

**Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
October 9, 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 SEPTEMBER 11, 2024 MINUTES as circulated and reviewed by the Planning Commission
4. WORKSESSION: Land Division Code, Residential Code, and House Bill 3395 Updates
5. DISCUSSION ITEMS:
 - a. Updates and Reports
 - i. 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 PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Cora Warfield. Commissioners present: Anne Learned-Ellis, Brian Lundgren, Jonathan Mix, Dennis Sutherland, Ricky Dyson, and Ruthanne Morris.

Staff present: Contract Planner (CP) Justin Peterson and Planning Assistant Arlene Inukai.

VISITORS: Tracy Mix

APPROVAL OF THE AUGUST 14, 2024, MINUTES:

It was moved and seconded (Lundgren/Learned-Ellis) to approve the August 14, 2024, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

WORKSESSION: RESIDENTIAL CODE AND HOUSE BILL 3395 UPDATES:

CP Peterson stated this is a continuation of the item discussed at the last meeting. DCLD is funding this code update project. The drafts will be sent to DLCD for their comments and staff will bring back any comments/responses from DLCD. The proposed updates are shown in track-change format and summarized below:

- Several new definitions were added and terms were updated to match state definitions. This also included the updated definition for “Residential Care Facility” to match state definitions and “Lot of Record” added to the definition list.
- The R-S Zone term is working away from single-family and using the term single-unit. It was suggested that the new R-S term be called Standard Residential. This keeps the same initials, and is a re-name of the designation. It is not a new zone designation. A statement was also included that clarifies any reference to the R-S or Single-Family Residential Zone is referring the Standard Residential, in case there are still unintended reference to the Single-Family Residential Zone name.
- The Conditional Use Permit standards were reviewed for the R-S Zone, specifically noting that the language for manufactured and site-built homes that do not meet the minimum standards, has been removed because the minimum design standards section will be removed. Gutters and eaves will stay in the code under the erosion control standards.
- Signs to identify a subdivision, apartment building, or short term rental home should be added to the sign section.
- ADA ramps will be allowed to be placed in the setback yard. The home would still need to meet the setback standard,
- ‘Dwelling unit’ terms will be updated to match the definitions.
- Updates to the R-G Zone are similar to the R-S Zone changes.
- Commercial areas and the option of creating a multi-unit overlay zone was reviewed. Live-work units are allowed outright and multi-units are allowed as a conditional use permit.
- Consideration was made that could reduce the minimum front yard setback from 25’ to 15’ in the Commercial Zone and 20’ if on Business Highway 20.
- A new section was reviewed for religious-owned affordable housing programs. This

language was taken from ORS for creating housing in non-residential zoned lands. The language will need further review for compliance to the ORS standards and the “shall” statements updated for clarity.

- Commissioners reviewed the existing Main Street Overlay District Map. There is potential for a Commercial overlay to include properties along Bus. Highway 20. CP Peterson proposed a new overlay that includes the NE Beech Street/Hwy 20 area. Commissioners reviewed the maps and noted that the boundaries could be expanded. The intent is to keep the Commercial Zone, but streamline the area for re-development. The overlay properties do not have to be contiguous and could be expanded based on further review or applicant requests.
- Commissioners discussed the possibility of creating two commercial zones, which could offer some flexibility. It was noted that an overlay district could be easier to implement and does not have a lot of impact to the existing maps. Staff will prepare a proposed map and can bring it back for further discussion. Commissioners recommended having a list or inventory of the lots within the overlay district, in addition to a map.
- Nonconforming uses/structures/lots were updated. Edits make the section easier to review and stressed that nonconforming uses can continue and can be repaired/maintained. If the nonconforming use is discontinued for more than one year, the nonconforming status goes away. After the one year period, any new use must comply with current code standards. Nonconforming uses are not allowed to rebuild if destroyed. A variance would have to be submitted within one year to allow a rebuild. Alterations of a nonconforming building can occur, as long as the development complies with fire standards. Language was added for nonconforming lots if they are considered lots of record.
- Timelines for conditional use permits could be expanded to begin construction at two years, with one extension for one year.
- Commissioners asked why the term “babysitting” is defined. This could be removed and the State is looking at child care homes/facilities that could require future updates to the child care uses.

