

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 March 10, 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. INTRODUCTION of newly appointed Planning Commissioner Frederick "Ricky" Dyson
3. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
4. APPROVAL OF THE FEBRUARY 18, 2021 MINUTES as circulated and reviewed by the Planning Commission
5. PUBLIC HEARING: Request to Modify Conditions of Approval for "Estates of Beaver Homes" development, requested by Richard Wolff and Matt Moore
6. RECOMMENDATION: Temporary Use Ordinance and Recreational Vehicle Permit Review
7. DISCUSSION ITEMS:
 - a. Residential Code - Comments from Department of Land Conservation and Development
 - b. Updates and Reports
8. STAFF COMMENTS
9. COMMISSIONER COMMENTS
10. 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 special meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Anne Learned-Ellis. Commissioners present: Robert Duprau, Ruthanne Morris, Cora Warfield, and Terri Neimann.

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

VISITORS: None.

APPROVAL OF THE JANUARY 13, 2021, MINUTES:

It was moved and seconded (Morris/Neimann) to approve the January 13, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

RECOMMENDATION: OUTDOOR SEATING AND FOOD CARTS LOCATED IN THE CITY RIGHT-OF-WAY:

CP Peterson provided a memorandum reviewing the topic. He reminded Commissioners this issue was reviewed at the last meeting and Commissioners expressed general support, but wanted further review in order to make a recommendation to the City Council. There have been recent interest from restaurant owners to expand seating areas into the street, especially when restaurants have to close indoor dining. Temporary seating is currently allowed on the sidewalk, as long as tables/chairs do not block the pedestrian path and they are removed at night. The second item under consideration is if food carts can be located on City streets and public parking lots. Currently, food carts can be located on private property, with owner permission. Food carts must obtain a City of Toledo business license and food service license from Lincoln County.

CP Peterson explained that some restaurants are asking for outdoor seating in the right-of-way since they do not have private parking lots. The only other outdoor option is the sidewalk. Some have expressed concerns with safety and the need to provide barricades for traffic. Any option would need to meet fire code standards and OLCC requirements if alcohol is served. There should also be some form of liability statement as part of the process. Many communities have allowed restaurants to expand into the parking spaces, with some allowing up to four parking spaces and requiring ADA spaces to remain available.

Commissioner Morris questioned why four parking spaces was used as the example. CP Peterson stated that restaurants may want to provide the spaces along their frontage, but it was an example from the Corvallis permit. He noted that Corvallis has a lot of diagonal parking spaces. If the proposed spaces encroach into another business frontage, they should have permission from that business owner. CM Richter stated the City Council considered two parking spaces at an earlier meeting. Commissioners discussed a maximum number of spaces and viewed a map showing the size of parallel parking spaces in front of downtown restaurants. Generally, two spaces appear to provide enough room and four spaces would encroach into other storefront areas. Commissioners discussed if a platform or ramp should be allowed, providing accessibility from the sidewalk.

Commissioners agreed to start with two parking spaces, expecting to provide at least 5+/- tables, in addition to the sidewalk seating. The proposed resolution would allow this as a temporary measure through the end of 2021. Commissioners all agreed that they want to see something allowed, as businesses are losing money due to the closures and restrictions. This provides some opportunity for additional sales. Commissioners discussed the option of tents, canopies, and table umbrellas, noting that there should be some protection from the weather, be it rain or sun. Tents may be challenging because of the size of the parking space and fire code standards, but Commissioners suggested allowing the owners the ability meet the challenge. Commissioners asked that the Fire Department be involved with the permit program. The applicant should also coordinate with the Post Office for accessibility to the properties. Commissioners discussed the option to remove tables, chairs, and canopies at night or just secure the items from damage and theft. Barricades should be allowed to remain at all times.

It was moved and seconded (Duprau/Warfield) to recommend a resolution for outdoor seating as written, but with two parking spaces, clarify tent/canopy standards in the permit process, not require removal of chairs and tables each night but properly securing the furniture and features when closed, and allow barricades to remain up. The **motion passed** unanimously.

Staff will present this item to the City Council on March 3, 2021, with additional information for tents and canopies.

CP Peterson explained the second part of the discussion, addressing a request for food carts in the street parking spaces. A request was presented to staff earlier in the year to utilize a Main Street parking space to sell food. Opening up this option could allow any on-street parking space, but the particular request was for Main Street. Currently, food carts can be located on private commercial property with owner permission. Commissioners expressed the concern of added congestion if food carts are in the downtown area when outdoor seating is utilized. Commissioners considered restricting the use in the Main Street area.

After discussion, Commissioners were not in support of allowing food carts in on-street parking spaces. However, Commissioners voiced support of food cart pods and continued use of private properties. Commissioners asked that standards for food cart pods be considered in a future code update. These are increasing in popularity and they offer a good opportunity for vendors.

DISCUSSION ITEM: RESIDENTIAL CODE – PROJECT UPDATE:

CP Peterson reported he sent the draft residential code update language to the Department of Land Conservation and Development (DLCD) for review and comments. DLCD reviewed the draft and the comments will be brought to the Planning Commission next month for consideration.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson announced that there has been an increase in the number of inquiries for living in a recreational vehicle (RV). Currently, the City allows an RV for short term use (6 month) under special circumstances, with an option for a one-time extension. The ordinance is in need of some clarity and it may be presented to the Planning Commission at a future meeting.

In response to Commissioner Duprau's request for an update on the Safe Routes to Schools grant, CP Peterson announced that the consultants have started work on the project. This would create a

plan and recommendation for the pathway. The City would still need to obtain funding for construction, but having it in the Safe Routes to School Plan and Transportation System Plan strengthens the project. The consultants are reviewing the current conditions at the school and Sturdevant Road, and will make a recommendation for improvements surrounding the school and neighborhood roads. Construction of the recommended improvements would be the next step. CM Richter added that there may be some funds available in the footpath/bike path fund and grants will be needed.

STAFF COMMENTS:

CP Richter announced that the City received an application for Planning Commissioner and the candidate will be interviewed at an upcoming City Council meeting.

COMMISSIONER COMMENTS:

None.

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

Secretary

President

CITY OF TOLEDO



STAFF MEMORANDUM

TO: Planning Commission
FR: Justin Peterson, Contract Planner
RE: PD-3-06 Modification
DT: March 3, 2021

This is a decision item for the review of condition of approvals in #PD-3-06. The applicant requests to modify a condition in the approved Planned Development. The planned development was first reviewed at the March 8, 2006 Planning Commission meeting and the meeting was continued to the April 12, 2006 Planning Commission meeting. The planned development was given preliminary approval by the Planning Commission by order dated April 14, 2006. The final plat was approved July 6, 2006. Planning Commission approved Article 3 of the CC&Rs in August 2020. A copy of the final plat, Planning Commission Order, and CCR's are included (Attachment 2) and a copy of the minutes are included (Attachment 3).

The Planned Development as stated above was approved in July 6, 2006, however no homes were constructed until 2020. The City received a building permit for a home on Lot 2 in January 2020 which has now been completed. The City received two additional permits for Lot 3 and Lot 4 in December 2020 and January 2021 respectively. In review of the most recent single-family home permits it came to staff attention that two conditions of approval were not fully met (Condition 10 and 11). The final plat approval in July 2006 indicated the conditions were met. Staff determined that both conditions required additional review.

The criteria for planned developments remains the same in 2021 with the exception of an update in 2014 to the transportation facility standards (TMC 16.06) which were updated at the same time as the Transportation System Plan (TSP). New streets are required to meet the standards in TMC 16.06.030. Existing streets are exempt from these standards. Staff finds that the proposed street is an existing street.

Condition of Approval number 10 states: "The street must be at least 20 feet wide from the hammerhead down to the property line of the two existing homes and from that point, 17 feet wide through the retaining wall area to East Slope Road." The proposed street from East Slope

road to parallel with the eastern edge of lot 4 and lot 5 was never widened to 17 feet. The current street is approximately 10-11 feet wide. Staff determined that the road is required to be widened to ensure fire and life safety access to the planned development. The applicant agreed to widen the street and is currently working with a contractor to widen the street. Staff requests that Planning Commission authorize Staff to review the widened road when completed and set a timeline for the road to be widened.

Condition of Approval number 11 states: "Stairs shall be built at a minimum of four feet in width with a 6 rise and 11" step with handrailing. Stairs shall be on the same side as the designated parking." The property owner is requesting to remove condition of approval #11 (Attachment 1). Staff reviewed the staff report and findings for the Planned Development Approval. The staff report presented at the March 8, 2006 meeting included nine (9) conditions of approval. The hearing was continued to April 14, 2006 and four (4) additional conditions were added including condition 11. Staff reviewed the review and decision criteria, and the findings in the staff report. Staff believes that the proposed planned development still meets the review and decision criteria if condition #11 is removed.

PROPOSED MOTION:

Based upon a review of the Toledo Municipal Code criteria set forth in Sections 16.06, 16.16 and 17.12 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 determined that the street shall be widened in X days and that condition of approval #11 shall be removed.

ATTACHMENTS:

1. Property owner request
2. Parsons PD-3-06 Documents including the final plat, Planning Commission Order, and CCR's
3. PC 3-8-06, PC 4-12-06, PC 7-12-06, PC 8-12-20

1-25-2021

CITY OF TOLEDO

C/O Judy Richter

206 N MAIN ST
TOLEDO, OR 97391

Hi Judy,

This is in regard to the recent notice I received of some conditions still remaining with the Beaver Estates Development from August of 2006 when it was under different ownership. This also may serve as a follow up to our recent visit to the site on 1-21-2021 with you, Bill Zuspan, Larry Robeson, Greg Musil & Richard Wolff.

The 2 conditions brought to our attention were as follows: #10 – Widening the section of road from East Slope up the hill to the existing 20' wide portion & #11 – Building stairs with a handrail on the same side as the designated parking. I would like to propose to the City that condition #11 be removed due the designated street parking being eliminated from the site. The recently recorded CCnR's for Beaver Estates shows there is no on street parking allowed and that all homes will have at least 2 off street parking spaces thereby eliminating the on street designated parking.

We are currently scheduling with the paving contractor to complete the road widening condition (#10) which may take a few months due to weather conditions and when the paving plant is in operation.

I am always available for questions or if anyone needs more information @ (541)280-9576 & matt@charlie-max.com.

SINCERELY,



MATT MOORE
(CONTRACTOR & REPRESENTATIVE FOR RICHARD WOLFF-PROPERTY OWNER)

STATE OF OREGON
COUNTY OF LINCOLN

SHEET 1 OF 2

I, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THE 30th DAY OF AUGUST, 2006 AT 12:34 O'CLOCK P.M. AND RECORDED AS THE PLAT OF 'ESTATES OF BEAVER HOMES', LINCOLN COUNTY PLAT RECORDS. BOOK 17 PAGE 49, 49A

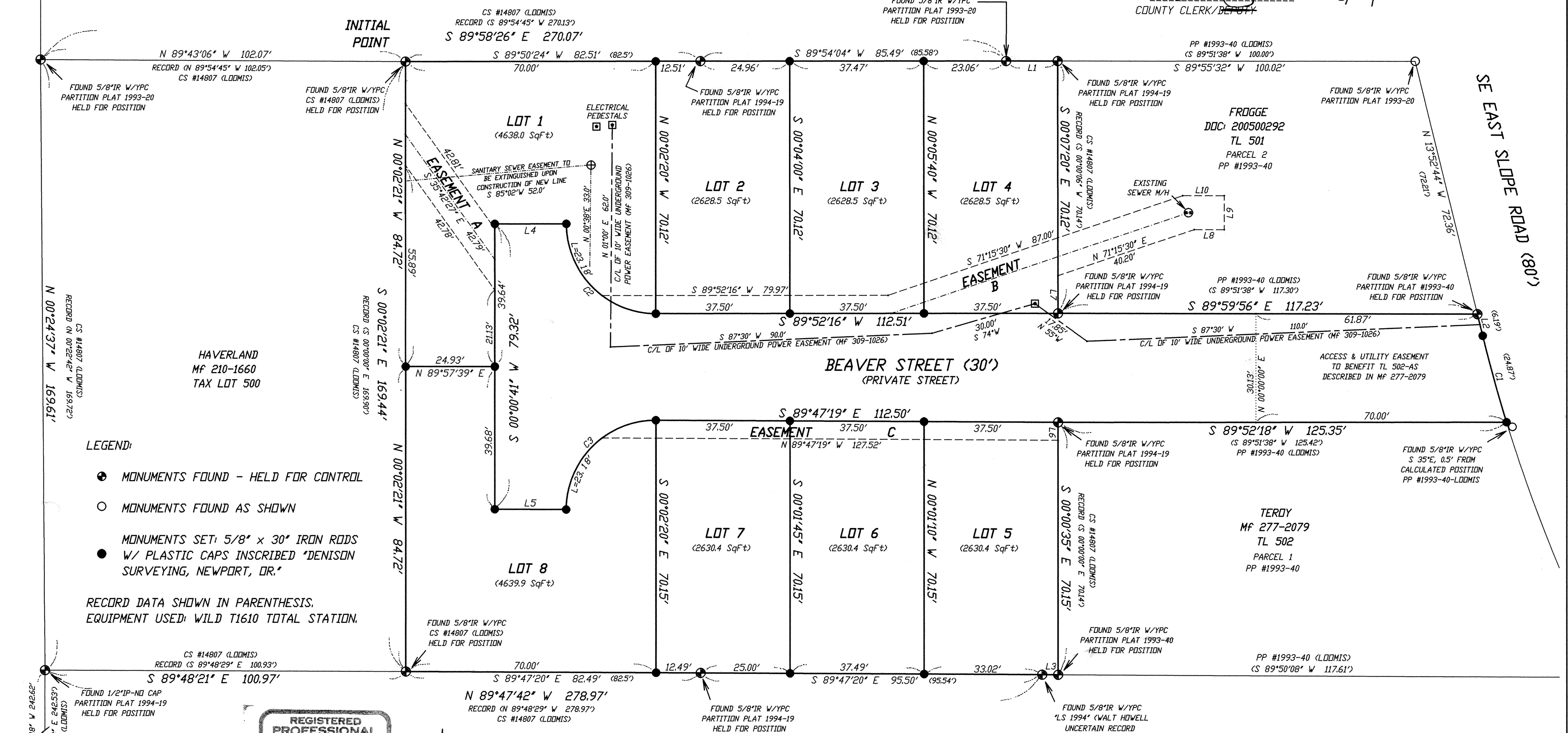
BY: [Signature] 08/30/2006
COUNTY CLERK/DEPUTY

PLAT OF ESTATES OF BEAVER HOMES

A REPLAT OF PARCEL 1-PARTITION PLAT 1994-19 AFTER THE PROPERTY LINE
ADJUSTMENT-PER CS #14807 AND PARCEL 2-PARTITION PLAT 1994-19.

