******NOTE THE NEW MEETING TIME - 6:30 PM******

Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
June 12, 2024
6:30 pm

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting in City Hall Council Chambers. Participants can also attend the meeting through the Zoom video meeting platform. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information. Participants can also visit www.cityoftoledo.org/meetings for meeting details.

1. CALL TO ORDER AND ROLL CALL

2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)

3. APPROVAL OF THE MAY 8, 2024 MINUTES as circulated and reviewed by the Planning Commission

4. WORKSESSION: Partition and Subdivision Chapter Updates

5. DISCUSSION ITEMS:
   a. Updates and Reports
      i. Summer Meeting Schedule and Upcoming Election of Officers
      ii. Grant Updates

6. STAFF COMMENTS

7. COMMISSIONER COMMENTS

8. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

Toledo City Hall
Council Chambers
May 8, 2024

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:00 pm by President Anne Learned-Ellis. Commissioners present: Ricky Dyson, Cora Warfield, Dennis Sutherland, and Jonathan Mix (arrived at 6:14 pm). Excused were Brian Lundgren and Ruthanne Morris.

Staff present: Contract Planner (CP) Justin Peterson, City Attorney (CA) Mike Adams, and Planning Assistant Arlene Inukai.

VISITORS: Dustin Capri, Dave Larmouth, Taylor Krueger, Sheila Stiley, Robert Bare

APPROVAL OF THE APRIL 10, 2024, MINUTES:
It was moved and seconded (Dyson/Warfield) to approve the April 10, 2024, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, noting the absence of Mix, Lundgren, and Morris.

DECISION ITEM: EXTENSION TO THE DEADLINE DATE FOR THE CONDITIONAL USE PERMIT AND VARIANCE APPROVAL (FILE #CU-2-23/VAR-2-23), REQUESTED BY NORTHWEST COASTAL HOUSING AND CITY OF TOLEDO:
CP Peterson reported that the request is for an extension to the deadline dates on the approvals issued last year. Northwest Coastal Housing submitted an extension request prior to the deadline date.

Northwest Coastal Housing, City of Toledo, and Lincoln County Public Works recently met to review the next steps for the development project. The minor partition plat was recorded and the barn is getting asbestos testing so it can be removed. There will be one access point and the City received State funding for infrastructure upgrades in the area. There has been progress, but additional time is requested to keep the project moving forward.

The application was originally approved in 2021, with an extension granted in 2022. The original approval expired in 2023 and a new application was submitted and approved in 2023. The current request is for an extension to the 2023 application. If the extension is granted, the approval will expire in June, 2025 if development has not started or a building permit submitted. It is the goal to have a building permit submitted in early 2025. There are a lot of coordinating partners and items to complete the project. The property is City-owned and a lease agreement is still pending. The minor partition plat took some time to record. Currently, the City hired a wetland consultant to review the site for a wetlands determination. Also, a small area of the property is in the floodplain and there will need to be a lot line adjustment to the boundaries so the property is located outside of the floodplain.

Commissioners discussed the property location, minor partition at the site, and wetland mitigation project area.

Sheila Stiley, Executive Director of Northwest Coastal Housing reported there are a lot of moving

parts to the project and it is difficult because they do not own the property. Northwest Coastal Housing has invested approximately $40,000-$50,000 for the pre-development work on the project. The State changed their funding cycle and submittal process. Northwest Coastal Housing expects to begin the permitting phase in March, 2025 and it will be close, but they are on track to begin construction before the June 2025 deadline date. If they find that there are delays in 2025, they will need to re-apply for the land use applications.

Commissioner Mix entered the meeting at this time.

Commissioner Dyson asked about the access options along Sturdevant Road. CA Adams reported that they met with Lincoln County Road Department to discuss the project and Lincoln County would like to see one access point at the south end of the property and potential widening of the corner. The City and County will be holding discussions about the possible jurisdictional transfer of Sturdevant Road and lowering the posted speed limits.

It was moved and seconded (Sutherland/Dyson) to grant an extension for Variance and Conditional Use #CU-2-23 and VAR-2-23 with a deadline date updated to June 20, 2025. The **motion passed** unanimously, noting the absence of Lundgren and Morris.

PUBLIC HEARING: MODIFICATION TO A CONDITIONAL USE PERMIT TO AMEND A CONDITION OF APPROVAL FOR AN APPROVED EXPANSION OF THE WASTE TRANSFER/RECYCLING FACILITY FOR PROPERTY LOCATED AT 5441 HWY 20 (FILE #CU-2-21MOD2), REQUESTED BY DAHL & DAHL INC. (RYAN CROTTY AUTHORIZED AGENT):
President Learned-Ellis opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Dyson reported his neighbor is employed by the applicant. 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 reported that the request is to modify an existing Conditional Use Permit condition of approval to allow a membrane structure as a permanent structure.

