

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Anne Learned-Ellis. Commissioners present: Cora Warfield, Ruthanne Morris, Ricky Dyson, Jonathan Mix (arrived at 6:33 pm), and newly appointed Commissioner Brian Lundgren. Excused was Terri Neimann.

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

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER BRIAN LUNDGREN:

Planning Commissioners welcomed newly appointed Commissioner Brian Lundgren.

VISITORS: Guy Benoy, Mark Lokietz, Denice Tanore, Paul Steenkolk, Dawn Harris, Jerry Woodbury

APPROVAL OF THE JULY 21, 2021, MINUTES:

It was moved and seconded (Dyson/Warfield) to approve the July 21, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann and Mix.

PUBLIC HEARING: ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE LAND USE PLAN TEXT AMENDMENT TO MODIFY THE DEVELOPMENT STANDARDS IN THE SINGLE-FAMILY RESIDENTIAL, GENERAL RESIDENTIAL, AND COMMERCIAL ZONES (FILE #ZOA-1-21/PA-2-21), REQUESTED BY THE CITY OF TOLEDO:

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

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He clarified that this is a legislative hearing and the Planning Commission will make a recommendation to the City Council. The proposed housing code updates are for the Single-Family Residential (R-S) Zone, General Residential (R-G) Zone, Commercial Zone, definition section, and parking standards. Planning Commissioners have been reviewing updates since early 2020 and a joint worksession with the City Council to review the potential amendments was held in April, 2021. The proposed updates are based on discussions at the Planning Commission and City Council worksessions.

The City received several calls asking about the potential changes. Written comments are included in the staff report. Fair Housing Council of Oregon provided comments and questions on the proposed findings (Goal 10, Finding 6). Staff handed out an update to the findings. The new finding helps support the Comprehensive Plan amendment and addresses the Fair Housing Council's comments. It includes information on the City's Buildable Lands Inventory, building permit history, and trends.

CP Peterson provided a detailed review of the proposed amendments to the definition section, R-S Zone, R-G Zone, Commercial Zone, and parking standards. He reviewed the new definition of cottage cluster and the standards for the new development option. The minimum lot size for the R-G and R-S Zones are proposed to be reduced, manufactured home standards reduced, lot coverage standards amended, and updates to the purpose statements are also included. The Commercial Zone amendments include an updated term of live/work units from the former term, accessory dwelling unit. A new definition was also provided. There are proposed amendments for the Main Street District Overlay area to allow ease with creating residential housing on the upper floors of the commercial buildings. The Comprehensive Plan amendments include updates to Article 10-Housing and Article 2-Land Use Planning. CP Peterson reviewed the proposed updates to the goal and objective statements.

CP Peterson reviewed the criteria for zoning code and comprehensive plan amendments, proposed findings, and noticing requirements. Commissioners discussed the continued process for building permit review, site plan review, and conditional use permit options.

The Planning Commission can make a recommendation to City Council to either 1) approve, 2) approve with modifications, or 3) deny the proposal. The City Council will then review the Planning Commission's recommendation and public comments at the October 6th meeting.

Commissioners discussed the new findings presented tonight. Commissioners reviewed the manufactured home standards, noting that there is no age requirement but that they must meet the legal definition. Manufactured homes built after 1976 with a seal, would meet the definition.

Commissioner Warfield stated that she likes the reduced regulations, but asked if there are any downsides that could be expected. CP Peterson pointed out that the reduced side and rear setbacks would allow homes to be set 10 feet apart. The front yard setbacks for homes and garages remain the same. There would be changes to lot coverage and height standards. New construction would still be reviewed through the building permit process and must comply with building and fire codes.

Public Testimony: Guy Benoy of 982 Sturdevant Road, Toledo, asked about the height for a garage. CP Peterson clarified that the garage height is limited to 22', but if the second floor of the garage contains an accessory dwelling unit, the structure height could be 25'.

Jerry Woodbury of 8131 SW 61st Avenue, Portland, stated he owns property on 5th Street and ask about the cottage cluster option. CP Peterson reported cottage clusters are a 3-12 unit development, provide 1,500 square feet of open space, parking, and located on a 10,000 square foot lot or larger.

Questions by Commission: Commissioner Mix asked about provisions for tiny houses. CP Peterson stated that if the unit has wheels, it could be located in an RV park. If it is attached to a foundation and meets the building code requirement, it can be classified as a single-family home. Removing the minimum home size in the R-S Zone will allow smaller homes. However, they still need to meet building codes and be on a foundation and not wheels.

Commissioner Dyson questioned the minimum square footage for cottage clusters and if homes have to face the open area. CP Peterson clarified that the 1,500 square feet open space is for the entire project, not for each unit. The common area could be for recreation use, gardens, or just a

grassy area. Ownership and maintenance agreements would be on the real estate side (condominium), but the goal is to provide additional housing options in the zoning code.

Denise Tanore of 125 NW 5th Street, Toledo, asked about placement of a single-wide manufactured home. CP Peterson confirmed that single-wide manufactured homes on a foundation would be allowed in the residential zones. If they are an RV style unit, they would not be allowed. New placement would need a building permit.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Warfield expressed her acceptance of the changes and President Learned-Ellis pointed out this has been under review for a long time.

It was moved and seconded (Dyson/Warfield) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on September 8, 2021, the Planning Commission finds that application file #ZOA-1-21 and #PA-2-21 complies with the criteria identified in TMC 19.20.070(A)-(D) and recommends approval of the proposal by the City Council, in addition to the supplemental findings to Finding 6, Goal 10. The Planning Commission hereby adopts the staff report as findings, allowing for the correction of typographical and grammatical errors as needed.

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

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported the City submitted a grant application for the Housing Needs Analysis and Buildable Lands Inventory project. The City should know if the grant is awarded in about a month.

President Learned-Ellis asked about the sign code project. CM Richter stated that this can come back again, but it may not be ready for hearings. The group discussed the project and suggested upcoming projects be prioritized.

Commissioner Warfield suggested an update on the housing code changes and Buildable Lands Inventory project be included in the City newsletter. She complemented the newsletter and believes it is a good resource to provide information on planning projects.

Commissioner Dyson relayed a comment from a Main Street property owner that the City does not get property owner input when it comes to code updates. He suggested outreach to the community and agreed that the newsletter is a good tool to spread information. He also complemented the newsletter. CM Richter noted the option to sign-up on the City's website to receive the newsletter.

STAFF COMMENTS:

CM Richter announced a Town Hall meeting on September 18th at Memorial Field. The meeting will be amplified and participants can sit in the bleachers, bring lawn chairs, or remain in their car. It's a good opportunity for the Council to provide information and have a Q&A discussion.

The City is also holding a 9/11 remembrance ceremony on September 11th at 8:30 am. Attendees can bring lawn chairs or sit in the bleachers at Memorial Field. The program has not been finalized yet, but there is an impressive list of speakers and presentations.

COMMISSIONER COMMENTS: None.

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

Secretary

President