LOCATED IN THE SW 1/4 OF NE 1/4 OF SECTION 17 TOWNSHIP 11 SOUTH, RANGE 10 WEST, W.M.
SCALE: 1" = 20' DSI-3694 JULY 2006

(11-10-17 AC)



LINE	BEARING	DISTANCE
L1	N 89°52'28" E	14.41
L2	S 13°52'44" E	6.19
L3	N 89°46'50" W	4.47
L4	S 89°52'16" W	20.00
L5	S 89°47'19" E	20.00
L6	S 00°00'35" E	5.00
L7	N 00°07'20" W	10.46
L8	N 90°00'00" E	8.39
L9	N 00°00'00" E	9.47
L10	S 90°00'00" W	11.61

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	24.87	03°14'19"	440.00	24.87	S 15°29'53" E
C2	39.27	90°00'00"	25.00	35.36	N 45°07'44" W
C3	39.27	90°00'00"	25.00	35.36	N 45°12'41" E

I, RUSSELL JOHNSON, CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL SUBDIVISION PLAT OF 'ESTATES OF BEAVER HOMES'.

**PLAT OF
ESTATES OF BEAVER HOMES**

A REPLAT OF PARCEL 1-PARTITION PLAT 1994-19
AFTER THE PROPERTY LINE ADJUSTMENT-PER CS #14807
AND PARCEL 2-PARTITION PLAT 1994-19

LOCATED IN THE SW 1/4 OF NE 1/4 OF SECTION 17
TOWNSHIP 11 SOUTH, RANGE 10 WEST, W.M.
DSI-3694 JULY 2006
(11-10-17 AC)

STATE OF OREGON
COUNTY OF LINCOLN

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LINCOLN COUNTY PLAT RECORDS. BOOK 17 PAGE 49, 49A

BY: [Signature] 08/30/2006
COUNTY CLERK/DEPUTY

EASEMENTS:

THIS PLAT WILL BE CREATING THREE (3) EASEMENTS
AND THE PRIVATE STREET. THEY ARE DESCRIBED AS
FOLLOWS:

EASEMENT 'A'

A 10 FOOT WIDE PRIVATE UTILITY EASEMENT TO
BENEFIT LOTS 1-8 AND TAX LOT 500 (HAVERLAND), AS
DESCRIBED IN MICROFILM 210-1660, LINCOLN COUNTY
FILM RECORDS AND WILL ENCUMBER LOT 1, AS WELL AS
TAX LOT 501 (PARCEL 2, PARTITION PLAT NO.
1993-40). THIS PLAT WILL ALSO BE VACATING AN
EXISTING SEWER EASEMENT AS SHOWN AND CREATED ON
PARTITION PLAT NO. 1994-19 AND NO. 1993-40.
LANGUAGE IN THE EXISTING DEED (HAVERLAND TO
PARSONS), RECORDED IN MICROFILM 301-0196, LINCOLN
COUNTY FILM RECORDS, ALLOWS THE GRANTEEES
(PARSONS) TO MOVE AND RELOCATE THE PRIVATE SEWER
LINE, AS NEEDED.

EASEMENT 'B'

A VARIABLE WIDTH PRIVATE UTILITY EASEMENT THAT IS
ADJACENT TO THE NORTH RIGHT OF WAY OF BEAVER
STREET, THEN RUNNING NORTHEASTERLY THROUGH LOTS 3
AND 4, AS WELL AS BEING CONNECTED AT THE EASTERLY
LINE OF LOT 4 AND EXTENDED EASTERLY INTO TAX LOT
501 (DOCUMENT: 200500292). THIS EASEMENT WILL
BENEFIT AND ENCUMBER ALL OF THE LOTS, IN THIS
SUBDIVISION.

EASEMENT 'C'

A 5 FOOT WIDE PRIVATE UTILITY EASEMENT THAT IS
ADJACENT TO THE SOUTHERLY RIGHT OF WAY OF BEAVER
STREET, TO BENEFIT LOTS 1-8 AND WILL ENCUMBER
LOTS 4-8, AS INDICATED.

PRIVATE STREET

THE PRIVATE STREET WILL BE 30 FEET WIDE AT SE
EAST SLOPE ROAD AND CONTINUE WESTERLY TO ITS
TERMINUS AT THE WEST END OF THE HAMMERHEAD TURN
AROUND. THE STREET WILL HAVE ALL OF THE ABOVE
DESCRIBED UTILITIES WITHIN THE RIGHT OF WAY.

NOTES:

1) BEAVER STREET IS A PRIVATE STREET AND WILL NOT BE
MAINTAINED BY THE CITY OF TOLEDO.

2) EACH LOT WILL HAVE THE USE OF TWO (2) OFF-STREET
PARKING SPACES, THAT ARE ADJACENT TO THEIR RESPECTIVE
LOTS.

3) ALL OF THE PRIVATE UTILITY EASEMENTS, A, B & C,
WILL ALLOW THE USE BY THE RESPECTIVE UTILITY PROVIDERS
INCLUDING, SEWER, WATER, ELECTRIC, TELEVISION CABLE,
TELEPHONE, GAS, AND OTHER SUCH UTILITIES.

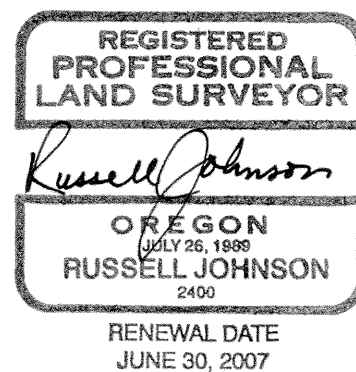
4) THE ENCUMBRANCES LISTED ON LOT BOOK REPORT NO:
20-0125806, ITEMS 2 & 3 DO NOT AFFECT THIS TRACT. ITEMS
6, 7 & 8 ARE SHOWN AND EXPLAINED, AS INDICATED.

APPROVALS:

<u>[Signature]</u>	8-15-06
CITY OF TOLEDO CITY MANAGER	DATE
<u>[Signature]</u>	8/29/06
LINCOLN COUNTY COMMISSIONER	DATE
<u>[Signature]</u>	8/29/06
LINCOLN COUNTY CLERK COMMISSIONER	DATE
<u>[Signature]</u>	8/30/06
LINCOLN COUNTY COMMISSIONER	DATE
<u>[Signature]</u>	8/30/06
LINCOLN COUNTY ASSESSOR	DATE

<u>[Signature]</u>	8-15-06
LINCOLN COUNTY SURVEYOR	DATE

<u>[Signature]</u>	08/30/06
LINCOLN COUNTY TAX COLLECTOR	DATE



I, RUSSELL JOHNSON, CERTIFY THAT THIS IS A TRUE AND EXACT COPY
OF THE ORIGINAL SUBDIVISION PLAT OF 'ESTATES OF BEAVER HOMES'.

SURVEY BY:
DENISON SURVEYING, INC.
720 SW ANGLE ST.
NEWPORT, OREGON 97365
(541) 265-9308

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS, THAT BRUCE C. PARSONS
AND ILA JEAN M. PARSONS, HUSBAND AND WIFE, SHANE PARSONS
AND SHARYN L. PARSONS, HUSBAND AND WIFE, OWNERS OF THE LAND
REPRESENTED ON THE PLAT OF 'ESTATES OF BEAVER HOMES', AND
MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S
CERTIFICATE, HAVE CAUSED THE SAME TO BE SUBDIVIDED AND
SURVEYED INTO LOTS 1-8, AND HAVE CREATED THE PRIVATE
UTILITY EASEMENTS AND THE PRIVATE STREET, AS SHOWN ON THE
ANNEXED MAP.

<u>[Signature]</u>	<u>[Signature]</u>
BRUCE C. PARSONS	ILA JEAN M. PARSONS
<u>[Signature]</u>	<u>[Signature]</u>
SHANE PARSONS	SHARYN L. PARSONS

ACKNOWLEDGMENT:

STATE OF OREGON
COUNTY OF LINCOLN

ON THIS 14TH DAY OF AUGUST, IN THE YEAR 2006,
BEFORE ME, ANN DENISON, THE SIGNED NOTARY PUBLIC,
PERSONALLY APPEARED, BRUCE C. PARSONS, ILA JEAN M. PARSONS,
SHANE PARSONS AND SHARYN L. PARSONS, PERSONALLY KNOWN TO ME
(OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO
BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS
INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED IT. WITNESS
MY HAND AND OFFICIAL SEAL.

<u>[Signature]</u>	362084
NOTARY SIGNATURE	COMMISSION NO.
<u>ANN M. DENISON</u>	<u>DECEMBER 10, 2006</u>
NOTARY PUBLIC - OREGON	MY COMMISSION EXPIRES

BEFORE THE PLANNING COMMISSION OF THE CITY OF TOLEDO, OREGON

In the matter of the request for)
preliminary approval of a Planned)
Development to create eight manufactured)
home lots at Assessors Map #11-10-17 AC)
Tax Lot 503 and 504.)
)
Bruce Parsons and Shane Parsons,)
Applicants.)

ORDER

City of Toledo File #PD-3-06

This matter came before the Planning Commission on March 8, 2006, and April 12, 2006. The Planning Commission held a public hearing allowing for testimony and introduction of evidence from proponents, opponents, and others. The Planning Commission evaluated the application based on the applicable criteria. Approval of the application is based on the staff report, testimony presented, and the following Criteria, Facts, Findings and Conditions of Approval as adopted by the Planning Commission:

CRITERIA FOR EVALUATING THIS REQUEST:

Toledo Municipal Code - (Land Division Ordinance Section):

Section 16.16.090. Criteria for preliminary evaluation of a planned development.

- A. The granting of preliminary approval is a statement to the applicant to proceed with the development under the conditions set forth by the Planning Commission. Therefore, the Planning Commission shall apply the following criteria to a proposal for a planned development:
1. All required information has been submitted;
 2. Every aspect of the planned development conforms to all applicable ordinance standards;
 3. The proposal complies with the City comprehensive land use plan;
 4. All streets, sidewalks and ways meet the standards and specifications set by the City;
 5. Each unit can be served by City sewer and water and the City has the capacity to provide those services;
 6. Identified natural hazards have been addressed and provisions made for insuring that the development will proceed without aggravating those hazards;
 7. Provisions of City ordinances concerning flood control and prevention have been and will be complied with;
 8. Provisions have been made for safe and efficient access to the development and safe and efficient circulation of motor vehicles, bicycles and pedestrian traffic;
 9. Adequate off-street parking has been provided.
- B. In addition to the above criteria, the Planning Commission shall prefer planned developments which correspond to topographical features, preserve natural, scenic or historic features (for example, stands of trees, watercourses, view property), address and incorporate, when feasible, alternative energy sources and methods of generation, provide attractively landscaped and meandering pedestrian and bicycle ways separate from streets.

FACTS:

1. The property owner has submitted an application with the requested information for preliminary approval of the planned development for creating eight manufactured home lots for eventual construction and rental that access a private street. Private because it can't meet public street standards. The property is presently identified as Tax Lots 503 and 504 on Assessor's Map 11-10-17 AC.
2. Notification of the pending application was completed in conformance with notification requirements.
3. The property is located in an area designated by the 2000 Toledo Comprehensive Land Use Plan and Zoning Map as being suitable for General Residential uses and is zoned General Residential. The planned development will provide considerable flexibility to the developer to pursue maximum use of the land within existing constraints while providing the City the opportunity to review and revise development proposals.
4. The creation of parcels requires access to an improved public street and this project has it by access privilege to the private street retained by the Parsons and intersecting East Slope Rd.
5. The Public Works Director, the Fire Chief, and the Police Chief have reviewed and approved the preliminary plat.
6. Sewer and water are both available to the site.
7. The applicant has stated they will initially retain ownership of all parcels and homes.
8. The parcel in question conforms to existing ordinance requirements.
9. The proposal conforms to the Toledo Comprehensive Land Use Plan.
10. TMC Section 16.16.080(A) allows the density to be increased beyond provisions of the RG zone if the development is not adversely affected and the purpose of the zone is carried out.
11. If not relocated, the sewer serving the existing house to the west (805 SE 4th Street), essentially renders Lot 1 unbuildable.
12. Any stormwater improvements in association with the Parsons' development will necessitate downstream improvements to the City's system by the City by using the appropriate materials and implemented in a timely manner.

