed under the Comprehensive Plan through a plan amendment. Overlay zones are zones defined by a boundary in which variations from the underlying zoning requirements may be allowed, in which additional standards may be required to be met, or in which certain land use procedures may be allowed or required. An example of an overlay zone that could be created is the establishment of a historic residential overlay zone in which construction of residences within the zone would have to meet certain architectural standards designed to maintain the historic look of that residential area.

3. Specific area plans may be adopted as plan amendments to the Toledo Comprehensive Land Use Plan. The specific area plans may provide the basis for land use planning of the specific area consistent with the Toledo Comprehensive Land Use Plan. Specific area plans may also be adopted as guidance documents for an area and, as guidance documents, they shall not replace the existing comprehensive plan regulations applicable to that area but should be given consideration in future land use actions.
4. An Urban Growth Management Agreement with Lincoln County shall be implemented to coordinate review of land use decisions outside of the City of Toledo city limits but within the Toledo Urban Growth Boundary.
5. The division of responsibilities between the Planning Commission and the City Council for land use planning to implement the Toledo Comprehensive Land Use Plan shall be established by ordinance.
6. A Toledo Comprehensive Land Use Plan Inventory shall be adopted as part of the Toledo Comprehensive Land Use Plan to provide a factual basis for the adoption of the Toledo Comprehensive Land Use Plan and the subsequent implementation of land use ordinances. The Toledo Comprehensive Land Use Plan Inventory consists of related planning documents, maps, and other information related to planning within the Urban Growth Boundary of Toledo. To ensure up-to-date and accurate factual information, the Planning Commission may be given the authority to adopt up-to-date and accurate factual information without further action of the City Council.
7. The City of Toledo will undertake a periodic review of the Toledo Comprehensive Land Use Plan as the need arises and/or in accordance with state required review time periods.
8. Amendments to the comprehensive plan or comprehensive plan map may be filed with the City on appropriate forms provided by the City by any person of legal age. Amendments may also be initiated by the Planning Commission or the City Council. The City Council will be the decision making body. Any change must be consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria. In addition, any applicant must show that circumstances have changed, that there is a public need for the amendment, and that the need cannot reasonably be met by any other method. In instances where an applicant can show that a mistake was made in the original Plan, that showing, along with proven compliance with the Oregon Statewide Planning Goals and Guidelines, will be sufficient to amend the Plan. Amendments to the Glossary section of the Plan may be made based on the criteria that the added definition is consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria.

Article 10 Housing

GOAL:

1. Encourage development of a mixture of housing stock in terms of design, type, cost, and location that meets the housing needs of all Toledo citizens.

OBJECTIVES:

1. Ensure that the City has an adequate housing supply and adequate supply of residentially zoned land within the Urban Growth Boundary to provide a variety of choices regarding the type, location, density, and cost of housing units commensurate with the needs of the community's residents to support the community's growth.

2. Support the development of affordable housing to address housing needs that are not met by the market.
3. Partner with the Housing Authority of Lincoln County and other agencies, nonprofits, and other groups to help meet the housing needs of low and moderate income households.
4. Ensure an adequate supply of residentially zoned land within the city limits that is accessible to employment centers, public utilities, and public services and provides a variety of choices regarding the type, location, density, and cost of housing units commensurate with the needs of the city's residents.
5. Encourage a mix of housing types and residential densities within the Urban Growth Boundary and the city limits that conforms with the population and density projections adopted by the City of Toledo.
6. Comply with federal, state, and local fair housing laws which affirm access to housing for all persons in Toledo and employ strategies that support the Fair Housing Act and affirmatively further fair housing.
7. Allow for a mix of residential uses with other compatible uses in appropriate locations.
8. Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.
9. Encourage the provision of quality housing units through either the rehabilitation or replacement of substandard units. Rehabilitation should be the primary goal with a recognition that units which are not financially feasible to rehabilitate should be demolished and replaced.
10. Encourage innovation in housing types, densities, and design to promote a variety of housing choices and prices through actions that:
 - a. Allow manufactured homes on individual lots and within manufactured home parks.
 - b. Allow use of the upper floors of retail and office buildings for residences, particularly in the downtown area of Toledo.
 - c. Allow accessory dwelling units in existing residential neighborhoods.
 - d. Provide innovative development code regulations which allow for creative project designs that conform with the Comprehensive Plan.
 - e. Allow (albiet limited) opportunities for alternative housing choices, such as mobile home parks and on-board marine housing units.
 - f. Allow the establishment of bed and breakfast facilities in existing residential areas when it can be determined that the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, size of structure, and property appearance.
 - g. Control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the City's residential neighborhoods. Allow the establishment of vacation rentals in existing commercial areas when it can be determined that Ensure the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, size of structure, and property appearance.
11. Preserve and enhance Toledo's historic housing as a valuable resource. Encourage the rehabilitation of the historic housing stock and residential neighborhoods.