DISCUSSION ITEM: UPDATES AND REPORTS:

Winter Meeting Schedule:

Commissioners discussed going back to a 6:00 pm meeting start time for the winter months. It was the general consensus of the group to start the meetings at 6:00 pm for the winter.

It was moved and seconded (Dyson/Morris) to begin the Planning Commission meetings at 6:00 pm.

Discussion: Commissioners discussed when the change takes effect.

It was moved and seconded (Learned-Ellis/Morris) to amend the motion to meet at 6:00 pm beginning in November through May. The amended **motion passed** unanimously.

The October meeting will start at 6:30 pm. President Warfield stated she will be away for the October meeting.

Dahl/Juno Tour Recap:

Commissioners voiced appreciation of the time Dahl and Georgia Pacific staff provided for the very informative tours.

STAFF COMMENTS:

None.

COMMISSIONER COMMENTS:

Commissioner Dyson would like to see development occurring in Toledo and he created a list of possible improvements. He asked if there is a committee or way to see projects occur. City Councilor Tracy Mix encouraged Commissioner Dyson to attend a City Council meeting for the potential projects and to bring the letter to the full Council. CP Peterson also noted that the Urban Renewal District funding may be getting to a point where they can be used for re-development purposes.

There being no further business before the Commission, the meeting was adjourned at 8:00 pm.

Planning Assistant

President



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MEMORANDUM

DATE: October 2, 2024
TO: Toledo Planning Commission
FROM: Justin Peterson, OCWCOG
RE: Housing Code Updates October 2024 Updates

The City of Toledo has made several updates to the Development Code to support increased housing and is interested in additional housing updates. The city has a limited number of housing units that are developed each year and wants to encourage additional housing development.

Current Efforts

Staff are started working with the Planning Commission to update the Partition and Subdivision standards. Staff put a pause to this effort to finalize a contract with the Department of Land Conservation and Development (DLCD) which provides funding to complete the work. The city received two grants from DLCD to work on housing code updates 1) HB3395 and 2) Subdivision and Partition standards. The scopes of work for both contracts are attached and were recently finalized.

Changes after the September 2024 Planning Commission Meeting

Cleaned up any minor text edits. Specifically, anywhere the code referred to single-family homes.

Chapter 17.04 Definitions

"Dwelling – Single Unit Detached" means a single detached building containing one dwelling unit on a lot. This includes prefabricated dwelling units and modular homes. Dwelling units on individual lots that are part of a cottage cluster are not single-dwelling unit detached for the purposes of this Code.

(Updated Definition)

"Home occupation" means an occupation carried on within a dwelling by residents occupying the dwelling with no servant, employee, or other persons being engaged at the home occupation site, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance or manifest any characteristic of a business in the ordinary meaning of the term unless specifically authorized by the zoning code or infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A city of Toledo business license is required for all home occupations.

"Hostel" means a single building containing a single dwelling unit where four individuals but not more



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than twenty (20) individuals may live for not more than thirty (30) continuous days. A hostel may be occupied and managed by a manager in addition to the four to twenty (20) persons renting facilities.

Chapter 17.38 RELIGIOUS OWNED AFFORDABLE HOUSING and AFFORDABLE HOUSING LAND USE (New)

Updates attached that clarify the code language to meet state rules.

TMC Chapter 17.42 Commercial Residential Overlay Zone (New)

Updated language based on Planning Commission discussion.

Partition and Subdivision Code Updates

Staff made several updates based on the previous Planning Commission meetings and review of the code standards.