FINDINGS:

1. The requirements of TMC Section 16.16.090 (1) has been met as the required information has been submitted.

2. The requirements of TMC Section 16.16.090 (2) has been met as every aspect of the planned development conforms to all applicable ordinances.
3. The requirements of TMC 16.16.090 (3) are met as the proposal complies with the City of Toledo Comprehensive Land Use Plan. The Planned Development process is encouraged by the housing component of the Comprehensive Plan. The property is designated on the Comprehensive Plan and Zoning Map as General Residential.
4. The requirements of TMC Section 16.16.090 (4) has been met as the proposed access meets the 1996 Toledo Public Improvement Requirements and Design Standards (TPIRDS) applicable for private road access. The planned development procedure does not require the creation of a public street or access from a public street and the TPIRDS allows a private driveway as an option for serving more than one residence.
5. The requirements of TMC Section 16.16.090 (5) have been met as each unit can be served by city sewer and water and the city has the capacity to provide those services.
6. There are no identified natural hazards.
7. The requirements of TMC Section 16.16.090 (7) will be met because the property is not subject to flooding.
8. The requirements of TMC Section 16.16.090 (8) can be met as provisions have been made for safe and efficient access to the development for residences that will meet the applicable code requirements as determined by the Public Works Director and the Fire Chief.
9. The requirement of TMC 16.16.090(9) to provide adequate off-street parking will be met by Condition 5 which stipulates that two off-street parking spaces for each lot shall be provided and indicated on the plat.
10. The direction to the Planning Commission of TMC Section 16.16.090 for preference of planned developments that conform to all existing ordinance requirements is met by the application.

CONDITIONS OF APPROVAL:

1. The property development shall be developed in general conformance with the proposed preliminary plat.
2. Utility easements shall be created and shown to protect existing and future services, including main service lines.
3. In the event of even one sale, by-laws must be prepared by the owner and approved by the City that stipulates perpetual use and maintenance of the private road indicated on the plat. Until sale, the road shall be maintained by the applicant.

4. The road should be constructed to adopted City standards.
5. There shall be two off-street parking spaces for each lot and they shall be indicated on the plat.
6. Parking in the hammerhead is not permitted and shall be signed accordingly by the applicant. A stop sign at East Slope Road is to be acquired by the applicant.
7. The sewer from the existing house to the west must be relocated and indicated on the plat.
8. Stormwater improvements will consist of curbs, full street paving, and oil-water separator catchbasins that will require Public Works approval.
9. This permit shall be void after twelve months if it is not acted upon. The authorization may be extended by the Planning Commission if the request is made in writing prior to the expiration of the original authorization.
10. The street must be at least 20 feet wide from the hammerhead down to the property line of the two existing homes and from that point, 17 feet wide through the retaining wall area to East Slope Road.
11. Stairs shall be built at a minimum of four feet in width with a 6" rise and 11" step with handrailing. Stairs shall be on the same side as the designated parking.
12. Designated parking shall be established on one side of the private road, on the same side as the stairs.
13. The applicants to discuss with the neighbors the possibility of creating a cedar privacy fence or hedge.

Based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on March 8, 2006 and April 12, 2006, the Planning Commission determined that the application meets the criteria in Toledo Municipal Code Section 16.16.090 subsections A and B inclusive.

IT IS ORDERED that the request for an approved Planned Development preliminary plat in this matter is granted.

DATE: 4/11/06



PLANNING COMMISSION VICE PRESIDENT

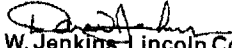
After Recording, Return To:
Adam C. Springer, Attorney at Law
PO Box 1987
Newport, OR 97365

Lincoln County, Oregon
08/20/2020 01:24:22 PM
DOC-C&R
2020-08438
Cnt=1 Pgs=5 Stn=4
\$25.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total =\$113.00



00185890202000084380050059

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.


Dana W. Jenkins, Lincoln County Clerk



DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, and RESTRICTIONS for ESTATES OF BEAVER HOMES

THIS DECLARATION is made on the date hereinafter set forth by Richard Wolff
hereinafter referred to as the **"Declarant"**.

WITNESSETH

WHEREAS, the Declarant is the owner of certain real property in Toledo, Oregon which is
described in Exhibit "A" and attached hereto and made a part hereof as the **"Property"**.

WHEREAS, Declarant is creating a planned community called ESTATES OF BEAVER
HOMES on the Property thereto pursuant to the terms and provisions of the Declaration.

WHEREAS, the Oregon Planned Communities Act, ORS 94.500 to 94.783, **does not** apply to
ESTATES OF BEAVER HOMES because the estimated annual assessment is less than \$1,000.

NOW THEREFORE, the Declarant declares that the Property shall be held, sold, and conveyed
subject to the restrictions, covenants, and conditions declared below, which shall be deemed to
be covenants running with the land and imposed on and intended to benefit and burden each lot
and other portions of the Property in order to maintain within the property a planned community
of higher standards. Such Covenants shall be binding on all parties having any right, title, or
interest therein or any party thereof, their respective heirs, personal representatives, successors,
and assigns and shall inure to the benefit of each owner thereof.

ARTICLE 1

DEFINITIONS

1.1. "Property" shall mean and refer to the real property described in Exhibit "A" and such
additions thereto as may be brought within the jurisdiction of ESTATES OF BEAVER HOMES
and be made subject to this Declaration.

1.2. "Lot" shall mean and refer to any lot of land indicated upon any recorded subdivision map
of Property or any part thereof creating single-family homesites, with the exception of the
Common Areas, Easement areas, areas deeded to governmental authority or utility, together with
improvements thereon.

1.3. "Unit" shall refer to any residential dwelling situated upon any lot.

1.4. "Owner" shall mean and refer to the Recorded Owner, whether one or more persons or entities, of the fee simple title to any Lot, including contract sellers, but excluding those having merely as security for the performance of an obligation.

1.5. "Declarant" shall mean and refer to the original owner Richard Wolff.

1.6. "Original Owner" shall mean and are Richard Wolff.

1.7. "Declaration" shall mean and refer to this Declaration of Covenants, Conditions, and Restrictions for Beaver Estates, and any amendments, annexations and supplements made in accordance with its terms.

ARTICLE 2

USE RESTRICITONS

2.1: All lots shall be used for residential purposes only and no permanent building shall be created, altered, placed or permitted to remain on any lot other than one single-family dwelling and one accessory type structure.

2.2: Nuisances: No noxious or offensive activity shall be carried on upon any Lot, not shall anything be done or placed upon any Lot which interferes with the enjoyment of any other Lot in Estates of Beaver Homes.

2.3: Parking: Each Lot shall have at least two designated off-street parking spaces. Parking shall be limited to these off-street spaces. Parking in the designated fire truck turn around and the Beaver St right of way is strictly prohibited; except that, during construction of homes, tradesmen and suppliers of/for said construction may temporarily park within the fire truck turnaround or partially in the Beaver St right of way, but only during active construction and during daylight hours.

2.4: Derelict Vehicles: No inoperable vehicle will be allowed on any Lot for more than 72 hours.

2.5: Recreational Vehicles: A trailer, camper, motor home or boat may be parked in the designated off-street parking spaces for up to 72 hours. After 72 hours, said vehicle must be absent from the Property for at least 5 consecutive days. Notwithstanding the above restriction, boats or trailers under 16' are permitted provided they are placed behind property fencing and concealed from view from other Lots and Beaver Street.

2.6: Livestock and Poultry: No livestock or poultry of any kind shall be raised, bred or kept on any lot.

2.7: Garbage and Refuse Disposal: With the exception new construction, no lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers and screened by fencing and/or be kept next to the house except on designated collection days.

2.8: Clothes Hanging Devices: Exterior clothes hanging devices shall not be permitted.

2.9: Window Treatment: No aluminum foil, reflective film or similar treatment shall be placed on windows or glass doors. Obscure treatment or film is allowed.

ARTICLE 3

MAINTENANCE OF PRIVATE ROAD AND COMMON AREAS

3.1: Road Ownership. Each Owner shall be granted an undivided one-eighth interest in the real property known as Beaver Street, which is more particularly described in the attached Exhibit B

3.2: Beaver Street: Beaver Street is a private street. Owners shall be responsible for all repair and maintenance in its entirety. Owners' responsibility to maintain includes all street signs and catch basins located within Beaver Street. The City of Toledo is not responsible, in any way, for maintaining or repairing Beaver Street.

3.3: Vehicle and Pedestrian Access Easement. Beaver Street shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all Lot Owners and their occupants, agents, employees, guests, services and emergency vehicles.

3.4: Utility Easement. Beaver Street shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained.

3.5: Maintenance. Maintenance and Improvements will be undertaken and made whenever necessary to maintain the road, catch basins, and signage in good operating condition under all weather conditions and to insure safe access by emergency vehicles. A majority vote of Owners is required for any improvements and to accept a bid for any improvement contract. Before authorizing expenditures for future improvements cost estimates will be provided, and a majority agreement will be required.

If any Owner performs improvements, maintenance, repairs or replacements without the approval of a majority of the Owners prior to performing such work, the Owner performing such work shall become liable for the entire cost thereof, unless such work is deemed an emergency.

3.6: Cost Sharing. Maintenance and Improvement costs shall be shared equally between all Lot Owners. The share of the cost shall be based upon the total number of Lots.

3.7: Collection. If any Owner fails to pay their proportion of the repair and maintenance expense within 30 days of a demand in writing, the other Owners, either jointly or severally, may bring an action against the delinquent Owner in a court of competent jurisdiction for failure to contribute. The prevailing party in such action shall be entitled to his/her reasonable expenses and attorney fees, including attorney fees on appeal.

3.8: Extraordinary Use and Damage. Owners shall be separately responsible to repair, and for the costs thereof, of any damage caused to Beaver Street due to their extraordinary use.

“Extraordinary use” shall include but is not limited to: movement of construction equipment, moving vans, commercial trucks, or other heavy loads; movement of recreational vehicles, or increased usage not ordinarily consistent with normal passenger vehicle automobile traffic or any use of chemicals that damage the surface.

In the event that any Owner or their agents, employees or guests cause the type of damage described herein and fail to make the necessary repairs within ninety (90) days, the remaining Owners may do so after notice to such Owner, and any costs so expended shall be reimbursed by the damaging Owner. If the damaging Owner fails to reimburse the costs expended, collection shall proceed under Section 3.7.

ARTICLE 4

RETAINING WALL EASEMENTS

4.1: Lots 1 and 8 contain retaining walls on the easternmost portion of each lot. The retaining wall on Lot 1 benefits Lot 2, while the retaining wall on Lot 8 benefits Lot 7. The declarant desires to grant the Owners of Lots 2 and 7, respectively, easements over the portions of Lots 1 and 8 where the retaining walls are located. It is the declarant's intent that that the Lots benefitted by the easement also bear the responsibility of maintaining and repairing the easement area and retaining walls, in order to keep them in good and functional condition.

4.2: The Owner of Lot 2 is hereby granted a permanent, exclusive, appurtenant, easement over the easternmost two feet (2') of Lot 1. The Owner of Lot 2 shall have the sole responsibility and duty for maintaining and repairing the easement area, specifically including the retaining wall contained within the easement area. The easements granted herein shall be subject to all prior easements and encumbrances of record.

4.3: The Owner of Lot 7 is hereby granted a permanent, exclusive, appurtenant, easement over the easternmost three feet (3') of Lot 8. Lot 8 shall have the sole responsibility and duty for maintaining and repairing the easement area, specifically including the retaining wall contained within the easement area. The easements granted herein shall be subject to all prior easements and encumbrances of record.

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ARTICLE 5

TERMS AND AMENDEMENTS

5.1: Term and Amendment: The Covenants and Restrictions of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended by an instrument signed by Owners constituting not less than seventy-five percent (75%) of the vote of the Owners.

ARTICLE 6

EFFECTIVE DATE OF DECLARATION

6.1: These Easements, Covenants, Conditions and Restrictions are executed this 18 day of 8 2020 and become effective upon the recording of this document in the registrar's office of Lincoln County, Oregon.

IN WITNESS WHEREOF, the undersigned Declarant herein, has cause of this instrument to be executed by and through its authority this 18 day of August 2020.

DECLARANT:

BY:


Richard Wolff

State of Oregon)
 Lowe) ss.
County of ~~Lincoln~~ 204)

This instrument was acknowledged before me on this 18th day of August, 2020, by Richard Wolff, as his voluntary act and deed.



Notary Public for Oregon

My commission expires 01/06/2023

EXHIBIT A

Lots 1, 2, 3, 4, 5, 6, 7 and 8, ESTATES OF BEAVER HOMES, in the City of Toledo, Lincoln County, Oregon, according to the official plat thereof, recorded August 31, 2006 in Plat Book 17, Page 49, Plat Records.

Together with:

A 30-foot Private Street, also known as Beaver Street, in the City of Toledo, Lincoln County, Oregon, as delineated on the plat of ESTATES OF BEAVER HOMES, according to the official plat thereof, recorded August 31, 2006 in Plat Book 17, Page 49, Plat Records.

