

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Anne Learned-Ellis. Commissioners present: Cora Warfield, Terri Neimann, Ruthanne Morris, Robert Duprau and newly appointed Planning Commissioner Frederick "Ricky" Dyson.

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

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER FREDERICK "RICKY" DYSON:

Newly appointed Planning Commissioner Ricky Dyson was introduced. Because Mr. Dyson has not yet been sworn into office, he will not be able to vote on tonight's decision items. All welcomed Mr. Dyson to the board.

VISITORS: Matt Moore and Jon Mix

APPROVAL OF THE FEBRUARY 18, 2021, MINUTES:

It was moved and seconded (Warfield/Duprau) to approve the February 18, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

PUBLIC HEARING: REQUEST TO MODIFY CONDITIONS OF APPROVAL FOR "ESTATES OF BEAVER HOMES" DEVELOPMENT, REQUESTED BY RICHARD WOLFF AND MATT MOORE:

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

Staff Report: CP Peterson reviewed the staff memorandum provided to Commissioners and on file at City Hall. He reported the Planning Commission reviewed and approved the CC&Rs in 2020. One home has been built and sold. However, during the review of the second and third building permit applications for the next homes, it was discovered that the original conditions from 2006 were not all completed. Condition of Approval #10 required the street to be 20' wide from the hammerhead down, then dropping to 17' between the existing homes to East Slope Road. The street is only 10-11' wide. The contractor is currently working to complete this condition and widen the street to meet the condition, but the work is weather dependent. Condition of Approval #11 required stairs and a handrail to be placed along the street. The applicant requested this condition be removed. There will be no on-street parking and the stairs would not be necessary.

Applicant Testimony: Matt Moore of 270 SE 123rd Street, South Beach, reported he is the contractor for the project and representative for owner Richard Wolff. He reported these are the only two items that remain outstanding from the 2006 decision. He has been in contact with Road & Driveway to widen the street, but the work is weather dependent and it could be nearly two to three months out. He asked that the street widening be in place before the Certificate of Occupancy

is issued, rather than before the building permit can be approved. The condition for stairs and handrail are no longer needed because on-street parking is not allowed through the CC&Rs. The condition required stairs and a hand rail for the side of the street that has parking. By removing the on-street parking option, it should eliminate the need for the stairs and railing. Creating on-street parking makes the street too narrow. Each lot should be able to provide three parking spaces. Mr. Moore asked that the condition for stairs and handrail be removed and the deadline for street paving be extended out 2-3 months for weather.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Neimann asked why the stairs were a condition for the development. Mr. Moore spoke with the previous owners and they believe it was brought up during the Planning Commission public hearing discussion. CP Peterson added that the record was unclear, as the original staff report only listed 9 conditions, but the final order included 4 or 5 not listed in the staff report.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Warfield/Duprau) that 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 90 days and that condition of approval #11 shall be removed. The **motion passed** unanimously.

RECOMMENDATION: TEMPORARY USE ORDINANCE AND RECREATIONAL VEHICLE PERMIT REVIEW:

CP Peterson reviewed the staff memorandum discussing recreational vehicle (RV) regulations. RVs can be stored on private property. RVs can be used for visitations for up to 14 days without a permit. RVs for a temporary living quarter are regulated by a permit program.

The ordinance does not establish a time limit between the allowed two-week visitations nor does it establish a maximum number of days in a year. The permit for RV use as a temporary living quarter can be issued by staff for six months with one option for a six month extension by the City Council. The RV can be allowed when a building permit has been issued on the property, for a medical hardship, or to provide a security dwelling. No criteria has been established for medical hardship. The original intent for the medical hardship was for placement at an existing residence in order to provide care to the RV tenant or the homeowner. Currently, there is a question if an RV can be placed on a vacant lot under the medical hardship clause. Staff would like some clarification to the medical hardship standard and if there should be time limits established on visitation options.

Commissioners discussed RV placement on the street and it was clarified that the RV would be limited to 72-hours on the public street. Visitations or temporary use would have to be placed on private property.

Commissioners discussed if medical hardship should be allowed on a vacant lot which is not

associated with a home or adjoining property. Commissioner Warfield stated that it could be too wide open and feared a city full of RVs. Commissioner Morris questioned how they would receive care if located on a vacant lot and under the medical hardship clause. It was clarified that the property owner would need to authorize the RV use. Commissioners continued the discussion if RV use should be allowed on vacant lots, if they have owner authorization and proper sanitation.

President Learned-Ellis suggested a maximum time period of eight-weeks within a year for RV visitations, stating that 30 days may not be enough.