12. Encourage the development of higher (quality) standard housing types and residential neighborhoods that assist to:
 - a. Attract new businesses and keep local businesses within the community.
 - b. Ensure that moderate, middle, and high income families can continue to live in Toledo.
 - c. Ensure the economic viability of the community and support the tax base and schools.
 - d. Maintain the quality of life in Toledo.
13. Encourage residential development on vacant or redevelopable lots in areas already serviced or where services can be economically provided.
14. Provide maximum choices for the client residents and minimal disturbance to the existing neighborhoods by dispersing multi-family and low and moderate income housing units through the community with small scale projects rather than aggregated into large complexes or single purpose neighborhoods.
15. Allow large complexes to feasibly provide needed services, such as dining areas, health care facilities, and on-site services, for client groups with special needs, such as the elderly. In such cases the complexes should be designed and located to provide mitigation features or buffers to the adjoining neighborhoods.

Consistent with these objectives, the remainder of this report summarizes the following types of strategies to address identified housing issues and needs:

- Amendments to local Comprehensive Plan policies and development codes to ensure consistency with legal requirements and further overarching state and local housing goals.
- Potential steps to re-establish and further implement the home rehabilitation loan/grant program.
- Additional strategies that can be implemented individually by one or more cities in the County or the County itself to address housing needs, including:
 - Construction Excise Tax
 - Transient Lodging Tax Reallocation
 - System Development Charge (SDC) Deferrals or Methodology Updates
 - Tax Abatement or Exemption Programs
- Opportunities for regional collaboration among the County and/or multiple cities, including:
 - Regional Buildable Land Inventory
 - Staff Allocation to Regional Housing Programs
- Additional Information provided on a variety of topics:
 - Tiny Homes, Recreational Vehicles, and Similar Housing Types
 - Accessory Dwelling Units
 - Urban Growth Management Agreements

Comprehensive Plan Policy Updates

The Housing Element of local Comprehensive Plans establish the policies that guide residential development in each community. These policies are important because they institute aspirational goals and principles for meeting the housing needs of the community. The policies are also important because they establish formal criteria and guidelines for land use decisions that pertain to housing. In general, the following types of policies are recommended in order to help meet the current and future housing needs of community members:

- **Supports Statewide Planning Goal 10.** Comprehensive Plans typically do and should include a general policy that mirrors Statewide Planning Goal 10 (Housing). “
 - *Example: “The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” .”*
- **Emphasizes affordable housing needs.** Given that meeting the needs of low and moderate income households often requires public intervention or subsidy, it is important to include policies emphasizing the needs of these households.
 - *Example: “The City shall support the development of affordable housing to address housing needs that are not met by the market.”*

- **Supports partnerships.** Most Comprehensive Plan housing elements include policies aimed at supporting other public agencies, non-profits and market rate developers who focus on meeting the needs of low and moderate income households and community members with special housing needs.
 - *Example: “The City shall partner with the Housing Authority of Lincoln County and other agencies, nonprofits, and other groups to help meet the housing needs of low and moderate income households.”*