The original use went through the Conditional Use process because of the expansion of the waste transfer facility to allow the baler facility. In May, 2022, a condition of approval was modified to allow the temporary structure to be used through March 31, 2026, subject to review by Lincoln County Building Official and a valid Certificate of Occupancy. The applicant is requesting this second amendment to change the temporary status of the membrane structure to a permanent building.

CP Peterson reviewed the recommended conditions of approval and noted that the Lincoln County Building Official does not have a problem with the proposal. It was noted that the recent City water line project included a new fire hydrant closer to the subject property.

Applicant Testimony: Dave Larmouth of Dahl & Dahl introduced himself and reported he was available to answer questions. President Learned-Ellis noted that the owners offered a site tour to the Planning Commissions at the last hearing and asked if a tour could be provide. Mr. Larmouth stated that a tour can be arranged.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Warfield/Mix) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on May 8, 2024, the Planning Commission finds that the request by Dahl & Dahl Inc. and authorized agent Ryan Crotty, Maul Foster & Alongi, Inc., (CU-2-21(mod#2)) complies with the criteria identified in Toledo Municipal Code 17.64.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for CU-2-21(mod#2), and allowing for the correction of typographical and grammatical errors. The **motion passed** unanimously, noting the absence of Lundgren and Morris.

CP Peterson noted that staff will try and coordinate a time for Commissioners to tour the facility and can post the notice for a potential quorum.

WORKSESSION: PARTITION AND SUBDIVISION CHAPTER UPDATES:
CP Peterson reviewed proposed updates for the major and minor partition standards. Based on earlier discussions on the definition of serial partitions, staff provided updates to the language to clarify the timing between filing partition applications. The density regulations can catch the ability for property to be divided in the future.

Commissioners discussed the access requirements based on 'dwelling units' or 'lots'. The terms were updated to allow multiple lots, which will not limit the use of residential units. Updating the term allows the option for multi-family housing uses and Accessory Dwelling Units.

The minor partition procedures can be updated for a staff-level decision. Language needs to be updated to remove any reference to 'public hearing'. Another proposed update that may streamline the process allows 24 months to record the partition plat with an option for a one-year extension to the deadline date. This would provide three years to finalize the plat (if the extension is granted), rather than the current two year requirements. There are a limited number of surveyors in the area and it is becoming increasingly difficult to finalize a plat within one year. The Planning Commission reviews several deadline extension requests. The subdivision phasing timeline can also be expanded to allow two years to finalize Phase 1, four years for Phase 2, and six years for Phase 3.

DISCUSSION ITEM: UPDATES AND REPORTS: None.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: Commissioner Mix apologized for arriving late and asked if the Planning Commission meetings can be on a summer schedule with a start time of 6:30 pm. Commissioners discussed the 6:00 pm start time for winter months, starting in October or

November and having a 6:30 pm start time during the summer months.

It was moved and seconded (Mix/Warfield) to begin the Planning Commission meetings at 6:30 pm during the summer months. The **motion passed** unanimously, noting the absence of Lundgren and Morris.

There being no further business before the Commission, the meeting was adjourned at 6:55 pm.

_____ _____

Planning Assistant President

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M E M O R A N D U M

DATE: **June 5, 2024**

TO: **Toledo Planning Commission**

FROM: **Justin Peterson**

RE: **Partition and Subdivision Code Updates**

Today's meeting will focus on 16.16 Planned Development Procedures and 16.20 Expedited land divisions. The May meeting focused on Chapter 16.08 Minor and Major Land Partitions and 16.12 Subdivisions.

Summary of Updates reviewed by the Planning Commission:
Chapter 16.04 - GENERAL PROVISIONS
- Changes discussed and reviewed at the March/April Planning Commission meeting.
- Continuing conversation about serial partitions at the May Planning Commission Meeting.
- Added 16.04.055 Improvement procedures.
- Still need to review the density standards in TMC 16.04.050(D)

Chapter 16.06 - TRANSPORTATION FACILITY STANDARDS
- No changes proposed. Will be reviewed when the Transportation System Plan (TSP) is updated.

Chapter 16.08 - MINOR AND MAJOR LAND PARTITIONS
- Changes discussed and reviewed at the May Planning Commission meeting.

Chapter 16.12 - SUBDIVISIONS
- Changes discussed and reviewed at the May Planning Commission meeting.