Visitor Jonathan Mix of SE 7th Street, Toledo, voiced that he has seen medical hardship used while working on fires. If the owner has a short-term visitor, it should be limited to a total of 60 days, but providing care for medical conditions may require more time. Mr. Dyson added that six months and the option to extend the period an additional six months on a medical hardship request could be sufficient, but asked if there is an appeal process for long-term needs. CP Peterson clarified that the current code does not have an option beyond a total of one year. He asked if Planning Commissioners would like to see the time period extended. Commissioner Morris supports an option to allow additional time under an appeal process. Commissioner Neimann stated it could be a case-by case review. Commissioner Duprau asked for more flexibility for applicants, noting the difficulty in finding housing, especially now. Commissioner Warfield expressed concern that Toledo would become a homeless camp if there were no deadlines. She voiced that the Council could revisit the extensions, as long as site visits are conducted and trash is under control. President Learned-Ellis read the reasons an RV permit could be revoked.

Commissioners voiced concern if a letter from the doctor should be required, but worried about privacy rights. Commissioners discussed removing the medical hardship option and only allowing under the other two options (provide security and during building). Based on the Commission's recommendations, CP Peterson will draft a revision, removing the medical hardship option and limiting the visitor days to 60 in the calendar year with five days between visitors. He can provide options for extending the deadlines, for future Commission consideration.

Mr. Mix asked if medical hardships could be an option if someone needed assistance for more than the 14-day visitation option. Also, if there could be special circumstances to allow RVs, especially during the recent fires which displaced a lot of families. CM Richter voiced that an emergency declaration or waiver could be considered under certain situations.

DISCUSSION ITEM: RESIDENTIAL CODE - COMMENTS FROM DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:

CP Peterson reported he sent the proposed residential code updates to Oregon Department of Land Conservation and Development (DLCD) for review and recommendations. The department made comments on the draft, which were included in the packet for review. CP Peterson expects to hold a joint Planning Commission and City Council worksession next month to review the draft. After the worksession, the code amendments can begin the public hearing process.

Based on the review of DLCD comments and Commissioner discussion, the following edits will be made to the code language:

- 17.08.050 Lot Size. After discussing parking requirements for various housing options and setback standards, Commissioners agreed to reduce the lot size to 6000 square feet for all—duplexes, interior lots, and corner lots.

- 17.08.070 Setbacks. Setbacks for a corner lot would remain at 10' for the side yard, including garage structures. Alleys can be exempt from the standard.
- 17.08.080 Lot Coverage. Agreed to the comment to increase the lot coverage standard for accessory dwelling units and duplexes.
- 17.08.090 Special Standards in the R-S Zone.
 - Agreed to remove the minimum size requirement for a single-family home. The home would have to meet building code standards.
 - Remove the requirement for a garage or carport in the R-S Zone.
 - Agreed to remove the requirement for a manufactured home to be a double-wide or larger. Placement of a single-wide manufactured home in the R-S Zone allowed outright.
 - Remove the roof pitch of 3:12 for manufactured homes. Manufactured homes are still required to have the HUD certification and the roof must meet HUD standards.
 - Remove the restriction to prohibit manufactured homes as an accessory dwelling unit. This could allow a single-wide manufactured home.
 - Remove the proposed language for community buildings located within a cottage cluster development that they be compatible and similar to the cottages. This is not a clear and objective standard.
- 17.12.040 Special Standards in the R-G Zone
 - Remove the requirement for a double-wide or wider and minimum square footage for manufactured homes. This section should match the standards in the R-S Zone.
 - Would consider creating a new section for cottage clusters so the standards do not have to be repeated in each section.
- 17.12.060 Lot size. Remove the requirement for additional square footage for multi-family units. Minimum lot size of 5500 could allow any use, as long as it still meets standards for parking, setback, etc.
- 17.12.070 Setbacks. Corner lots should have a 10' side yard setback.
- 17.12.090 Height of Buildings. Agreed to increase the height of accessory structures from 22' to 25', in order to accommodate an accessory dwelling unit to be built over the garage.
- 17.12.090 Lot Coverage. Increase lot coverage for accessory dwelling units, similar to the R-S Zone.
- 17.40.030 Commercial Storefronts Abutting Main Street. Clarification should be made to allow an access point to the second story (stair case/entrance) to be from the ground floor, as long as it does not otherwise occupy street frontage. Exempt the conditional use requirement when the residential space is on the second floor and the entrance point is from the ground floor. If the residential space utilizes the Main Street level units, the conditional use process applies.

Commissioner Neimann left the meeting at 8:35 pm.

Commissioners reviewed the definitions of manufactured homes. CP Peterson will prepared a draft to review for the next joint worksession meeting. The updates are close to starting the public hearing process.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported the City Council approved outdoor seating within the public right-of-way parking spaces, keeping the Planning Commission's recommendation of two parking spaces. This option is now available for Toledo restaurants.

STAFF COMMENTS:

CP Peterson announced that in-person meetings can resume next month. A hybrid approach will be provided for in-person and virtual attendance.

Secretary Inukai reminded Planning Commissioners to watch their email for the Oregon Government Ethics Statement of Economic Interest report invitation. The invitation should be provided within the next week and the reports are due April 15th.

COMMISSIONER COMMENTS:

President Learned-Ellis thanked Mr. Dyson for his attendance and participation tonight. She wished all a good month ahead.

There being no further business before the Commission, the meeting was adjourned at 8:45 pm.

Secretary

President