Cottage Cluster Development in Newport

- **Encourages a variety of housing types.** In addition to a broad goal or policy about meeting a full range of housing needs, Plans often include policies noting the need for a variety of housing types, including single family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units. *Examples:*
 - *“The City shall encourage development of higher density and multifamily housing within areas designated for this use and limit low-density housing in these locations.*
 - *The City shall provide opportunities for the development of a variety of housing choices that meet the needs and preferences of current and future households.”*
- **Affirms Fair Housing goals.** Local governments are required to ensure that their housing policies and standards do not discriminate against or have adverse effects on the ability of “protected classes” to obtain housing, consistent with the federal Fair Housing Act.
 - *Example: “The City shall employ strategies that support the Fair Housing Act and affirmatively further fair housing.”*
- **Supports mixed use development.** Some Plans explicitly support the development of mixed use projects, which typically include upper story housing located above retail or commercial uses.
 - *Example: The City shall allow for a mix of residential uses with other compatible uses in appropriate locations.”*

- **Supports accessory dwelling units.** Comprehensive Plans may include policies specifically referencing support for this form of housing. Recent Oregon legislation requires all cities below a certain size to allow for this form of housing outright in all zones where single-family detached housing is allowed.
 - *Example: “The City shall allow and support the development of Accessory Dwelling Units in all residential zones as required by State law.”*
- **Addresses land supply goals.** Many Comprehensive Plans include policies which reference the need to ensure that adequate land is zoned to meet identified housing needs, and to periodically update the jurisdiction’s inventory of such lands. *Examples:*
 - *“The City shall encourage efficient use of residential land within the Urban Growth Boundary”*
 - *“The City shall provide a sufficient amount of residential land to accommodate residential growth.”*
 - *“The City shall ensure that the City has an adequate housing supply with enough land to support the community’s growth.”*
- **Supports maintenance and rehabilitation of existing housing.** Many comprehensive plans emphasize maintenance of existing housing stock as a method to prevent unsafe conditions and keep affordable housing available within the community.
 - *Example: “The City shall encourage maintenance and rehabilitation of the existing housing stock.”*
- **Supports development of manufactured homes.** Oregon law requires that all zones that allow for “stick built” single family detached homes also allow for manufactured homes on individual lots. Each jurisdiction must also allow for manufactured home parks in at least one residential zone.
 - *Example: “The City shall support the maintenance and development of manufactured homes as an affordable housing choice in appropriate locations.*
- **Regulates short term rentals.** Many communities, particularly those with high levels of tourism, regulate short-term rental housing to reduce its impact on the supply and affordability of long-term rental housing.
 - *Example: “The City shall control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the City’s residential neighborhoods..”*

The following table includes a summary of potential policy gaps among Lincoln County jurisdictions which may be addressed through future Comprehensive Plan policy updates.

Table 2. Comprehensive Plan Policy Assessment

Policy Objective	Assessment – Additional or Amended Policy Language Needed (x)							
	Depoe Bay	Lincoln City	Newport	Siletz	Toledo	Waldport	Yachats	Lincoln County
1. Support Statewide Planning Goal 10								x
2. Emphasize affordable housing needs					x	x		
3. Support partnerships	x				x	x	x	x
4. Encourage a variety of housing types	x			x		x	x	
5. Affirms Fair Housing goals	x	x	x	x	x	x	x	x
6. Support mixed-use development	x		x	x	x	x	x	x
7. Support accessory dwelling units	x			x		x	x	x
8. Address land supply goals	x				x	x	x	x
9. Support development of manufactured homes		x		x		x	x	x
10. Regulate short term rentals	x		x	x	x	x	x	x

Potential Development Code Amendments

The following table summarizes preliminary potential amendments to each city's development code provisions. The goal of the amendments would be to increase opportunities and reduce barriers to developing a wider range of housing choices throughout the city. In addition to the general provisions described in the table, the following Lincoln County jurisdictions should consider whether maximum lot sizes/minimum densities are appropriate to ensure that land zoned for medium- to high-density uses are developed as such.