- Updated density standards to be easier to understand.
- Inserted final plat submission requirements and approval procedures for partitions
- Revised the timeline for submitting construction plans to 18 months from preliminary plat approval.
- Added a definition of net buildable acre (NBA) and referred to in the density standards, requiring a minimum of lots per NBA in the R-S and lots per NBA in the R-G.
- Variances in 16.30 deleted. Variances available in Title 17.
- Amended the serial partition language.

Next Steps

Due to the timelines of getting the contracts signed the project was delayed by approximately 3-months. We had hoped to adopt by the end of the year. However, we are now aiming for March/April 2025 for adoption.

Staff is in contact with DLCD and waiting for assistance with a code audit. Additional recommendations may be provided by DLCD.

Attachments:

- Proposed Code language – TMC 17.38 and 17.42
 - TMC 16 Partition and Subdivisions.
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Chapter 17.38 RELIGIOUS OWNED AFFORDABLE HOUSING and AFFORDABLE HOUSING LAND USE

19.50.010 Purpose.

To enhance affordable housing opportunities in Toledo, consistent with the Toledo comprehensive plan. In addition, open opportunities for land not currently zoned residentially for affordable housing developments consistent with ORS 197A.445 and this chapter.

19.50.020 Applicability.

Affordable housing defined below will be permitted through Site Plan Review when the following standards are met.

- A. The development is on property zoned for commercial uses, religious assembly, or public lands OR is owned by one of the following:
 - a. A local, state, or special government body, as defined in ORS Chapter 174; or
 - b. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
 - c. A housing authority as defined in ORS 456.005; or
 - d. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
- B. As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either a, b, or c below.
 - a. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
 - b. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
 - c. A manufactured dwelling park that serves only households with incomes of 120 percent or less of the AMI.
- C. Does not apply on lands where:
 - a. The development cannot be adequately served by water, sewer, storm water drainage or streets; or
 - b. The property contains a slope of 25 percent or greater; or

- c. The property is within a 100-year floodplain; or
- d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.

19.50.040 Review and approval standards.

Housing developed under this chapter shall be reviewed through the Type II process. Approval criteria shall be as set forth in Oregon statutes and this code.

The site, when developed, shall meet all State and County requirements for public safety, health, and habitability, and as well as City utility, street, and water drainage requirements.

Chapter 17.42 COMMERCIAL RESIDENTIAL OVERLAY

17.40.010 Purpose and definition.

The purpose of the Commercial Residential Overlay is to recognize the historic residential uses of the defined area and allow additional flexibility for continued and future residential uses. When Toledo zoning map was adopted, this area was expected to be commercial. The current demand for residential supports the increased flexibility in the defined area. This ordinance will apply to all real property located within the boundary identified in the Commercial Residential Overlay map.



17.40.020 Allowed Residential Uses.

- A. The Commercial Main Street Overlay zone allows residential uses outright.
- B. Residential uses in the Commercial Residential Overlay shall comply with the standards in the General Residential (R-G) Zone.

CITY OF TOLEDO LAND DIVISION ~~ORDINANCE~~CODE

Toledo Municipal Code Title 16

~~SUBDIVISIONS~~LAND DIVISIONS

Chapters:

- Chapter 16.04 - GENERAL PROVISIONS
- Chapter 16.06 - TRANSPORTATION FACILITY STANDARDS
- Chapter 16.08 - MINOR AND MAJOR LAND PARTITIONS
- Chapter 16.12 - SUBDIVISIONS
- Chapter 16.16 - PLANNED DEVELOPMENT PROCEDURES
- Chapter 16.20 - EXPEDITED LAND DIVISIONS
- 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

Chapter 16.04 GENERAL PROVISIONS

Sections:

- 16.04.010 Title.
- 16.04.020 Purpose.
- 16.04.030 Application date.
- 16.04.040 Definitions.
- 16.04.050 General requirements and minimum standards of design and development.
- 16.04.060 Approval of expedited land divisions, partitions, subdivisions and major replats.
- 16.04.070 Notice for public hearings.
- 16.04.080 Appeals.
- 16.04.090 Amendments.