EXHIBIT B

A 30-foot Private Street, also known as Beaver Street, in the City of Toledo, Lincoln County, Oregon, as delineated on the plat of ESTATES OF BEAVER HOMES, according to the official plat thereof, recorded August 31, 2006 in Plat Book 17, Page 49, Plat Records.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by Vice President Wes Chadwick. Commissioners present: Art Anderson, Anne Learned-Ellis, Dana Scarborough, Robert Emmett, and Jimmie K. Cheney. Excused was President Joyce Mackenroth.

Staff present: City Manager (CM) Pete Wall and Secretary Arlene Inukai.

VISITORS: Dan James, Bruce Parsons, Shane Parsons, Geraldine and Henry Abbas, Malcolm Little, Larry and Jo Rauch, Loretta McNeely, Bernice Teroy

APPROVAL OF THE FEBRUARY 8, 2006, MINUTES:

It was moved and seconded (Learned-Ellis/Cheney) to approve the February 8, 2006, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Mackenroth.

PUBLIC HEARING: VARIANCE TO THE SETBACK REQUIREMENTS LISTED IN THE ZONING ORDINANCE FOR PLACEMENT OF A MANUFACTURED HOME AND GARAGE AT 1936 DONELLE DRIVE, REQUESTED BY NORTHWEST HOMES:

Vice President Chadwick opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Anderson announced he conducted a site visit. Commissioner Scarborough reported he lives in the general area and received notice of the hearing, but it will not affect his decision. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CM Wall reviewed the staff report as on file at City Hall. The request is from Northwest Homes, agent Dan James, for a setback variance. The required side yard setback in the Single-Family Residential zone are six feet on one side and nine feet on the second side. The applicant requests a reduction to this requirement to allow five feet on both sides for placement of a manufactured home and garage. The property is located at 1936 Donelle Drive and is approximately 7,260 square feet. The vacant site is relatively flat, with some slopes in the rear. Water and sewer are available to the property. Notices were sent to 44 neighboring property owners, 19 public/service agencies, and published twice. The Public Works Director, Fire Chief, and Police Chief reviewed and approved the request. The City received a comment from neighbor Geraldine Abbas who expressed objections to the project after viewing the proposed site plan and neighbor Elaine Henderson voiced that the applicant should comply with existing regulations. Staff recommends approval of the proposal. CM Wall then reviewed variance criteria, facts, findings, and recommended conditions of approval. He clarified that additional facts and findings were prepared and distributed this evening to the Planning Commission in case the application is denied, however, he confirmed that staff recommends approval.

Applicant Testimony: Dan James of Northwest Homes reported the proposed design allows the home to avoid the slope in the back. The alternative is to place the garage in front of the house, but this pushes the home closer to the slope. He reported there will be no adverse affect to the neighbors and believes that because the front door and gable will be located on the front of the property (rather than on the side) it will be more aesthetically pleasing. The front setback is 15', but the proposal shows the home with a 20' setback.

Proponent Testimony: None.

Opponent Testimony: Geraldine Abbas of 1942 SE Donelle Drive reported she lives beside the subject property and her driveway runs along this property. They moved to this neighborhood 8½ years ago and this vacant lot has not been cared for. Either they or the original developers of the subdivision maintained the property and each year it is a chore to go to City to get the property owners to mow the lot. She stated that her lot is 50'x142' and when they shopped for their manufactured home, they had to buy the home to accommodate the lot and be compatible with the neighborhood. Their home set-up has worked out very well and if this request is approved, it would take away their privacy and livability of their lot. Ms. Abbas read a letter from Wilma Luckini, who owns property behind the area, and is opposed to the request. A copy of the letter was submitted to staff.

Malcolm Little of 2008 SE Donelle Drive, stated that some homes in the area have very little room between them after the construction of decks and porches. The side setback impacts the Abbas's driveway and the normal setback does not provides enough room as it is. The applicant should find a home to fit the property instead of over-sizing the home. The garage can always be located behind the home, towards the rear of the property.

Other Interested Parties: None.

Applicant Rebuttal: Mr. James responded to the maintenance of the property, clarifying that they just purchased the lot and was unsure about past property owner's lack of maintenance. The property owner in back of this site should not be affected by this request. He does not see that the change from six to five feet will adversely affect the neighbors. All approaches will be from the front, not the side.

Questions by Commissioners: In response to Commissioner questions, Mr. James reported that if the garage cannot be located on the side, it would be located in the front of the home. Garage placement in the neighborhood are mixed either behind or in front of the homes. Mr. Little reviewed the area and various garage locations, but noted that all have been placed within the setback. Mr. James noted that there are other vacant lots across the street, but they are double lots with access from Kauri Street. He estimated the back slope to be around 15-20% and begins approximately 90' from the property corner.

Commissioner Learned-Ellis asked if the Abbas's understood that the applicant can construct the home within 6' of the Abbas's side. Mr. Henry Abbas understood this and reported his home is setback at least 8' on this side in order to get a driveway through. Many areas have a 5' setback, but this lacks a lot of privacy. There was a slight slope in the back on his property, but has since been filled in with railroad ties for a garden area.

Commissioners discussed if the slope was enough of an obstacle to justify the variance, since other owners were able to develop in the area. Mr. James stated that this circumstance is not insurmountable and fill can be placed in the area, but he prefers not to put that much fill in back. He also noted that the home size is preferred, but not demanded. Ms. Abbas reported at the time they placed their home, only dirt from the lot and foundation area was used to fill in the back yard, no other fill was brought on-site.

Deliberation: The public hearing was closed and the Commission entered into deliberations. Commissioner Learned-Ellis understood the neighbor's feelings and remembers opposition from the Kauri Street residents when this subdivision was created. The Commission must review the variance criteria, but they have no control if the applicant meets the required setbacks which could still impact the Abbas's. Because the applicant cites topography as a constraint, she would like to see a topographic map of the property. Commissioner Emmett agreed and felt if topography is a true hardship it should be shown on the map, since he believes the lot is buildable without a variance. Commissioner Scarborough also voiced agreement and stressed that the design requires a variance to both sides of the property. He added that by moving either the home or garage, the applicant can meet the setbacks and fill is acceptable for this project. At this point, he is leaning to deny the request or continue the hearing to get more information. Commissioner Anderson added that there is no certainty if the slope begins 90' from the front property line and if either the garage or home can avoid the slope if pushed back. Commissioners discussed the aesthetics of having a larger front yard, the need for a topographic map, and possibly continuing the public hearing.

Commissioner Emmett moved to continue the hearing until next month in order to get more information regarding the topography of the site. The motion failed, due to a lack of second because Mr. James announced his withdraw of the variance request and will design the development with the garage in front of the home to meet the setbacks. The Commission thanked the applicant for his time and decision.

PUBLIC HEARING: PLAN DEVELOPMENT TO CREATE EIGHT MANUFACTURED HOME LOTS TO BE SERVED BY A PRIVATE ROAD, LOCATED AT EAST SLOPE ROAD, REQUESTED BY BRUCE PARSONS AND SHANE PARSONS:

Vice President Chadwick opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Anderson announced he conducted a site visit. Commissioner Scarborough reported he is a patient of Dr. Bruce Parsons and they acknowledge the upcoming project, but did get additional information and the discussion will not affect his decision. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CM Wall reviewed the staff report as on file at City Hall. The applicants, Bruce Parsons and Shane Parsons request preliminary approval of a Planned Development (PD) for eight manufactured home lots with access from a paved private street with hammerhead turnaround. The proposed homes would be three-bedroom, two-bath homes for rental. The property is located on the west side of East Slope Road, between and behind 513 and 571 East Slope Road. The General Residential zoned lot is vacant with slopes upward toward the back of the property but has some flat area in the middle of the lot. Water and sewer services are available to the property. Notices were mailed to 34 property owners and 19 public/service

agencies. The Fire Chief, Police Chief and Public Works Director all reviewed the proposal. The Fire Chief asked that the plan indicate off-street parking and the Public Works Director requested the sewer lateral from the upper property (805 4th Street) be relocated. CM Wall then reviewed PD criteria, facts, findings, and conditions of approval. The first step in the PD process is to review the preliminary plan, if approved, the applicant must return for approval of the final plat. Staff recommends approval of the application with the adoption of conditions of approval.

Applicant Testimony: Shane Parsons of 430 SW George Street, Newport, and Bruce Parsons of 895 S. Yaquina Bay Road, Toledo, reported that the property was obtained in 1995. At that time, they planned to construct three 8-plexes. However, because of the latest real estate boom, they are finding a demand for affordable rental homes. They will install the infrastructure for the eight lots, but place the homes over time. Some lots need more preparations for placement and the flat lots will be developed first. They obtained permission from the neighbors to investigate and possibly relocate/re-record the sewer line easement for the private lateral on Lot 1. Off-street parking is already planned for each home, but it was not indicated on the plat. The applicant stressed this is a good opportunity for the City to grow and provide affordable housing. They want to see good housing opportunities and nice homes. There has been some leveling work done and clearing of the property

Proponent Testimony: None.

Opponent Testimony: Larry and Jo Rouch of 653 East Slope Road stated that they do not believe the property is large enough to support eight lots and nor two-way traffic. Two residences on both sides of the proposed driveway (571 and 513 East Slope Road) will be impacted if vehicles lose control. Children are in the area and there could be possible safety concerns with additional traffic. Mr. Rouch added that he does not want to see the neighborhood become run-down because of the development and does not think the plan is good for the City. Mrs. Rouch felt there could be space for three additional three-bed/two-bath manufactured homes with parking and garages, two on the bottom tier and one on the top tier. However, with eight homes there will be two cars per home and no room for a garage or yard. The area has a lot of noise, traffic, and children cutting through properties from the neighboring apartment building. Adding an additional eight homes to the area adds to the existing problems. The proposed private street would only handle a single-lane of traffic. If vehicles start cutting to the side to get around traffic, erosion problems will occur and affect the two neighboring homes. The neighboring apartment building has constant mud along the driveway sides and onto East Slope Road because there is no room for two-way traffic. She suggested Commissioners walk the property. She finished by stating that tenants will not stay at rental homes if there are no garages or yards.

Loretta McNeely of 603 East Slope Road, reported she purchased her property in 1984. She met with Mr. Parsons with he first leveled the lot. Her driveway is 25'x165' from East Slope Road. Mr. Parsons cleared and leveled the lot, removing fir and apple trees and making the site 4' higher than her property. Because of this difference, she has lost privacy and security. A fence on her property would not provide privacy because of this grade change, only if the Parsons built on their side would it be effective. She feels that this would be a glorified mobile home park. Most homes in the area are positioned to keep front and back yard privacy and most have at least 1/3 acres. Homes in the area are set in a manner that feels like county living. Her home is approximately 7' from the property line. Children from the neighboring apartments are now

using her property as a park and she is constantly sending them home. If additional houses are developed, this problem will continue. She is opposed to a project of this size, but would not object to having a couple private dwellings. She fears losing security and privacy.

Bernice Teroy of 571 SE East Slope Road, stated she is right below the subject property. She expressed concerns with the safety of the children in the area and erosion of the hillside property. The proposed private drive is very small and any vehicles swerving on the drive could go into either property on the side. If eight manufactured home are placed, there will be two vehicles for each home, totaling 16 cars going in and out of the property, not including additional visitors. She questioned the reality of eight homes to be placed on the property and she suggested Commissioners walk the property.

Other Interested Parties: None.

Applicant Rebuttal: Shane Parsons reported the width of the driveway right-of-way is 30' and they plan to provide a 20' wide street which allows two-way traffic. Garages were originally discussed, but were advised by staff that they would create additional run-off, increase the overall clutter of the development, and were ultimately discouraged. The General Residential Zone allows two 8-plexes and one 6-plex to be constructed outright and the eight manufactured homes provides less density and higher quality of life versus 22 units. This is one of the factors leading to the proposal, another factor being the costs of City water/sewer service fees for the multi-family connections.

Questions by Commissioners: The applicants provided the following information in response to questions posed by Commissioners:

- ▶ The driveway is 30' wide. The plat shows a 30' wide private street, but it will be constructed to 20' wide. The lots will be a littler larger than what is represented on the plat because of the street construction. There is a grass driveway between 571 and 513 East Slope Road, but it is not yet paved. Access to the upper house comes in from SE 4th Street, not East Slope Road.
- ▶ A privacy fence can be constructed around the development.
- ▶ In an earlier proposal reviewed by staff, a play area was included in the plan at the hammerhead area. However, since that time, there has been concern that cutter would affect emergency vehicle safety and there is a concern with liability/ownership. This feature was removed and Lots 1 and 8 became larger. They could consider donating open space to the City for a park, removing the liability concern.
- ▶ Signage and striping will be used to designate no parking at the hammerhead. This would also be identified in the lease agreement. Ticketing and enforcement has not been discussed with the City yet.
- ▶ The lots are approximately 37½'x70'. The proposed homes are 40'x27' with a 5' setback on each side. There is room for parking and yards, but it was not identified on the plat.
- ▶ There is a fire hydrant north of property, near the entrance of the apartment and the Fire Chief stated he is able to do a jump hook-up.
- ▶ Some lots will require excavation, but they don't want to encroach into the slope too much.
- ▶ No sidewalks have been planned.
- ▶ The project should not be considered 'low income' housing. Early estimates for rent range from \$650-700.