10.12.020 - Prohibited parking or standing.

- A. No person shall park or stand:
 - 1. A vehicle in violation of state motor vehicle laws.
 - 2. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of thirty (30) consecutive minutes, and then only in such a manner as to leave available space for another vehicle to pass the parked vehicle;
 - 3. A motor truck as defined by ORS 801.355 on a street between the hours of nine p.m. and seven a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.
- B. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:
 - 1. Displaying the vehicle for sale;
 - 2. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
 - 3. Displaying advertising from the vehicle;
 - 4. Selling merchandise from the vehicle, except when authorized.
 - 5. Storage for more than seventy-two (72) consecutive hours. Storage includes parking in excess of seventy-two (72) consecutive hours.
- C. No person shall park a vehicle between eleven p.m. and seven a.m. leaving any audible auxiliary motor or engine running. For purposes of this section, "audible" means audible to humans in any public right-of-way or on any private residential property other than private property where the vehicle is parked with the permission of the owner, and "running" means either continuously or intermittently running, whether controlled by a thermostat or timer, or other means.
- D. Parking is prohibited in streets immediately adjacent to yellow-marked curbs, and parking or stopping is prohibited in streets or other public areas immediately adjacent to red-marked curbs, except as needed to comply with traffic signs and signals or when traffic does not permit continued movement. No other sign or wording is needed to make the prohibition effective. The prohibitions established by this section apply if the yellow or red markings are visible, even though faded or partially obliterated. Public areas include private property open to the public designated or required as fire lane. Curbs may be painted red on public or private property only to indicate a fire lane or

other area where parking and stopping is prohibited. Parking or standing other than for the permitted loading and unloading is prohibited in streets immediately adjacent to green-marked curbs.

- E. No person may park a vehicle in a handicapped parking space without a handicapped license or permit properly displayed on or in the vehicle.

(Ord. 1184 § 3, 1988; Ord. 1072 § 16, 1979; Ord. No. 1347, § 15, 11-21-2012)



Business Use of Right-of Way Permit Program and Application

To All Applicants:

This program to permit business use of right-of-way (ROW) has been established in response to the COVID-19 crisis. This program provides the opportunity for restaurants and retail businesses to use the public parking spaces adjacent to structures in which they are located for the purpose of providing outdoor seating, queuing or shopping areas. Such use shall be in conformance with this program and all applicable provisions of the City of Corvallis Municipal Code. An approved permit from the Public Works Department is required prior to business use of parking spaces located in the City right-of-way. This program is intended to apply to parking spaces located in City parking lots and City-managed on-street parking in the right-of-way. This program is not intended to apply to State Highways (including 3rd and 4th Streets). Permits under this program are valid from the date of issuance until September 30, 2020. Additional forms and information regarding this program may be accessed online at <https://www.corvallisoregon.gov/> or by calling the Public Works Department at (541) 766-6916.

Section 1. Overview of Requirements for Business Use of Right-of-Way

1. Locations and Use:

- Restaurants and retail businesses may request to use parking spaces along the frontage of their existing business location; not including ADA spaces.
- Right-of-way used under this permit may be used for restaurant or retail use in support of the permittee's existing business.
- Permits issued under this program may not conflict with existing permits held by other parties to use the proposed section of right-of-way.
- A maximum of four (4) spaces may be requested under this program.

2. General Use Requirements:

- The right-of-way and all things placed thereon shall at all times be maintained in a clean, safe, and orderly condition. Table umbrellas may be

used and shall be placed and adequately weighted in compliance with all applicable local rules and to ensure that they remain safely in place. Tents and canopies are not permitted to be used in the right-of-way.