Chapter 16.16 - PLANNED DEVELOPMENT PROCEDURES
- Changes discussed and reviewed at the June Planning Commission meeting.

Chapter 16.20 - EXPEDITED LAND DIVISIONS
- Updated based on new language in ORS 197.360
- Staff is reaching out to DLCD staff. This may require the allowance of missing middle subdivisions.

Chapter 16.24 - REPLATTING WITHIN SUBDIVISIONS AND PARTITIONS
Chapter 16.28 - LOT LINE ADJUSTMENTS
Chapter 16.30 - ADJUSTMENTS AND VARIANCES
Chapter 16.32 - LEGAL FRAMEWORK
- No changes proposed.

16.04.055 Public Infrastructure Design Standards

In addition to Engineering Design Standards, improvements installed by a developer for any land

division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedures:

A. City Approval Required. Improvement work shall not commence until plans are approved by the City. All plans shall be prepared in accordance with requirements of the City.

B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

C. Inspections. Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.

D. Installation of Utilities. All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

E. As-Built Drawings. A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements.

16.16 Planned Development Procedures.

16.16.010 Purpose.
16.16.015 Objectives.
16.16.020 Preapplication conference.
16.16.030 Preliminary plat and plan filing.
16.16.040 Zoning.
16.16.050 Information in preliminary plat.
16.16.060 Information in the development plan.
16.16.070 Public hearing.
16.16.080 Allowable variations from title requirements.
16.16.090 Criteria for preliminary evaluation of a planned development.
16.16.100 Planning commission action.
16.16.110 Approval of the final plat.

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16.16.010 Purpose.

The purpose of the planned development is to provide greater flexibility in the development of land than may otherwise be possible under strict application of this title and the zoning ordinance. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the comprehensive land use plan and relevant ordinances are observed. It is intended to encourage variety and creativity in land development patterns throughout the city while giving special attention to potential natural hazards, scenic views, watercourses, trees and other features which help determine land use. The planned development should result in a development equal to or better than that resulting from strict application of city ordinance standards in which the design of the overall development permits increased freedom in the placement and uses of buildings, location and designation of open spaces, circulation of traffic and people and the inclusion of watercourses, wooded areas and other amenities in overall site planning.

16.16.015 Objectives

Through proper planning and design, each Planned Development should include features which further, and are in compliance with the following objectives:

A. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural conditions
B. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.

16.16.020 Preapplication conference.

Any person proposing a planned development shall comply with the provisions of Section 16.12.030, dealing with preapplication conferences. In addition, the exact procedure to be followed for approval shall be agreed upon by all parties. Any required variance or conditional uses shall also be identified.

16.16.030 Preliminary plat and plan filing.

The applicant shall file with the city manager at least thirty (30) days prior to the scheduled planning commission meeting at which applicant is requesting review, an application form, preliminary plat, development plan (narrative of proposal), any supplemental information determined to be necessary during the preapplication conference, and the appropriate fee as set by the city council by resolution. The city manager shall conduct a review of the information submitted to determine compliance with city standards.

16.16.040 Zoning and Phasing.

Toledo does not have a planned development zone. Instead, the planned development requires an application, a preapplication conference, a preliminary plat, a hearing, and a final plat, all regulated by this Title 16. Planned developments are used most often in conjunction with residential developments

but planned developments work for commercial and industrial developments too. The applicant may provide for development in phases and shall comply with the provisions in Section 16.12.070.

16.16.050 Information in preliminary plat.

The applicant shall submit a preliminary plat containing the following information:

A. Information required to be filed under Chapter 16.12 of this title for the preliminary plat of a subdivision;
B. Any additional information outlined by the city manager in the preapplication conference.

16.16.060 Information in the development plan.

The applicant shall submit a development plan which shall be a narrative of the proposal containing at least the following information:

A. A description of the purpose and layout of the development emphasizing significant watercourses, geological and topographical features which serve to guide the development plans and building arrangement, open spaces, and proposed uses other than single-family residential;
B. An analysis of projected sewer and water needs of the proposed development and applicant's proposal for serving those needs;
C. Geologic or soils studies relevant to the proposal;
D. When applicable, information regarding intentions and plans to comply with city ordinances concerning flood control and prevention;
E. A statement that the proposal will not adversely affect a designated dredged material disposal site or mitigation site;
F. Any additional information deemed appropriate by the applicant or the city manager.

16.16.070 Public hearing.

When the city manager has determined that all required information has been submitted, the manager shall schedule a public hearing for the next regular planning commission meeting and shall give notice to the public as required by this title.