- ▶ They have voiced concerns with the City that there is no open ditch along East Slope Road. They will have to pipe/culvert to the City's system. However, there appears to be some needed work on the City's side to alleviate existing problems for the driveway to the south. They have discussed the East Slope Road drainage issue with the City, but they are still uncertain if this problem should be resolved by the applicants or by the City. A solution has not been reached, but they are willing to continue discussion.
- ▶ A retaining wall was installed as part of the plan for the 8-plexes.

Ms. McNeely responded to questions by stating that the grade change was not from new fill work, but from leveling the back of the lot and pushing the material to the front. There is approximately a 4' berm along her property line. She then questioned how all the manufactured homes would be delivered and set on the property. Bruce Parsons reported he has had engineers look at the property, he has meet with the City many times, and he understands the concerns. The road is not yet completed and there should not be a problem with travel. He has had good neighbors so far and wants to mitigate any concerns. There have been some issues with the apartments to the north and he expects to fence the entire property. Eight manufactured homes is less impact than the allowed 20+ apartments. He understands the neighbor's comments, but believes there needs to be more housing in Toledo. If there is not enough room for the development, they will cut back on the numbers.

Deliberation: The public hearing was closed and the Commission entered into deliberations. In answer to Commission inquires, CM Wall reported that the applicant must still finalize the plan, but the preliminary plat can be approved with conditions. Condition of Approval 8 indicates the requirement for stormwater treatment.

Commissioner Learned-Ellis read Toledo Municipal Code criteria 16.16.090(B)(6) and (8); 16.16.090(B); Comprehensive Plan Article 6 Objective 2; Article 10 Objective 1, and 11; Municipal Code 16.16.010; 16.16.080(e); and Fact 10. She felt that the proposal may not be compatible with these sections and that the project may not meet the purpose of planned developments. The proposal does not provide green spaces or cluster development away from natural features. She understands that allowing apartments creates a higher density, but the proposal is not truly innovative to deal with the slopes. She also expressed concerns with the children in the area and acknowledged there are issues at the neighboring apartments.

Commissioners allowed Shane Parsons to state that the PD option was presented after they received bids for construction of the apartments. The submitted plat does not show the yards and landscaping because the City did not require this to be identified, but it is included in his overall development goals. He stressed that the project will be attractive and he was unaware that the Commission would need to see the features on the plat. Construction of sidewalks are not affordable and they were discouraged to create concrete driveways because of the increase amount of water run-off. The PD has less impact than the original plan of 8-plexes. Mr. Parson showed a previous version of the project which included a play yard, but it was removed for safety and liability concerns.

Commissioner Scarborough stated he liked the plan. However, Commissioner Emmett questioned if the project meets the intent of planned developments. The appeal is to put homes on smaller lots if there are other amenities to the development and he felt that this project may

not meet the intent. Commissioners discussed the sidewalk issue, the increased amount of children to the area, open space, uses allowed outright in the zone, interpretation of the planned development purpose, bicycle/pedestrian traffic, and total number of parking spaces per home. There was a discrepancy in the interpretation of Condition 5 if two additional parking spaces are needed in addition to the already required two spaces (total of four spaces).

It was recommended that the applicants meet with staff to discuss these issues. Shane Parson asked for guidelines to the Commission's interpretation of the PD purpose. The survey plat does not show the greenways, shutters, etc., but this does not mean it is not their vision. Commissioners asked that there be a resolution on the planned development purpose, stormwater issues, neighborhood impact, sidewalks, and open space.

It was moved and seconded (Learned-Ellis/Emmett) to continue the public hearing until April 12, 2006, in order to address concerns discussed tonight and for the applicant to meet with City staff to reach resolutions.

Discussion: Commissioner Scarborough wants to find a way to make the development work, but he does not have enough information. Commissioner Emmet added that the issue should be discussed and better addressed at the next meeting.

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

Commissioners discussed the option of conducting a site visitation of the property before the next meeting. CM Wall noted a tour of the site could be held or each Commissioner could view the property on their own. He stated that staff will meet with the applicants and will let Commissioners know if a scheduled tour can be held.

STAFF COMMENTS:

None.

COMMISSIONER COMMENTS:

Commissioner Scarborough stated the Commission is typically pro-growth, but he wants to make sure they thoroughly review the planned development request, hoping it can work.

There being no further business before the Commission, the meeting was adjourned at 9:00 pm.

Secretary

Vice President

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:04 pm by President Joyce Mackenroth. Commissioners present: Wes Chadwick, Art Anderson, Anne Learned-Ellis, Dana Scarborough, Robert Emmett, and Jimmie K. Cheney.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: Bill Lightner, Bruce Parson, Shane Parsons, Larry and Jo Rouch, Bernice Teroy

APPROVAL OF THE MARCH 8, 2006, MINUTES:

It was moved and seconded (Anderson/Cheney) to approve the March 8, 2006, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Mackenroth abstaining.

At this time, President Mackenroth turned the meeting over to Vice President Chadwick to chair the continued public hearing.

CONTINUED PUBLIC HEARING: PLANNED DEVELOPMENT TO CREATE EIGHT MANUFACTURED HOME LOTS TO BE SERVED BY A PRIVATE ROAD, LOCATED AT EAST SLOPE ROAD, REQUESTED BY BRUCE PARSONS AND SHANE PARSONS:

Vice President Chadwick re-opened the public hearing by stating the nature and purpose. Declarations were read last month.

Staff Report: CDC Klem reviewed the staff memorandum and applicant's response letter, as on file at City Hall. The memorandum was created based on staff's meeting with the Parsons' and each topic is summarized below:

- ▶ Slope and drainage: The property and road contains steep slopes. Public Works would like to see stormwater contained on-site with curbs and oil-water separator catchbasins. There is too much velocity if an open ditch system is created. At the bottom of the hill, there is an existing open ditch and buried pipes, which runs approximately 200' to the south, goes under East Slope Road, and is discharged into the wetlands. This is the reason an oil-water separator system must be created. The City must do some downstream work to the pipeline and tidegate. The costs for the City's upgrades have been estimated and the work should soon be scheduled. This issue has been discussed and agreed upon with the applicants.
- ▶ Off Street Parking: The Fire Chief asked for two parking spaces per lot, which is not in addition to the City's existing code. Each home must provide a total of two off-street parking spaces. The applicant has indicated the spaces on their drawing submitted with the response letter. Garages are not planned for the project.
- ▶ Fence or Hedge: The neighbors to the south suggested a fence for privacy reasons. The applicants are willing to install a fence on this side and either a fence or hedge on the east side.

- ▶ Open Space: Early plans showed an open space area in the development. However, the site was removed because the applicant is not interested in creating a playground and assuming the liability for injury, especially if children outside of the development use the site. There is open space available across from East Slope Road and a City park not far to the south, at the end of East Slope Road.
- ▶ Private Sewer Lateral: The sewer lateral from house on the west must be located and either moved or correctly identified on the plat. A plumber can locate the line.
- ▶ Lot Size/Density: The City's Planned Development provisions allow smaller lots. The proposal is an appropriate use of the land. Some years ago, the applicants proposed a multi-family use which would be more dense than the current proposal.
- ▶ Manufactured Home Requirements: The applicant is aware of the manufactured home requirements in the General Residential zone and can comply.
- ▶ Access: The private street requires a City access permit to connect to East Slope Road.
- ▶ Sidewalks: The Planning Commission has the authority to require sidewalks. However, it is staff's belief that sidewalks would not serve anyone beyond those in the development since there are no sidewalks on East Slope Road. The project will require curbs and sidewalks could be added behind the curbs at a later date. Sidewalks are expensive and staff is not recommending them for this project. -- So where does the stairs and hand railing condition come in???

The staff memorandum includes Fact 12 which should be added to the list submitted in the staff report. Conditions 6 and 8 were modified and should update the staff report.

Applicant Testimony: The applicants were present but did not testify.

Proponent Testimony: None.

Opponent Testimony: Larry and Jo Rouch of 653 East Slope Road asked for a clarification on the drainage issue. Jo Rouch stated many years ago, the City agreed to take care of the drainage problem, however, this did not occur and the addition of two new homes in the area has made the drainage problem worse. Storm run-off washed out the McNeely's driveway and the Rouch's have had to maintain the system. They are reluctant to believe the City will take care of the problem. Mrs. Rouch stated the open space wetlands is private property. She felt the proposed density would be comparative to the trailer park behind Toledo Food Fair and she would rather see apartments than eight homes. She stated her belief that the homes would not just serve single-families, but would have two to three families, containing up to 12 people per home. Apartments would not be suitable for this number of people. She added that the proposed rental of \$650-700/month is considered low-income housing. She also expressed concerns that the tenants would have more than two vehicles.

CDC Klem addressed Mr. Rouch's drainage question by stating that the run-off will be captured in the development by curbs and catchbasins. The City will install hard pipe for the open ditch to protect it from silt, then pipe the drainage to where it cross the road and discharges into the wetlands. The applicant will provide hard pipe to East Slope Road and the City will complete improvements from there. The Public Works Department will most likely schedule the work for the summer and it is not expected to be a large job. Commissioners reviewed the option of adding a condition or fact that deals with the City's drainage improvements. CDC Klem reported that adding a condition could appease the neighbors, however, some specifics for the City's

project, such as the type of pipe material, have not been defined. After discussion, it was determined to revise Fact 12 to include phrases that the City's improvements will include appropriate materials, implemented in a timely manner, and coincide with the Parsons' project. The term "timely manner" was examined in that work could be done within three months of the Parsons' work or before November. If the Parsons' abandon the project, the City must still address the current drainage problem but specifics could change. Mr. Rouch reported that it would be acceptable to him if the work is done in a timely manner and the language would satisfy his concerns. Mrs. Rouch received confirmation from CDC Klem that the City's improvement would take care of the existing standing water from this area, directed to the south. It appears that there may be some other issues with stormwater run-off from other properties and hillsides, but these are not addressed in the proposed improvements.

Bernice Teroy of 571 East Slope Road, Toledo, inquired about the timing for the road and curb completion, driveway width, and an existing tree as the property corner.

Other Interested Parties: None.

Applicant Rebuttal: Shane Parsons of 470 SE George Street, Newport, and Bruce Parsons of Toledo reported the following:

- ▶ They are not certain if the tree Ms. Teroy refers to is the property corner, however, there is a 30' wide driveway area that currently exists. This is enough room for the road and curbs.
- ▶ A similar development can be compared to Cherry Lane. The applicant's property is more suitable than Cherry Lane because of the topography. Cherry Lane lots are larger, but a lot of the area is unusable.
- ▶ The homes should be considered affordable-housing, not low-income housing. The applicants are responsible for each unit and who lives/maintains each home. They are not interested in having a lot of people living in a small space and adding to the wear and tear of the structure. They want to have responsible renters, such as those living in their existing rental units. The rental rate is considered affordable when compared to the current market of buying a new home.
- ▶ Increasing the driveway width to create sidewalks impacts the neighbors to the east. Also, more hard surface creates more water run-off.
- ▶ The goal is to get all infrastructure and utilities in place, then pave and curb the entire road, and then place one or two homes at a time. As they are able to rent the homes, new homes will be added. They are not able to put the entire project in at one time.
- ▶ Parking is a common problem with their existing apartments. At this time, they have a clause in the rental agreement that tenants must move vehicles on a 48-hour basis.

President Mackenroth noted that the Cherry Lane development is attractive and if the Parsons' proposed project resembles Cherry Lane, it would be a good thing. She pointed out that the mail service now requires mailboxes be clustered in groups and a sidewalk may be necessary for people to walk to pick up mail.

Commissioners discussed the narrow, steep driveway and emergency vehicle access if there is on-street parking. CDC Klem stated that the applicant can regulate on-street parking through their rental agreement or restrict the number of vehicles. The City requires two off-street parking spaces, but that does not limit the applicants to create three parking spaces if they wish. Shane

Parsons reported that on-street parking could be designated depending on the required width of the private drive. If on-street parking becomes a constant problem the owners will address the issue. Parking problems are not exclusive to this area. CDC Klem reported that the street can be designated for over-flow parking or clearly identified for only one side of the street. Mr. Parsons reported that the width between the two retaining walls is 17 feet. Commissioners discussed the problems with a narrow, steep street and potential safety concerns.

CDC Klem offered a response to Mrs. Rouch's concern with the amount of people living in a home. He read the definition of single-family residence and 'family'. The City has the authority to regulate this, however, it is uncertain how aggressive a stand the City should make.

Questions by Commissioners: None.

Deliberation: The public hearing was closed and the Commission entered into deliberations. After discussion, Commissioners revised Fact 12 to remove "some" and include the phrases, "in association with the Parsons development" and "by using the appropriate materials and implemented in a timely manner." Commissioner Learned-Ellis suggested the Commission disregard and delete the last sentence of staff memorandum Item 4 which refers to the Olalla Slough open space.

Commissioners reviewed the various options for street width needed to provide on-street parking. After lengthy discussion, Commissioners added new Condition 10 to require a 20' wide street above and west of the retaining walls. The width would then be reduced to 17' between the retaining walls, towards the intersection of East Slope Road. Commissioners also added Condition 11 to require 4' wide stairs with a 6" rise/11" step and hand railing to be built on the same side as the parking spaces. New Condition 12 establishes parking spaces be required on one side of the street. In answer to Commissioner questions, Mr. Parsons reported that most fir trees in the area belong to other property owners and will remain. He stated that the added conditions are acceptable. Speed limit signs can be added to the private street. In response to Commissioner's review, Mr. Parsons clarified that screening along the south side of the property would depend on what Ms. McNeely wants to see. He felt that a fence 1' away from her garage may not be practical and he suggested a solid hedge row. The applicants are satisfied with installing either a hedge or cedar screen fence. Commissioners included a new Condition 13 to discuss with the neighbors the possibility of creating either a fence and/or hedge row for privacy.