- Permittee is responsible for delineating the perimeter of the permitted section of right-of-way used for business use with a barricade that is at least three (3) feet tall. The barricade may be made of wood, metal, planter pots, rope, or other similar materials. All access into the space shall be taken from the sidewalk and not the travel lane. The barricade shall be placed at the edge of the permitted area and shall not project into or otherwise inhibit an adjoining travel lane.
- Barricades may be left outside overnight.
- Fixtures and furniture reviewed during the application process may be left outside overnight. The City will not be responsible for losses resulting from theft or damage. If furniture is left outside overnight it shall be secured to ensure it will not blow or fall into the travel lane.
- This permit does not authorize the placement of furniture or fixtures on the public sidewalk. Additionally, the business operations servicing the outdoor business shall not queue personnel or stage materials within the sidewalk area.
- ADA access to existing businesses and sidewalk areas shall be maintained and shall not be impacted by use of the right-of-way under this program.
- Trash containers must be provided in the outdoor business area and shall be emptied at the end of each day.
- No signs shall be attached to any furniture or any other structure related to the operation of the restaurant or retail use except as required by these or other use regulations.
- Sandwich board signs shall be located outside of required sidewalk access areas (allowed in CB, CBF, and RF zone); see LDC 4.7.90.04.c "portable signs" for additional information.
- Permittee is responsible for ensuring that the public right-of-way (ROW) is returned to its condition prior to the permitted activity. The Applicant shall not chalk, paint, embed or affix structures or objects into the ROW, or otherwise mark the surface of bike paths, streets or sidewalk.
- There must be a six (6) foot wide unobstructed pathway from the driving lane to all fire hydrants and Fire Department Connections for fire sprinklers or standpipes on buildings.

- The permittee shall comply with all requirements listed in the signed agreement prepared by the City of Corvallis; a draft of which is provided in Section 3 of this packet. Permittee shall comply with any site-specific conditions required by City staff during permit review. Specific conditions may be required to ensure safety at a particular location and may vary by location.

3. Alcohol:

The following requirements apply to restaurants requesting to serve alcohol in the right-of-way:

- Restaurants must hold a valid liquor license and shall provide the City a signed copy of the license issued to them by the Oregon Liquor Control Commission (OLCC).
- Permittee shall comply with all applicable OLCC requirements. Only alcohol sold by the business may be consumed within the area subject to this permit.
- Storage of containers commonly used for dispensing alcoholic beverages to customers including but not limited to bottles, pitchers, and carafes must be kept inside the business unless an employee is stationed in the outside area at all times. No taps, kegs, coolers or other alcoholic beverage storage devices are allowed outside on the sidewalk or right-of-way.
- The permit area is required to be supervised by employees of the license business, as required by the Oregon Liquor Control Commission liquor license.
- All service and consumption of alcoholic beverages in the permit area will discontinue by the time required under the State of Oregon's phased reopening, but no later than 11:00 PM on Sunday through Thursday and 1:00 AM on Saturday and Sunday.
- The permittee must also provide food service in the permit area. The permittee shall designate one access/exit point for the exterior service area and this point shall be located near a business entrance; and the permittee shall post signage at the access/exit point and enclosed area prohibiting the removal of alcoholic beverages from the licensed sidewalk café area.

4. Liability.

The permittee shall sign a statement, prepared by the City, affirming that they shall hold harmless the City, its officers and employees, and shall indemnify the City, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.

5. Application and Notification.

The business must submit a completed application form, signed by the business owner, and provide all requested information required in the application.

Prior to submitting an application, the business must notify neighboring businesses on both sides of their location that an application will be submitted to use parking spaces for business use under this program. The purpose of this notification is to inform, but not require the approval of, neighboring businesses.

6. Fees: There are no application fees under this program.

7. Agreement.

Upon preliminary permit approval, the applicant must sign an agreement that specifies the requirements of the permit. A draft agreement is provided under Section 3. City staff will prepare the final agreement for signature by both the City and business owner.

8. Permitting Process

City staff will review all permits as quickly as possible. The review period will take approximately one business day once a completed application is accepted. Review times may take longer if an application is incomplete, the location has complicating factors, or if the City receives a high volume of applications.