16.04.010 Title.

The title of this title is the Toledo land division ~~ordinance~~code.

16.04.020 Purpose.

The purpose of this title is to prescribe standards and procedures ~~for minor and major partitions and subdivisions of land and planned development within the city of Toledo~~ to provide for orderly, safe and efficient division of land within the City, and to aid in the implementation of the Toledo comprehensive ~~land use plan~~. ~~The provisions of this Chapter~~ title shall apply to all partitions and subdivisions within the City of Toledo. The following shall determine the appropriate process and design standards:

- A. Partition. A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition in Chapter 16.08.
- B. Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision in Chapter 16.12.

16.04.030 Application date.

This title shall apply to all land divisions which have not been filed with the city manager before the effective date of the ordinance codified in this title.

16.04.040 Definitions.

The terms and phrases used in this title are defined as follows:

"Alley" means a public way of not over twenty (20) feet wide providing a secondary means of access to private property.

"Bicycle path" means a bicycle way with concrete or similar permanent surfacing.

"Building line" means a line on a plat, parallel to the road right-of-way, indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the Toledo zoning ordinance between the front property line abutting a road and the closest point of the roof line of any building or structure on the land often referred to as a setback line.

"City" means the city of Toledo, Oregon.

"City manager" means the city manager of the city of Toledo, Oregon, or his/her designate(s).

"City recorder" means the city recorder of the city of Toledo, Oregon, or his/her designate(s).

"City street" means a public roadway which has been dedicated to the public and accepted by the city and created to provide ingress or egress to one or more lots, parcels, areas or tracts of land, including the terms "street," "highway," "lane," "avenue," "road" or similar designations. For the purpose of Title 16, the term "city street" also includes improved public roadways dedicated to the public and accepted and maintained by either Lincoln County or the Oregon Department of Transportation.

"Collector Road" means a moderate traffic volume street that accommodates shorter local trips and balances the need for local property access and through traffic. Collector streets connect residential traffic on local streets with other collector and arterial streets.

"Commercial Road" means a low speed, low traffic volume street that is within or adjacent to land zoned commercial or industrial with a high percentage of freight truck traffic. Commercial streets provide frontage and direct access for commercial and industrial uses.

"Comprehensive ~~land use~~ plan" means the plan adopted by the city to serve as a guide to the orderly growth, development and improvement of the city, including a written text with goals and policies, a diagrammatic map of desired land use allocations, and any amendments to such text and map.

"Commission" means the Toledo planning commission.

"Council" means the Toledo city council.

"Curbline" means the line indicating the edge of the vehicular roadway within the overall right-of-way.

"Dividing or division of land" means to segregate an area or tract of land into two or more parcels.

"Easement" means the grant of a right-of-way use for a specific purpose, such as an easement for utility purposes across a parcel of land.

"Expedited land division" means a division of land for which an applicant specifically applies for an expedited land division and which meets the standards of ORS Section 197.360 as modified by city of Toledo standards noted in Section 16.20.030.

~~"Flooding" means the rise of a natural stream or other water body to the level at or above the intermediate regional flood, otherwise known as the one hundred (100) year flood, as determined by the U.S. Army Corps of Engineers, which periodically covers an area of land that is not under water at other times.~~

"Local Road" means a low speed, low traffic volume street that connects local traffic to collector and arterial streets and prioritizes local access to residences and businesses over through traffic.

"Lot" means a unit of land that is created by a ~~partition or~~ subdivision of land as defined by this title.

"Lot line adjustment" means a modification to lot lines or parcel boundaries which do not result in the creation of new lots and includes the consolidation of lots.