Commissioner Anderson voiced concerns with the amount of fill that will be removed to develop the hammerhead area, erosion to the area, and the reality of developing Lots 1 and 8 because of the slope. Mr. Parsons reported there are options with concrete foundations to deal with the slope and further investigation/engineering is needed to develop the lots. The site will likely not be developed with a typical concrete pad, but could be elevated for a basement. They have not calculated the amount of excavation for the upper area, but if development of the two upper lots do not pencil out, they will not be developed. These lots are not expected to be developed this year. CDC Klem added that many houses along Cherry Lane have non-typical foundations.

It was moved and seconded (Scarborough/Cheney) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on March 8, 2006, and April 12, 2006, the Planning Commission finds that the criteria for approval of a

preliminary plat for a planned development (Toledo Municipal Code Section 16.16.090 Subsections A and B inclusive) have been met and the preliminary plat is approved subject to the amended conditions of approval outlined below. The Commission added the following Fact:

12. Any stormwater improvements in association with the Parsons' development will necessitate downstream improvements to the City's system by the City by using the appropriate materials and implemented in a timely manner.

The Commission adopts the following conditions of approval as amended:

1. The property development shall be developed in general conformance with the proposed preliminary plat.
2. Utility easements shall be created and shown to protect existing and future services, including main service lines.
3. In the event of even one sale, by-laws must be prepared and approved by the City that stipulates perpetual use and maintenance of the private road indicated on the plat. Until sale, the road shall be maintained by the applicant.
4. The road should be constructed to adopted City standards.
5. There shall be two off-street parking spaces for each lot and they shall be indicated on the plat.
6. Parking in the hammerhead is not permitted and shall be signed accordingly by the applicant. A stop sign at East Slope Road is to be acquired by the applicant.
7. The sewer from the existing house to the west must be relocated and indicated on the plat.
8. Stormwater improvements will consist of curbs, full street paving, and oil-water separator catchbasins that will require Public Works approval.
9. This permit shall be void after twelve months if it is not acted upon. The authorization may be extended by the Planning Commission if the request is made in writing prior to the expiration of the original authorization.
10. The street must be at least 20 feet wide from the hammerhead down to the property line of the two existing homes and from that point, 17 feet wide through the retaining wall area to East Slope Road.
11. Stairs shall be built at a minimum of four feet in width with a 6" rise and 11" step with handrailing. Stairs shall be on the same side as the designated parking.
12. Designated parking shall be established on one side of the private road, on the same side as the stairs.
13. The applicants to discuss with the neighbors the possibility of creating a cedar privacy fence or hedge.

The **motion passed** 6-0 with Mackenroth abstaining.

Vice President Chadwick then turned over the meeting to President Mackenroth. President Mackenroth called for a brief recess and the meeting was reconvened at 8:50 pm.

PUBLIC HEARING: VARIANCE TO THE SETBACK REQUIREMENTS LISTED IN THE ZONING ORDINANCE FOR CONSTRUCTION OF A SHOP AND CATERING BUILDING AT THE SOUTHEAST INTERSECTION OF NW 6TH STREET AND NW A STREET, REQUESTED BY WILLIAM AND SHERRI LIGHTNER:

President Mackenroth opened the public hearing by stating the nature and purpose. After calling for ex parte contact, bias, or conflict of interest, Commissioners Anderson, Learned-Ellis, and Mackenroth reported they each viewed the site. President Mackenroth reported she knows the applicant, but it will not affect her decision. Vice President Chadwick announced he may have a potential conflict of interest in that he knows the Lightners and his office works with them, therefore, he will not participate in the decision. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CDC Klem reviewed the staff report as on file at City Hall. The property is zoned Commercial and requires a 25' front setback. The applicant requests a variance in order to reduce the setback by 20' to provide a 5' front setback to construct a catering business and storage. The property is 5,000 square feet. The neighborhood has some declining properties. One neighbor commented on the proposal and stated it would be good for the neighborhood. CDC Klem explained that a contractors storage area is actually a conditional use in the Commercial zone, however, a portion of the building will be used as a catering business and will have a window for orders. The catering portion of the building is why the overall use does not need a conditional use permit. The applicant has offered to pick-up trash at the neighboring skate park. Water and sewer is available to the site. The neighborhood is mixed with some commercial and residential. No negative comments have been received. CDC Klem then reviewed variance criteria. Staff recommends approval with the adoption of the recommended conditions of approval. As listed in the conditions of approval, CDC Klem explained that the Public Works Superintendent noted concerns with the curb cuts for the parking lot and asked that they be built to City standard, a culvert must be added to deal with the drainage along NW 6th Street, and the existing shallow sewer line must be engineered and lowered. If the catering business does not occupy the building, the applicant must receive a conditional use permit for the storage building. The catering business makes the use commercial and the rest is auxiliary use.

Applicant Testimony: Bill Lightner of 1920 NW Sunset Drive, Toledo, and Nathan Lightner of 1950 NW Sunset Drive, Toledo provided information on the project. Bill Lightner reported his desire to build something which benefits the City and house a business that provides snacks to the neighboring skate park. The Lightner's existing business also need a low-impact storage area. The proposed catering service would have a side window or counter for walk-up customers and they have researched the possibility of hiring handicap employees. This would not be a sit-down restaurant. They will landscape the front of the building. He feels this is a good plan and they expect to make the structure attractive. They are considering constructing a metal building, but may choose a wood building because of the looks. Everyone in the area seems happy with the idea. In answer to Commissioner questions, Mr. Lightner reported the building will be 20' high, straight gable roof, gutters, and will look nice. The storage area is not expected to generate

heavy traffic. Mr. Lightner meet with the Mayor to discuss the project and he has proposed to clean-up the skate park. He believes the project will improve this area of town which has been changing over the last few years. There is a sewer pipe that is low, but Mr. Lightner questioned if the condition of approval is for the main line. CDC Klem reported that the sewer line would be the service portion. Mr. Lightner reported that the conditions are acceptable. The following are Mr. Lightner's responses to questions posed by Commissioners:

- ▶ The driveway from A Street will be the secondary access.
- ▶ The sidewalk will remain and they will grade down or terrace the area.
- ▶ The parking spaces are not expected to be used for extended storage. There may be a truck or tool trailer parked overnight. Their business is housed in a different location and this storage area would be an auxiliary to the existing business site.
- ▶ A firewall will be constructed for the east building wall. They have talked to the neighbor on the east. Because of the slope, the proposed building will not block the view of the home to the east. The structure fits the general area and is better than what is there.
- ▶ The catering business is a good use and could expect a lot of walk-up customers. They expect the business to offer soda and snacks. They understand that if the catering business is removed from the site, the property will need a conditional use permit when the storage becomes the exclusive use.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commissioners: None.

Deliberation: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Learned-Ellis/Anderson) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing held April 12, 2006, the Planning Commission finds that the application file # VAR-2-06 (a request for a variance from the front yard setbacks) complies with the criteria identified in TMC Section 17.68.050(D) (1), and the Commission adopts the proposed Facts, Findings, and following Conditions of Approval:

1. Development of the site shall be in general conformance with the submitted application materials dated March 17, 2006.
2. The driveway and parking approach must be constructed to City standard.
3. The culvert drainage on NW 6th Street and a lowered sewer line must be engineered, approved by the Public Works Department, and installed by the applicant.
4. A conditional use permit for construction storage will be required if a commercial presence is not maintained.
5. Expiration of the variance permit will occur one year from the date the order is signed if development on the variance has not begun or a building permit has not been issued. The

applicant may request an additional one year of time if the request is made in writing and submitted prior to the expiration date.

The **motion passed** 6-0 with Chadwick abstaining.

Mr. Lightner complimented CDC Klem with his help in the process.

STAFF COMMENTS:

CDC Klem reminded Commissioners the economic interest statements are due by April 14th.

COMMISSIONER COMMENTS:

Commissioner Emmett stated he felt good about the Parsons' project and in reaching the decision. Commissioner Learned-Ellis complimented CDC Klem for his follow-up work with the applicants.

There being no further business before the Commission, the meeting was adjourned at 9:20 pm.

Secretary

President

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Joyce Mackenroth. Commissioners present: Art Anderson, Robert Emmett, Jimmie K. Cheney, Anne Learned-Ellis, Wes Chadwick, and Dana Scarborough (arrived at 7:08 pm).

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: Bruce Parsons and Shane Parsons

APPROVAL OF THE JUNE 14, 2006, MINUTES:

It was moved and seconded (Anderson/Cheney) to approve the June 14, 2006, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Learned-Ellis and Chadwick abstaining and noting the absence of Scarborough

ELECTION OF OFFICERS FOR THE 2006-2007 FISCAL YEAR:

It was moved and seconded (Learned-Ellis/Anderson) to nominate the officers of Joyce Mackenroth as President and Wes Chadwick as Vice President for the 2006-2007 fiscal year. The **motion passed** unanimously noting the absence of Scarborough

DECISION ITEM: FINAL APPROVAL OF A PLANNED DEVELOPMENT PLAT FOR "ESTATES OF BEAVER HOMES" (FILE #PD-3-06) FOR PROPERTY LOCATED AT EAST SLOPE ROAD, REQUESTED BY BRUCE PARSONS AND SHANE PARSONS:

CDC Klem reviewed the staff memorandum as distributed to the Planning Commission and on file at City Hall. He reminded Commissioners that the ordinance stipulates that the Commission review the final plat for Planned Developments before receiving City signatures. In the memo, he provided a checklist based on the ordinance requirements. He then reviewed the checklist, highlighting the 13 conditions of approval specified in the preliminary approval. After reviewing the conditions and proposed schedule of improvements, staff determined that the conditions have been met or will be met when the infrastructure work is completed. The City still plans on providing drainage work in the area that will close the open ditch and connect into the existing culvert system. At this time, Commissioner Scarborough entered the meeting.

In answer to Commissioner Learned-Ellis' inquiry about off-street parking spaces for each lot, applicant Shane Parsons pointed out that this is addressed under "Note 2" in page two of the plat. He also answered questions regarding the road width, stating that the survey shows the street width of 30', but actual asphalt surface will be 20' for the top portion and decreasing to 17' for the lower (eastern) portion of the street between the two existing homes. The applicants are meeting with Road and Driveway to review the construction project and schedule road work.

CDC Klem addressed addition questions, stating that the CC&R's are needed before any occupancy certificates are issued or if the property is sold. A lot book report has been submitted which is an

update of the title report. The tax statement will be covered when the final plat goes through the County review process. CDC Klem reiterated that all of the items listed as "expected" will be reviewed and checked-off before the plat can be formally approved. He then reviewed the procedures for recording the plat and typical construction process.

It was moved and seconded (Cheney/Chadwick) 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, the Planning Commission approves the final plat dated May 2006, and submitted on July 6, 2006, on behalf of Bruce Parsons and Shane Parson allowing for correction of the referenced items.

The **motion passed** with Scarborough abstaining.

STAFF COMMENTS:

CDC Klem asked for some flexibility and patience from Commissioners because of the recent changes in staff. He reported that the Public Works Director position is vacant, the Police Chief is out of the country, and the Planning secretary will be taking a leave. The workload is expected to remain the same. Staff must still meet all state mandates, but there could be a lack of quality than what the Commission currently receives and expects. Commissioner Emmett suggested diligence during Commissioner's review of future issues. Discussion was held on ways to lessen the burden on staff and provide Commissioners with alternative ways to provide information on City codes.

COMMISSIONER COMMENTS:

Commissioner Learned-Ellis reminded folks to protect their pets during the upcoming Summer Festival fireworks celebration.

Commissioner Emmett noted the unusual amount of disarray occurring in City staff at this time.

President Mackenroth thanked Commissioners for appointing her as President. However, she reported that she is working in Albany on Wednesdays and there may be some nights that she may be a bit late for the meeting.

There being no further business before the Commission, the meeting was adjourned at 7:30 pm.

Secretary

President

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

CITY OF TOLEDO



Architect rendering, 1938

To: Toledo Planning Commission
From: Justin Peterson, Contract Planner
Date: March 3, 2021
Re: Recreational Vehicles in Toledo

Background

The City of Toledo Planning Department has received multiple inquiries about using recreational vehicles (RVs) in 2021. The current standards for RV parking in the City of Toledo are in Toledo Municipal Code (TMC) 8.08 (Attachment 1).

In 2018 the City did not receive any RV permit requests, in 2019 the City approved one (1) temporary RV permit, in 2020 the City approved two (2) temporary RV permits and denied one (1) permit, and in 2021 the City has approved one (1) temporary RV permit so far.

Currently Allowed and Staff Discussion/ Recommendations

RV Storage

In the City of Toledo private property owners are allowed to park recreational vehicles (RVs) for storage.

RV Visitations

RVs are allowed as a temporary living quarters in conjunction with a visitation without a permit. "Use of an RV as a temporary living quarter in conjunction with a visitation of less than fourteen (14) days at an existing residence does not require a temporary permit" (TMC 8.08.040). The visitation standard currently does not define a limit of days in a calendar year or a time period between stays.

Staff recommends implementing a limit on the number of visitation days in a calendar year to thirty (30) days or another amount deemed appropriate by Planning Commission Members. In addition, Staff recommends defining a time period between stays such as five (5) days. The recommended code updates will allow Staff to provide clear standards to property owners in the City.