Please submit a completed application packet to the Public Works Department at publicworks@corvallisoregon.gov. If you have questions, please contact the Public Works Department at (541) 766-6916.

9. Program Review.

This program will be reviewed after the first two weeks of operation, and periodically thereafter. The program may be changed as needed in order to ensure that it provides needed space for restaurant and retail businesses in a manner that is safe and harmonious with neighborhood uses. Unless the City notifies the permittee that this permit is cancelled, this permit will be valid for the duration of this program.

10. Complaints.

Complaints concerning this program may be directed to the Economic Development Office by emailing Economic.Development@corvallisoregon.gov or by calling (541) 766-6339.



Section 2. Business Use of Right-of Way Permit Application

Site & Applicant Information

Application is hereby made for a revocable permit to operate a business in the City of Corvallis right-of-way in accordance with provisions of this program and the City of Corvallis Municipal Code.

Business Name _____ Phone _____

Business Address _____

Applicant Name (print) _____ Email _____

Business Owner Name (print) _____ Email _____

I acknowledge that if approved, the use of the right-of-way shall be subject to the program requirements listed in Section 1 of this application packet and all requirements of the Corvallis Municipal Code. If approved, a Temporary Right-of-Way Use Agreement will be prepared by the City, and must be signed prior to use of the right-of-way. The Agreement may contain site-specific use requirements intended to ensure public safety at a particular location.

I shall hold the City of Corvallis, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this permit.

Applicant Signature _____ Date: _____

Business Owner Signature _____ Date: _____

STAFF USE ONLY

City signature _____ Date _____

Application Submittal Date _____

☐ approved ☐ denied

Notes:

Application Requirements check list:

A complete application must include all of the following:

☐

Completed Application Form

☐

Scaled site plan

Plans shall include the following information:

- Parking spaces proposed for restaurant or retail use
- ADA clearances into and throughout business area;
- Location and type of barricades proposed for delineating the business location.
- Location and type of furniture and fixtures that would be placed in the right-of-way

☐

Will alcohol be served?

☐

Yes

☐

No

If yes, **Current** copy of Oregon Liquor Control Commission (OLCC) License is required.

☐

Neighboring businesses on both sides of the business have been notified of this application.

Name of Neighboring Business 1: _____

Date notified: _____

Name of Neighboring Business 2: _____

Date notified: _____

Please submit a completed application packet to the Public Works Department at public works@corvallisoregon.gov. If you have questions, please contact the Public Works Department at (541) 766-6916.

Section 3. Example Temporary Right-of-Way Use Permit Agreement

City staff will prepare a final copy of this agreement, with blank fields populated if a permit can be issued. This agreement does not need to be signed at the time of permit application.

THIS AGREEMENT is entered into this [redacted] of [redacted], 2020, by and between the CITY OF CORVALLIS, an Oregon municipal corporation, hereinafter referred to as "City", and ([redacted] ***business name***) hereinafter referred to as "Permittee", the promises of each being given in consideration of the promises of the other.

WHEREAS, the City of Corvallis has declared a State of Emergency due to the COVID-19 Crisis. This emergency has created a demand by some businesses to use public right-of-way in order to safely serve their customers, and

WHEREAS, Permittee desires to occupy the public right-of-way for the purpose of operating a restaurant or retail business.

NOW, THEREFORE, the parties agree as follows:

1. Term. This temporary permit shall be in effect from the date of last signature through September 30, 2020.

2. Right-of-Way Use. City hereby grants to Permittee a non-assignable right to occupy the following described right-of-way, subject to all of the terms and conditions of this Permit and all applicable requirements of the Corvallis Municipal Code, as currently enacted or as subsequently modified, for the purpose of operating a restaurant or retail business at the following location: ([redacted] ***business address***) and manner as shown on the attached site plan, Exhibit A, which by this reference is incorporated into and made a part of this permit and reference in this document as "permit area."

