

TOLEDO PLANNING COMMISSION TRAINING

Toledo Planning Commission entered into a training session at 6:05 pm. Commissioners present: President Anne Learned-Ellis, Cora Warfield, Terri Neimann, Ruthanne Morris (arrived at 6:58 pm) and Robert Duprau (arrived at 7:00 pm).

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) David Robinson, Public Works Director Bill Zuspan, Library Director Deborah Trusty, and Secretary Arlene Inukai.

VISITORS: Department of Land Conservation and Development (DLCD) North Coast Regional Representative Lisa Phipps

TRAINING: LAND USE BASICS, PRESENTED BY DLCD NORTH COAST REPRESENTATIVE LISA PHIPPS:

Ms. Phipps provided a PowerPoint presentation reviewing the history of land use, Statewide Planning Goals, land use planning process, comprehensive plans vs. development codes, types of decisions, hearings and findings, goal exceptions, conflict of interest/bias/ex parte contact disclosures, application completeness, criteria requirements, and appeal process.

The City's Comprehensive Land Use Plan was adopted in 2001 and is nearing the end of the planning period. The group discussed legislative updates and housekeeping ordinances necessary to stay up-to-date with State laws. Enforcement of conditions for past land use decisions was also reviewed.

A copy of the presentation and materials from the findings workshop will be sent to staff for Planning Commission distribution. DLCD can provide information and provide assistance with upcoming code updates or special topics. Commissioners thanked Ms. Phipps for the presentation.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was then called to order at 7:15 pm by President Anne Learned-Ellis. Commissioners present: Cora Warfield, Terri Neimann, Ruthanne Morris, and Robert Duprau.

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) David Robinson, Public Works Director Bill Zuspan, Library Director Deborah Trusty and Secretary Arlene Inukai.

VISITORS: DLCD North Coast Regional Representative Lisa Phipps

APPROVAL OF THE DECEMBER 9, 2020, MINUTES:

It was moved and seconded (Warfield/Learned-Ellis) to approve the December 9, 2020, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

DISCUSSION ITEMS: RESIDENTIAL CODE UPDATES – COMPREHENSIVE LAND USE PLAN UPDATE:

CP Peterson provided updates to the Comprehensive Land Use Plan, Articles 2 and 10, addressing the recent residential code discussions. The Lincoln County Housing Strategy Plan suggested certain amendments and a copy of the recommendations were provided for Commissioners. One item that was mentioned in the Lincoln County Housing Strategy Plan deals with short term rentals. At this time, Planning Commissioners have not discussed the topic or proposed standards, but this may be a good time to address short term rental homes. It was noted that the City does not have anyone reporting taxes on short term rentals, nor business license holders for the use. Commissioners generally agreed that it would be a good time to review and include some standards in the code. CP Peterson reported he can provide options to review at future meetings.

Article 2 of the Comprehensive Land Use Plan provides updates based on the revised language to the Purpose Statements in the General Residential and Single-Family Residential Zones. The Comprehensive Land Use Plan needs to be consistent with the language in the zoning code.

Commissioners discussed removing language about traffic, noise, and disturbing activity from the RS Zone Purpose Statement. It was noted that the language is too subjective and hard to interpret and enforce. In response to questions, Ms. Phipps agreed that the language is subjective and State law requires codes be clear and objective. It is a good time to remove discretionary language or modify the term to state that uses are "intended to be low traffic and quiet." However, she did agree with the proposed change to remove the language. Commissioners discussed noise levels in the residential zones. The City can address noise within the nuisance code or the Police Department has discretion if there is disturbing activity coming from a residence. New uses may need a traffic study if it will generate a lot of traffic or significant impacts to streets.

Commissioners can submit comments or questions to staff. CP Peterson will provide language for vacation rental dwellings and submit it for review at a future meeting date. Commissioners thanked CP Peterson for the work on the project. Ms. Phipps stated DLCDC can provide a preliminary review of the draft and can answer questions throughout the process.

DISCUSSION ITEM: OUTDOOR SEATING/FOOD CARTS:

CP Peterson explained that due to Covid-19, some businesses expressed interest in providing outdoor seating for customers. Currently, the City allows seating along the sidewalk, as long as it does not block the pedestrian area and it's temporary. However, two restaurants inquired if seating could be allowed in the adjacent parking spaces, located in the City's right-of-way. This topic was presented to the City Council and examples from other communities were included in the presentation. The second part of the conversation includes a recent request for food truck vendors to be allowed to use the public right-of-way to set-up for sales in an on-street parking space. Currently, vendors are allowed on private property and must be authorized by the City to sell merchandise from a vehicle on the street. This policy has never been expanded, therefore, the conversation began at the City Council. The City Council discussed the topics and referred the issue to the Planning Commission for a recommendation. Food vendors would need to obtain a City business license and Lincoln County food service license, but the City does not have established criteria or a process "to be authorized" to sell from a public street. As part of the food cart conversation, it was explained that there is one existing food vendor who sets up their cart on private property and is in compliance with City standards. There may also be consideration to

establish a food cart pod. Creating standards for a food cart pod would be a legislative code amendment, taking longer to process. However, temporary measures could be established for use of public parking spaces for a limited duration.

Commissioners discussed the existing language that sales must be "authorized". Staff does not have history on past practice of this section or how it has been interpreted or utilized, if ever allowed.

CA Robinson suggested a resolution that allows the temporary use of public parking spaces for a period of time, with a set expiration date. The resolution could establish the "authority" to allow the vendors. Commissioner Warfield, Neimann, and Duprau voiced that they liked the idea of this option. CA Robinson also offered an option to create a permit process, and upon review, the City could authorize.

CP Peterson reported that if there is general support from the Planning Commission, a recommendation could be presented to the City Council. CA Robinson stated a resolution may be a better option for outdoor seating in the street, because of potential safety concerns. President Learned-Ellis noted the conversation last month regarding the limited amount of parking on Main Street. Commissioners reviewed the City of Corvallis permit which limits the number of spaces business can use and liability considerations and could be used as a model. Commissioners discussed the potential time period to allow outdoor seating, how other communities have addressed the use, how to protect the customer from traffic, potential use of barricades, and fire code standards. Fire code regulations might make it very difficult for outdoor seating and the use of tents/canopies. Commissioner Duprau would like to see this use allowed so businesses can continue. Commissioner Morris agreed and asked if the Fire Department could also review if there are other impacts to the fire codes. CP Peterson agreed that this can be coordinated with the Fire Department. Commissioners discussed a potential time period, suggesting through the end of 2021.

In response to Commissioner questions, Ms. Phipps stated this is a common issue many communities are struggling with. The City's Transportation System Plan may provide some guidance. Food carts offer a lot of opportunities and it may be a good idea to encourage a food cart pod.

Based on the general support, this topic will be presented at the next meeting for the next steps to implement a process. CM Richter stressed the need for public safety and how to protect people from vehicles.

DISCUSSION ITEM: UPDATES AND REPORTS: None.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: None.

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

Secretary

President