Temporary Living Quarters

RVs as a temporary living quarter are allowed in the City of Toledo with a valid permit. RVs may be approved as a temporary living quarter for six (6) months by Staff. An additional six (6) months may be requested and is subject to City Council review. The temporary RV must be in conjunction with a valid, active building permit, security dwelling, or a medical hardship. The current code allows for RVs as a temporary living quarter for a maximum of one (1) year total.

At past City Council meetings, allowing for additional time has been discussed. Allowing additional time could provide flexibility for property owners. Each request would be evaluated on a case by case basis. Is Planning Commission interested in extending the time period allowed?

In addition, Staff recommends that medical hardship is clarified to mean lots with an existing home. Staff believes the intent of the medical hardship was to allow a temporary RV for an individual to assist another with medical care. The individual receiving medical care could reside in the RV or the home. Staff has received questions about parking a temporary RV on a vacant lot and does not believe this was the intent of the medical hardship portion of the code.

Options and Motions

The Planning Commission is presented with the following options.

1. Recommend City Council amend TMC 8.08 to define a maximum number of visitation days in a calendar year and a time period between visitations. And recommend that Council clarify the meaning of medical hardship to lots with existing homes and increase the time period allowed for a temporary RV to X months.
2. Request staff bring more information to the next Planning Commission meeting
3. Take no action

Attachments

1. TMC 8.08

Chapter 8.08 - TEMPORARY USES, TEMPORARY STRUCTURES, AND RECREATIONAL VEHICLES

8.08.010 - Purpose.

To regulate placement, restrict time limits, control aesthetics, limit nuisances, and generally protect health, safety, and welfare considerations the city of Toledo recognizes that certain short-term uses, structures, and recreational vehicle placements are not allowed as outright permitted uses. A temporary permit may be issued for up to six months by the city manager or other designated city staff member for only the following uses:

- A. In conjunction with on-site construction, only if a building permit has been issued for such construction, and the permit is active;
- B. Security measures that need to be taken for a temporary situation;
- C. A temporary place to conduct business;
- D. To meet special housing needs, in conjunction with an existing residence. The applicant must carry the burden of proof to show a permanent alternative is being sought and the temporary use provides the best or only alternative in the interim period;
- E. Special event structures; or
- F. Business office for the sale of property within a subdivision.

(Ord. 1310 § 1 (part), 2006)

8.08.020 - Definitions.

As used in this chapter:

"Adequate sanitation facilities" means any public restroom, private restroom, or any portable fixture approved by either the Lincoln County Sanitarian or a Lincoln County Plumbing Inspector.

"City manager" means the city manager of the city of Toledo or designee(s).

"Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational purposes and may include yurts, cabins, fabric structures, or similar structures as further defined, by rule, by the city manager. A structure intended for removal or demolition within a prescribed time not exceeding six months.

"Recreational vehicle (RV)" means a vehicular-type living unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Types of recreational vehicles include, but are not limited to, travel trailer, camping trailer, camper, camping van, and motor home.

"Special event structure" means a structure occupied in affiliation with an event recognized by the city of Toledo, state of Oregon, or United States related to a holiday, festival, or celebration, including, but not limited to Christmas, Independence Day, Toledo Summer Festival, Toledo Main Street Antique Fair, or carnivals or fairs. Special event vendors affiliated with the event organizers are exempt from obtaining a temporary permit, but are limited to no more than thirty (30) days prior to and seven calendar days following the event.

"Structure" means a building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

"Temporary living quarter" means a recreational vehicle, as defined in this chapter, used for sleeping and/or living purposes and has water and sewer, but is intended for short time use (six months).

"Temporary structure" means a structure without any foundation or footings and that is removed when the designated time period (usually six months), activity, or use for which the temporary structure was erected has ceased.

"Temporary use" means a use established for a limited duration with the intent to discontinue the use upon the expiration of the permitted time of six months.

(Ord. 1310 § 1 (part), 2006)

8.08.030 - Fees.

An appropriate application fee shall be set by city council resolution for a temporary permit. The application fee and renewal fee must be paid concurrent with the application. Renewal fees will be double the original fee. A request to waive fees for recognized nonprofit applicants must be made in writing to the city council.

(Ord. 1310 § 1 (part), 2006)

8.08.040 - Permit required.

All temporary uses including the uses of an RV as a living quarter or for conducting business within the city of Toledo is prohibited unless the owner of land (applicant) on which it will be parked first obtains a temporary permit from the city. Use of an RV as a temporary living quarter in conjunction with a visitation of less than fourteen (14) days at an existing residence does not require a temporary permit. Using the Type I procedure under Toledo Municipal Code Chapter 19.08, the city shall approve, approve with conditions, or deny a temporary use permit based on findings that all of the criteria are satisfied.

(Ord. 1310 § 1 (part), 2006)

8.08.050 - Application requirements.

- A. The application form shall be provided by the city of Toledo and the applicant shall set forth on the site plan the following:
 - 1. The location map showing the area in the city where the use will occur;
 - 2. The proposed siting of the temporary use or RV on property; and
 - 3. The provisions for water, sewer, and electrical service.
- B. The applicant must indicate the period of time the permit is sought and the reason for the use of a temporary structure or RV instead of a permanent structure. The applicant must propose alternatives to the temporary permit in a permanent solution plan.

(Ord. 1310 § 1 (part), 2006)

8.08.060 - Special event structures.

- A. Special event structures may be erected in conjunction with a recognized federal, state, or local holiday, festival, and celebration if the following are met:
 - 1. The time limit for such structures is no longer than thirty (30) days prior to and seven calendar days after the special event.
 - 2. The permission of the property owner must be obtained.
 - 3. The person or persons responsible for the special event structure shall also be responsible for the maintenance of the grounds and shall have a trash receptacle available.
 - 4. Adequate sanitary facilities must be available to the site.
 - 5. The person or persons responsible for the temporary structure shall sign an agreement that the provisions of this subsection shall be complied with.
 - 6. The structure must not interfere with the provisions of parking for the permanent use on the site.
- B. An application for a special event structure must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager shall issue the permit for a special event structure if all the conditions outlined in subsection A of this section are met.

(Ord. 1310 § 1 (part), 2006)

8.08.070 - Temporary living quarter.

- A. A permit to allow a person or persons to occupy a temporary living quarter may be granted subject to the following conditions:
 - 1. The permit must be in conjunction with a valid, active building permit, security dwelling, or for a proven medical hardship.

2. The time limit shall be no longer than six months from issuance. After the expiration of the time limit, the recreational vehicle (RV) used for the temporary living quarter is subject to renewal provisions in Section 8.08.100.
 3. The RV used as the temporary living quarter must be self-contained for sanitary sewer or connected to municipal sewer and water.
 4. Any facility used for temporary living quarter must meet the definition of a RV as contained in this chapter.
 5. Temporary living situations for nonresidential projects shall not use a job shack or other such structure instead of an RV as the living quarter.
 6. Prior to the issuance of a temporary living quarter permit, the applicant shall sign an agreement to comply with the provision of this section.
 7. If the property subject to the temporary living quarter permit is not owned by the applicant, written permission of the property owner is required.
- B. An application for a temporary living quarter permit must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager or his designate shall issue the permit for the temporary living quarter if all conditions outlined in subsection A of this section are met.

(Ord. 1310 § 1 (part), 2006)

8.08.080 - Temporary structures.

A temporary structure not associated with a special event may be erected subject to the following:

- A. The permit, if approved, shall be issued for a period not to exceed six months. Upon like application and approval, the permit may be renewed for an additional six months in accordance with Section 8.08.100. Under no circumstances shall any permit be issued under this section exceed one year from the date the permit was first issued.
- B. Temporary structures are limited to commercial and industrial zoned properties.
- C. An application for a temporary structure must be accompanied by the following:
 1. Written permission from the property owner.
 2. A site plan, drawn to scale, showing:
 - a. The proposed location of the temporary structure;
 - b. Existing buildings;
 - c. Existing parking and proposed parking for the temporary structure;
 - d. Access(es) to the parking areas;
 - e. Any additional structures, seating areas, and amenities associated with the

temporary structure;

- f. The location and size of trash receptacles;
 - g. Utilities;
 - h. Existing signs;
 - i. Temporary structure building elevations or photos;
 - j. The colors of the temporary structure and signing;
 - k. Adequate sanitation facilities must be available to the site.
- D. In addition to the above requirements, the applicant for a temporary structure permit must submit the following:
- 1. An agreement stating that the applicant is aware of the limitations and conditions attached to the granting of the permit and agrees to abide by such limitations and conditions.
- E. An application for a temporary structure permit must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager shall issue the permit for the temporary structure if all conditions outlined in subsections B through D of this section are met.
- F. If the temporary structure permit is approved, the applicant must obtain a city of Toledo business license.

(Ord. 1310 § 1 (part), 2006)

8.08.090 - Permit revocable.

Any temporary permit will be revoked on twenty-four (24) hour notice by the city manager, if, after inspection of the structure or RV, any of the following reasons are found:

- A. Lacks proper sanitary facilities.
- B. Is dangerous to the public health and safety.
- C. Has become a public nuisance due to conditions, location, or use.
- D. Noncompliance with conditions set forth in granting the permit.
- E. Approval being obtained by fraud or misrepresentation.

(Ord. 1310 § 1 (part), 2006)

8.08.100 - Renewal.

Except those uses allowed in Section 8.08.060 (Special event structures), six months is the maximum time for which a temporary permit may be issued by city staff. If the applicant can show that a permanent solution will be forthcoming, the applicant may apply to the city council for one renewal of

the temporary permit. An applicant is only allowed to apply for one renewal. The council will determine the length of time during which the renewal will be valid up to a maximum of six months. The city council will consider the renewal application at a public meeting. Before council consideration, affected landowners within one hundred feet of the subject property boundaries shall be notified by first class mail of the renewal application, and provided at least a fifteen (15) day comment period before the public meeting. Any subsequent applications by the same property owner within three years of the expiration of the temporary permit must be approved by the city council following the same process and subject to the same fees as a temporary permit renewal.

(Ord. 1310 § 1 (part), 2006)

8.08.110 - Permits not transferable.

Permits authorized by this chapter are not transferable to another person or location unless approved by the city council.

(Ord. 1310 § 1 (part), 2006)

8.08.120 - Violation—Penalty.

Violations of this chapter shall constitute a Class A infraction.

(Ord. 1310 § 1 (part), 2006)

CITY OF TOLEDO



To: Toledo Planning Commission

From: Justin Peterson, Contract Planner

Date: March 4, 2021

Re: Residential Code Updates

Mayor Cross presented to the Toledo Planning Commission August 12, 2020 asking the Planning Commission to work on housing projects. Staff presented draft updates to the residential code to the Toledo City Council and Planning Commission on September 23, 2020. The Planning Commission has been discussing the residential code updates over the last several meetings.

The intent of the residential code updates are to follow the recommendations from the Lincoln County Housing Strategy Plan and reduce barriers to housing development.

Staff forwarded the proposed updates to Department of Land Conservation and Development (DLCD) Staff. The comments from DLCD are attached. Overall, they believed the City is headed in the right direction but had some additional recommendations for the City to consider.

The outcome of this meeting will be updates based on the DLCD comments. Staff will create an updated draft based on the Planning Commissions discussion. After this meeting Staff will work to schedule a joint work session with City Council and then the City will start the legislative update process.

In addition, the City of Toledo received a grant from the League of Oregon Cities to work on draft Buildable Lands Maps. Staff anticipates that maps will be presented at the joint work session and/or the April Planning Commission meeting.

Attachments:

1. Residential Code Updates with DLCD Comments

Toledo Residential Code Updates

17.04 Definitions

Live Work Accessory Dwelling Unit: means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a commercial use with an active business license.

Cottage: means a detached, single-family dwelling unit that is part of a cottage housing development and that shall enclose an area of not more than twelve hundred (1,200) square feet.

Cottage Cluster: means a group of three (3) to twelve (12) cottages, arranged around a common open space.

Common open space: means an area improved for recreational use or gardening that all owners in the cottage cluster own and maintain in common through a homeowners' association, condominium association, or similar mechanism.

17.08 Single Family Residential (R-S)

17.08.010 - Purpose.

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.~~

17.08.020 - Uses permitted outright.

In the R-S zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.08.090](#).

- A. Single-family dwellings * and their accessory uses.
- B. Duplexes *
- D. Manufactured dwellings.*
- F. Accessory dwelling units.*

17.08.030 - Conditional uses permitted.

- A. Manufactured dwellings that do not meet the minimum standards set in Sections [17.08.090](#)(A)–(B).
- B. Single Family Homes that do not meet the minimum standards set in Sections 17.08.090(A)–(B).
- G. Multifamily dwelling units.
- H. Cottage Clusters

17.08.050 - Lot size.

The minimum lot area shall be ~~seven thousand (7,000)~~ six thousand (6,000) square feet for an interior lot and ~~seven thousand five hundred (7,500)~~ seven thousand (7,000) square feet for a corner lot. The minimum lot area shall be seven thousand (7,000) square feet for a duplex.

Commented [BL1]: Consider updating this purpose statement to better reflect the actual uses permitted both outright and conditionally, which are more broad than the purpose statement would lead one to expect. The purpose statement shouldn't be at odds with the uses. Also, what are "facilities and services"? That part of the purpose statement would seem to mean that neighborhood services, like corner markets and cafes, should be allowed. Consider adding a wider variety of neighborhood services to the use list. If the purpose statement is updated here, the Comp Plan should be amended to match.