3. Use Regulations.

a. The permit is specifically limited to the area described in paragraph 2 above.

b. The right-of-way and all things placed thereon shall at all times be maintained in a clean, safe, and orderly condition. Table umbrellas may be used and shall be placed and adequately weighted in compliance with all applicable local rules and to ensure that they remain safely in place. Tents and canopies are not permitted to be used in the right-of-way. Only those things authorized by the permit and shown on the site plan may be stored in the public right-of-way when the restaurant or retail use is not in operation. The operation of a restaurant or retail business requires that trash containers be provided on site.

c. No signs shall be attached to any furniture or any other structure related to the operation of the restaurant or retail use except as required by these or other use regulations.

d. If the Permittee serves alcohol in the permit area, then the following are requirements of this permit:

- i. Permittee shall hold a valid Oregon Liquor Control Commission (OLCC) liquor license and comply with all applicable OLCC requirements if alcohol is served to restaurant patrons. Only alcohol sold by the business may be consumed within the area subject to this permit.
 - ii. Storage of containers commonly used for dispensing alcoholic beverages to customers including but not limited to bottles, pitchers, and carafes must be kept inside the business unless an employee is stationed in the outside area at all times. No taps, kegs, coolers or other alcoholic beverage storage devices are allowed outside on the sidewalk or right-of-way.
 - iii. The permit area is required to be supervised by employees of the license business, as required by the Oregon Liquor Control Commission liquor license.
 - iv. All service and consumption of alcoholic beverages in the restaurant area will discontinue by the time required under the State of Oregon's phased reopening, but no later than 11:00 PM on Sunday through Thursday and 1:00 AM on Saturday and Sunday.
 - v. The Permittee must also provide food service in the permit area. The Permittee shall designate one access/exit point for the exterior service area and this point shall be located near a business entrance; and the Permittee shall post signage at the access/exit point and enclosed area prohibiting the removal of alcoholic beverages from the licensed area.
- e. In the event that the permit allows for a street closure, Permittee will maintain a 20-foot wide emergency vehicle access aisle in the street for the duration of the closure.
- f. Permittee shall be responsible to mitigate and provide accessible parking spaces if impacted, as required by ADA National Network (adata.org).
- g. Permittee shall complete the "ROW Notification to Impacted Properties" form, if applicable.
- h. Permittee shall not use private parking spaces.
- i. If parking is to be restricted, the provided "No Parking" signs need to be placed 48 hours in advance of the event.
- j. Permittee shall coordinate with Republic Services: 541-754-0444 and United States Postal Service: 541-752-4358 if the proposed use of right-of-way would impact these services.
- k. Permittee shall protect the existing structures and other improvements. Damage to any of existing structures shall be repaired and replaced by the Applicant at the Applicant's expense.
- l. Permittee is responsible for insuring that the public right-of-way (ROW) is returned to its condition prior to the permitted activity. The Applicant shall not chalk, paint, embed

or affix structures or objects into the ROW, or otherwise mark the surface of bike paths, streets or sidewalk.

4. Applicable Laws. Permittee agrees to comply with all applicable local, state and federal laws, rules and regulations related to the operation of their restaurant or retail use.

5. Assignability. This permit is for the exclusive benefit of the parties hereto. It shall not be assigned, transferred, or pledged by either party without the prior, written consent of the other party.

6. Temporary Suspension by City. City shall have the right to temporarily suspend this permit if the public interest requires use of the right-of-way for a public event, construction, repair or any other purpose.

7. Hold Harmless. Permittee shall indemnify, protect, defend, and hold the City, its officers, agents and employees, harmless against any claim for injury or damage and all loss, liability, cost, or expense, including court costs and attorney's fees, growing out of or resulting directly or indirectly from a right-of-way use permit issued by the City of Corvallis during the term of this agreement except that resulting solely from the negligence of the City.

8. Non-discrimination. The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, family status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this agreement.

9. Headings. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of these regulations or permit.

10. Termination.

a. The City may terminate or modify all restaurant or retail use of the public right-of-way authorized under this permit at any time at its sole discretion. Permittee shall not obtain any property right in the continued private commercial use of the public sidewalk.

b. The City may deny, revoke, or suspend the permit upon finding that any provision of this ordinance or condition of approval will be or has been violated.