16.16.080 Allowable variations from title requirements.

The following variations to the requirements of the particular zone may be allowed in conjunction with a planned development in order to create developments that are superior to those that could be developed through conventional development and design standards:

A. Density (number of units) shall be determined by calculating the gross available acreage, exclusive of area needed for streets, utilities and sidewalks, and applying the lot size standard of the zone. Density may be increased up to ~~ten~~ twenty (2~~1~~0) percent if the planning commission finds that such an increase will not adversely affect ~~the development itself or the surrounding neighborhood~~traffic or stormwater, that adequate sewer and water is available, that open space for aesthetic appearance and light and air are not comprised, and that the purpose of the zone is carried out.
B. Building height may be increased up to ten (10) percent beyond the standard of the zone upon

approval of the planning commission if ~~open space within the development and building setbacks are increased to provide a pleasing aesthetic appearance and allow for circulation of light and air,~~ fire lanes, water pumps, additional hydrants and other applicable conditions may be required by the planning commission to insure adequate fire protection.

C. Minimum lot size, street frontage, and setbacks required in the zone may not necessarily apply to a planned development although the planning commission may set conditions to carry out the purpose of such standards.

D. The lot coverage standard of the zone shall not apply to specific lots as designated by the planning commission, but shall apply to the development as a whole.

E. Roadway and right-of-way widths may be reduced if provisions are made for landscaping along the roadway and for routing bicycle and pedestrian traffic through and around the development. Any reduction in required roadway and right-of-way widths shall not hinder the safe and efficient circulation of traffic to and within the proposed development.

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 pursuant to Chapter 16.06 of this Code;
   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.

16.16.100 Planning commission action.

In response to an application, the planning commission may approve, deny, conditionally approve or

table any proposal. For approval or denial, the commission shall make findings which set forth compliance or noncompliance with the above criteria. A planned development may be approved only upon a finding that all criteria have been met. Any request for a zone change, variance or conditional use may also be acted upon as part of the overall action on the planned development.

16.16.110 Approval of the final plat.

The applicant shall follow the procedures set forth in Chapter 16.12 of this title, dealing with final plats and supplementary information, appropriately altering language to reflect the fact that it is a planned development. In addition, the applicant shall provide all appropriate documentation showing ownership of any common open spaces or other common property within the planned development.

Chapter 16.20 EXPEDITED LAND DIVISIONS

Sections:

16.20.010 Purpose.
16.20.020 Approval required.
16.20.030 Application process.
16.20.040 Notice requirements and application procedures.
16.20.050 Appeals.

16.20.010 Purpose.

The purpose of this chapter is to provide the city manager with the authority and guidelines to review all expedited land divisions in order to assure compliance with Oregon Revised Statutes 197.360 to 197.380.

16.20.020 Approval required.

No person shall divide land within the city by means of an expedited land division without first obtaining the approval of the city manager.

16.20.030 Application process.

An application for an expedited land division shall describe the manner in which the proposed division complies with each of the provisions listed in this section. The application shall be submitted as per the application process requirements outlined in Section 16.08.030 for minor and major partitions. A filing fee as set forth by resolution of the city council shall be paid in full at the time of filing.

A. Includes land that is zoned for residential uses and is within an urban growth boundary;
B. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use;
C. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
    1. Open spaces, scenic and historic areas and natural resources,
    2. Estuarine resources,

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3. Coastal shorelands, and
4. Beaches and dunes.

Within Toledo these protected lands also include, but are not limited to, lands identified as wetlands, slide areas, or areas with slopes of twenty-five (25) percent or more;

D. Satisfies minimum street or other right-of-way standards established by acknowledged land use regulations (including but not limited to the Toledo zoning and land division ordinances, the Uniform Fire Code, the Uniform Building Code and the city of Toledo Public Improvements Requirements and Design Standards)~~, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules~~. ~~The property being divided and each parcel being created must have a minimum of frontage of fifteen (15) feet in an R-S zone and twenty (20) feet in an R-G zone and primary ingress and egress must be taken from a fully developed city street which meets all city of Toledo's standards;~~

E. Will result in development that either:

i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; **or**

ii. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

~~If the land division will create four or more lots, it is a subdivision and it must create enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted by the zoning designation of the site (based upon the minimum lot size for a single-family residence);~~

~~F. If the land division will create three or fewer parcels under ORS 92.010 it is a partition and must meet the standards in subsections (C)(1) through and including (C)(4) of this section.~~

16.20.040 Notice requirements and application procedures.

The city will follow the notice requirements and application procedures outlined in ORS 197.365 and ORS 197.370 to process expedited land division applications.

16.20.050 Appeals.

An appeal of an action by the city manager on an expedited land division shall be applied for and processed as outlined in ORS 197.375.