Commented [BL2]: Don't require corner lots to be larger. Yes, the side setback on corner lots is larger, but of the development can meet that, it doesn't matter how large the lot is. The building just has to be a little narrower to meet it and there's nothing wrong with that.

Commented [BL3]: A duplex shouldn't need to have a larger lot. The important thing is that the building can meet the development standards, not how many units the building contains. The goal of affordability can be better achieved if smaller lots are allowed because less land is required. This is really important. Also, allow existing dwellings to convert to duplexes regardless of lot size.

17.08.060 - Setback requirement.

In an R-S zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. ~~The side yard shall be a minimum of six feet on one side and nine feet on the other side~~ The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of ~~fifteen (15)~~ five (5) feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access ~~street~~.

17.08.080 - Lot coverage.

In an R-S zone buildings shall not occupy more than an accumulative ~~fifty-five (55)~~ sixty (60) percent of the lot area. ~~No lot shall have more than one principal building constructed thereon.~~

17.08.090 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.08.020 and 17.08.030).

A. Design Features for Single-Family Dwellings in a Single-Family Residential Zone.

1. ~~All single-family dwellings shall enclose an area of not less than one thousand (1,000) eight hundred and fifty (850) square feet.~~
2. All single-family dwellings located within a single-family residential zone, except for manufactured dwellings located within a mobile home or manufactured home park, shall utilize at least three of the following design features, or other design features as approved by the planning commission:
 - a. Dormers;
 - b. Recessed entries;
 - c. Cupolas;
 - d. Bay or bow windows;
 - e. Window shutters;
 - f. Off-set on building face or roof (minimum twelve (12) inches);
 - g. Gables;
 - h. Covered porch entry or enclosed deck;
 - i. Pillars or posts;
 - j. Tile, wood shake, three-tab composite material, or wood shingle roof;
 - k. Horizontal lap siding or shakes;
 - l. Perimeter foundation of surfaced concrete or masonry;
 - m. Window trim (minimum four inches wide);
 - n. Balconies/decks;

Commented [BL4]: Specifically exempt alleys. Also, allow a closer setback for corner lot garages that are on the side of the lot (i.e., not the same side as the front door).

Commented [BL5]: Allow 10% greater lot coverage for properties with ADUs and duplexes.

Commented [BL6]: While decreasing the min dwelling size moves in the right direction, it would just be better to delete this. The State of Oregon's Residential Specialty Code does a fine job of regulating building dimensions and safety. There's no reason for the development code to intrude into building code territory. Removing this gives people the freedom to build smaller, more affordable housing that meets their needs.

- o. Decorative pattern on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
 - p. An alternative feature providing visual relief similar to above options;
 - q. Six inch minimum eaves plus gutters and downspouts.
 - 3. All single-family dwellings will meet the minimum requirements for energy efficiency, as set by the Uniform Building Codes as adopted by the city, excepting manufactured dwellings which shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards previously stated. Evidence demonstrating that the manufacture dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.
 - 4. Single-family dwellings shall have an attached or detached garage or carport. The structure shall be sided and roofed to match the dwelling. All driveways shall have an all-weather surface as approved by the Public Works Department.
 - 5. Erosion control plans must be submitted prior to issuance of a building permit.
 - 6. Single-family dwellings and other improvements shall be developed in compliance with all other applicable provisions set forth in the city zoning ordinance and the Uniform Building Codes.
- B. Manufactured Dwellings. In addition to compliance with the provisions set forth above in [Section 17.08.090\(A\)](#), a manufactured dwelling shall be permitted outright subject to the following standards:
- 1. The manufactured dwelling shall be multi-sectional, double-wide or larger. A manufactured dwelling shall not be considered multi-sectional by virtue of having a tip-out section. The manufactured dwelling must show compliance with Department of Housing and Urban Development standards.
 - 2. The manufactured dwelling shall minimally be placed on an excavated and backfilled foundation, with continuous footing foundation that is six inches nominal thickness by eighteen (18) inches wide with two continuous #4 rebar lapped twelve (12) inches and centered in each footing. The perimeter shall be enclosed with skirting of concrete or concrete block such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement or in a floodplain, the twelve (12) inch limitation shall not apply.
 - 3. The manufactured dwelling shall have a pitched roof with a minimum nominal slope of three feet in height for each twelve (12) feet in width (3:12).
- E. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
- 1. One Unit. A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 - 2. Floor Area

Commented [BL7]: Delete this to improve affordability. Less building square footage required = less government-mandated expense. In addition, since there is no accompanying requirement for all vehicles to be parked in the garage/carport, the standard is essentially meaningless.

Commented [BL8]: Delete this since size impacts affordability. New models are continually being designed and the code shouldn't put up barriers to those models. It should be enough to require that the dwelling meet HUD standards for manufactured dwellings.

Commented [BL9]: Delete this – see comment above.

- a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.

Commented [BL10]: Recommend deleting this. There are many affordable and nice-looking ADU designs on the market that qualify as manufactured dwellings. This provision severely limits people's options.

F. Cottage Clusters

1. Purpose. A cottage housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family homes. Cottage housing is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.
2. Ownership. Cottage housing developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common.
3. Standards. Cottage housing developments are subject to the following standards:
 - a. Maximum Floor Area. A cottage shall enclose an area of not more than twelve hundred (1,200) square feet.
 - b. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage housing development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.
 - c. Maximum Height shall not exceed twenty five (25) feet.
 - d. Front entrances must face the common open space or a street.
 - e. Orientation of Cottages. Cottages shall be clustered around the common open space.

- f. Minimum lot size for a cottage cluster shall be ten thousand (10,000) square feet.
- g. Fire access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.
- 4. Community Buildings. Cottage housing developments may include community buildings that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage housing development.
- 5. Common Open Space. Each cottage cluster shall have common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:
 - a. Each cottage cluster shall contain at least 2,000 square feet of common open space regardless of the number of cottages in the cluster.
 - b. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
- 6. Parking. Cottage housing developments shall have at least one space for each cottage.
- 7. Interior Fences. Fences on the interior of the cottage housing development shall not exceed three feet in height and shall not consist of solid board fencing.
- 8. Existing Structures. On a lot or parcel to be used for a cottage housing development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its nonconformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage housing development.
- 9. Sewer connection. Each cottage in a cottage housing development must be connected to a city sewer system. No cottage in a cottage housing development may use a septic system.

Commented [BL11]: This is an understandable standard, but it is not clear and objective. While the community building isn't housing and probably isn't subject to the clear and objective requirement of state law, it would be cleaner to just keep all the standards for cottage developments clear and objective.

17.12 General Residential (R-G)

17.12.010 - Purpose.

The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G.

17.12.020 - Uses permitted outright.

In the R-G zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.12.040](#).

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.

- C. Cottage Clusters*
- D. Manufactured dwellings.*
- E. Accessory dwelling units.*

17.12.040 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.12.020 and 17.12.030).

- A. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
 - 2. Two Units. A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 - 3. Floor Area
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
 - 4. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
 - 5. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.
- B. Manufactured dwellings shall:
 - 1. Be double-wide or wider;
 - 2. Have a minimum of eight hundred fifty (850) square feet;
 - 3. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry;
 - 4. Have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12); and
 - 5. Comply with Department of Housing and Urban Development Standards.

Commented [BL12]: See note above.

Commented [BL13]: See notes above on manufactured dwellings.

Commented [BL14]: Don't have minimum size requirements – see note above for single-family dwellings.

C. Cottage Clusters

1. Purpose. A cottage housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family homes. Cottage housing is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.
2. Ownership. Cottage housing developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common.
3. Standards. Cottage housing developments are subject to the following standards:
 - a. Maximum Floor Area. A cottage shall enclose an area of not more than twelve hundred (1,200) square feet.
 - b. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage housing development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.
 - c. Maximum Height shall not exceed twenty five (25) feet.
 - d. Front entrances must face the common open space or a street.
 - e. Orientation of Cottages. Cottages shall be clustered around the common open space.
 - f. Minimum lot size for a cottage cluster shall be ten thousand (10,000) square feet.
 - g. Fire access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.
4. Community Buildings. Cottage housing developments may include community buildings that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage housing development.
5. Common Open Space. Each cottage cluster shall have common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:
 - a. Each cottage cluster shall contain at least 2,000 square feet of common open space regardless of the number of cottages in the cluster.
 - b. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
6. Parking. Cottage housing developments shall have at least one space for each cottage.
7. Interior Fences. Fences on the interior of the cottage housing development shall not exceed three feet in height and shall not consist of solid board fencing.
8. Existing Structures. On a lot or parcel to be used for a cottage housing development, an existing detached single-family dwelling that may be nonconforming with respect to the

Commented [BL15]: Question about code organization: If these are the same standards as above, wouldn't it be better to have a section on development standards where all the standards are grouped together so they don't have to be repeated for each zone? This comment applies to standards for ADUs and manufactured dwellings, and I'm sure there are other examples as well. When there are slight differences between the development standards for the same use in different zones, those can be called out in the development standards section.

requirements of this section may remain, but the extent of its nonconformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage housing development.

9. Sewer connection. Each cottage in a cottage housing development must be connected to a city sewer system. No cottage in a cottage housing development may use a septic system.

7.12.060 - Lot size.

The minimum lot area shall be ~~six thousand (6,000)~~ fifty five hundred (5,500) square feet for a single-family dwelling plus ~~one thousand eight hundred (1,800)~~ one thousand two (1,200) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed ~~twenty one (21)~~ thirty two (32) units per acre.

17.12.070 - Setback requirements.

In an R-G zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of five feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.

17.12.080 – Height of Buildings

In an R-G zone no principal building shall exceed a height of thirty-five (35) feet ~~or two and one-half stories, whichever is less.~~ No accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

17.12.090 - Lot coverage.

In an R-G zone buildings shall not occupy more than an accumulative sixty-six (66) percent of the lot area. ~~No lot shall have more than one principal building constructed thereon.~~

17.16 Commercial (C)

17.16.010 - Purpose.

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 are also allowed. ~~Residential use above the commercial main floor or located as not to prevent the main commercial use are allowed and encouraged especially in the Main Street District area.~~

17.16.020 - Uses permitted outright.

In the C zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.16.050](#).

Commented [BL16]: This is potentially a lot for a small unit in a multistory building. Don't require extra square footage for extra units, if the building can meet the development standards without it, then the lot size doesn't matter. If it needs more land to meet the standards, then the lot will have to be bigger anyway. This requirement could result in lots having to be larger than they really need to be some cases.

Commented [BL17]: See comment above about corner lots.

Commented [BL18]: This might be too low to allow an ADU over a garage. Consider increasing to 25'.

Commented [BL19]: Allow bonus for two ADUs.

- L. One live work accessory dwelling unit ~~in conjunction with a commercial use and~~ that meets applicable code requirements. Live Work accessory dwelling units in the Main Street Overlay are subject to the standards listed in TMC 17.40.

- M. Residential in the Main Street District Overlay meeting the standards listed in TMC 17.40.

17.16.30 - Conditional uses permitted.

- F. Multi-family dwelling units.
- G. Cottage Clusters not located in the Main Street Overlay and subject to the Cottage Cluster standards in the R-G Zone unless otherwise approved by Planning Commission.

17.44 Off-Street Parking and Loading

17.44.030 Vehicle Parking Standards

A. Residential Uses

7. Cottage Clusters – 1.00/ unit

17.40 Main Street Overlay District

17.40.010 Purpose and Definition

The purpose of the Main Street District Overlay is to recognize the unique attributes and development pattern of the Toledo Main Street area. For the purpose of this ordinance the Main Street District is defined as the commercially zoned real property fronting the following streets:

- A. Main Street from Highway 20 south to Butler Bridge Road;
- B. Main Street from Highway 20 north to NE 4th Street;
- C. 2nd Street North from the Southern Pacific Railroad tracks east to Highway 20;
- D. 1st Street North from the Southern Pacific Railroad tracks east to Highway 20;
- E. Graham Street from the Southern Pacific Railroad tracks east to Alder Street;
- F. Alder Street from Business Highway 20 south to Graham Street; and
- G. The south side of Highway 20 from Main Street southeast to Alder Street.

17.40.020 Requirement for Commercial Storefronts abutting Main Street

The Main Street District is exempt from the following sections of the code to the extent that the requirements are not included as a condition of approval of a land use permit.

- A. Setback requirements of the Commercial Zone of [Section 17.16.040](#).
- B. Parking requirements of [Section 17.44.030](#). Parking for residential uses is not allowed on Main Street.
- C. Landscaping requirements of [Section 17.52.020](#).

17.40.030 Requirement for Commercial Storefronts abutting Main Street

- A. Lots abutting Main Street shall reserve the ground floor for commercial uses unless residential on the ground floor is approved through the Conditional Use Process.

Commented [BL20]: Provide exception for building entrances on Main Street that access a second story but don't otherwise occupy street frontage. These are just doorways and shouldn't have to go through a conditional use review.

- B. The ground floor is defined as the level at the same grade as Main Street. Floors below Main Street grade shall be defined as the basement level. Floors above the ground level shall be defined as the second story, third story, etc.
- C. Existing ground floor residential abutting Main Street shall be considered a legal non-conforming use.
- D. Residential shall comply with fire and life safety codes.