IN WITNESS WHEREOF, the City and Permittee have herewith executed their signatures.

CITY OF CORVALLIS, OREGON

PERMITTEE

By: _____
City Representative

Business Owner

Date: _____

Date: _____

December 17, 2020

Holy Toledo
155 N Main Street
Toledo, OR 97391

RE: Temporary Outdoor Seating
155 N Main Street, Toledo OR

This letter is to provide information regarding outdoor seating located in the public right-of-way (sidewalk).

The City of Toledo allows tables and chairs along the sidewalk, which are "temporary-in-nature" and are not located within the "pedestrian use zone". See the definitions below. If the seating area meets these definitions, they would be allowed outright and no special permits are necessary.

TOLEDO MUNICIPAL CODE 12.10 – SIDEWALK REGULATION

TMC 12.10.010 - Definitions

"Pedestrian use zone" means a path where the surface of a public sidewalk for pedestrian use is located, which is six foot in width on sidewalks that are ten (10) feet wide or less, or alternatively, five feet wide on sidewalks that are eight feet wide or less.

"Temporary-in-nature" means signs, bicycle parking, banners, flags, temporary seating, sales displays, and other objects similar in nature, that are located on sidewalks, provided they are removed each and every night from the sidewalk and as long as they are not located within the pedestrian use zone. Items that meet this definition are allowed outright without a permit.

TMC 12.10.050 - Objects temporary-in-nature; pedestrian use zone.

- A. If an object is temporary-in-nature, it is allowed outright on the sidewalk provided it is outside the pedestrian use zone as identified by the city planner. A permit for an encroachment under Section 12.10.060 may be issued and is required if an object is not temporary-in-nature. Violation of this section may also be considered a public nuisance and is subject to the abatement provisions of this chapter and those set forth in other city ordinances relating to nuisances.

- B. The pedestrian use zone extends from the edge of sidewalk, opposite the curb, but does not include the sidewalk landscape area unless objects with permit or temporary-in-nature require the path to deviate from the edge of the sidewalk into the sidewalk landscape area. If objects in the sidewalk landscape area do not allow a pedestrian use zone that is as wide as required for the width of that sidewalk, then objects may not receive a permit and those temporary-in-nature may not be placed on the sidewalk. No temporary or permitted objects may be placed on the sidewalks, except where a path can remain unobstructed. At street corners, the pedestrian use zone encompasses the entire area bounded by the extended edge of sidewalk and the streets.

If the seating does not meet the "temporary in nature" definition and are considered long-term fixtures, you can apply for a Sidewalk Encroachment Permit for long-term placement of the tables. There is no application fee for the permit.

The Toledo Fire Department provided the following fire code regulations for the outdoor activities within a tent or canopy:

- Exit aisles shall be a minimum of 44 inches in width.
- Provide exits signs at exits. If the tent/canopy exceeds 750 square feet, the exit signs shall be internally illuminated.
- The tent/canopy shall be constructed with flame resistant material in accordance with NFPA 701. Documentation/labeling shall be provided.
- Provide a fire extinguisher in an accessible and visible location with a minimum rating of 2A-10BC.
- No Smoking signs shall be posted.
- Open flame devices such as barbeques shall be located a minimum of 20 feet from the tent/canopy

Feel free to call or email if you have any questions or to discuss the sidewalk regulations. I can be reached at City Hall at 541-336-2247 extension 2103 or email planning@cityoftoledo.org

Sincerely,

Justin Peterson
Contract Planner



TOLEDO PLANNING COMMISSION SCHEDULE

2021 MEETING DATES



JANUARY 13
FEBRUARY 10
MARCH 10
APRIL 14
MAY 12
JUNE 9

JULY 14
AUGUST 11
SEPTEMBER 8
OCTOBER 13
NOVEMBER 10
DECEMBER 8



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.