~~"Manufactured dwelling" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For general classification purposes, manufactured dwellings also include:~~

- ~~1. Residential trailers constructed before January 1, 1962.~~
- ~~2. Mobile homes constructed between January 1, 1962, and June 15, 1976, which met Oregon construction standards then in effect; and~~
- ~~3. Manufactured homes constructed to federal standards.~~

"Multi-Use Path" means a pathway used by cyclists, pedestrians, skaters, joggers, wheelchair users and others that are physically separated from and prohibit motorized traffic. Multi-use paths may be located within a street right-of-way and the surface may be paved, gravel, or accommodated with a boardwalk. Paths can be used for either recreational or transportation purposes. See standards under Section 16.06.030.

~~"Net buildable area" means the horizontal area of a tract, parcel, or lot of land remaining after subtracting from the gross area of the tract, parcel, or lot the areas identified as wetlands on the Oregon Department of State Lands' on-line Statewide Wetlands Inventory Map, or as shown on an approved wetlands delineation, any areas having a slope of 15% or more, areas identified as SFHA, or other natural hazards that would limit development.~~

"Natural hazard" means a natural event which can result in personal injury or property damage, such as flooding, landslides, soil erosion, or other damage resulting from water or soil movement.

"Owner" means the person who has ownership of land.

"Ownership" means the existence of legal or equitable title to land.

"Parcel" means a tax lot created by the ~~division~~ partitioning of land.

"Partitioning or partitioned land" means to divide a tract of land into two or three parcels (including the parent parcel) within one year of the date of the first segregation where such area or tract of land existed as a unit or contiguous units of land under a single ownership at the time of such segregation. "Partitioned land" does not include division of land resulting from the creation of cemetery lots; ~~and "partitioned land" does not include any the adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created; and where the existing parcel reduced in size by the adjustment, is not reduced below the minimum lot size established by the zoning ordinance. "Partitioned land" does not include the sale of a lot in a recorded subdivision; even though the lot may have been acquired prior to sale with other contiguous lots or properties by a single ownership selling or granting land to a public agency or public body of property for highway purposes; or selling or granting of land by a public agency or public body which is excess property resulting from the acquisition of land for highway purposes.~~

"Major partition" means the partition of land which does not meet the standards for an expedited land division and which necessitates the creation of a street as a method of providing access.

"Minor partition" means the partition of land which does not meet the standards for an expedited land division and which does not necessitate the creation of a street.

"Pedestrian or bicycle way" means a right-of-way for pedestrian or bicycle traffic.

"Person" means and includes a natural person, firm, partnership, association, domestic or foreign corporation, joint stock company, trust or any incorporated organization.

"Planned development" means the development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of building, density, lot coverage or required open space to the regulations otherwise required by the city of Toledo zoning ordinance.

"Plat" means the map, diagram, replat and other writing containing the description, location, specifications, dedications, provisions and all other requirements pursuant to Chapters 16.08, 16.12, 16.16 and 16.20 of this title regulating partitions, subdivisions, and planned developments within the city.

"Principal Arterial" road means a high traffic volume and limited access street that accommodates long-distance trips between and through urban areas. Principal arterials have little to no local residential and commercial access and prioritize through movement, connecting mainly to arterials and collectors. US 20 is the only principal arterial in Toledo and is owned and maintained by the Oregon Department of Transportation (ODOT).

"Record" means to submit documents to the clerk of Lincoln County for the purpose of placing them in official public evidence.

"Replat, major" means the reconfiguring of lots in a recorded subdivision plat that results in either the creation of four or more additional lots or the deletion of four or more lots within a twelve (12) month period.

"Replat, minor" means the reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in three or fewer lots being created or deleted within a twelve (12) month period.

"Shared-use Shoulder" means a paved shoulder adjacent to a street travel lane for use by bicyclists and pedestrians. Shared-use shoulders occur on streets that do not include a constructed curb and gutter and lack sidewalks or bikeways.

"Sidewalk" means a hard-surfaced walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or planter strip. See standards in Section 16.06.030.

"Single ownership" means a person or group of persons who either singularly or jointly own a contiguous ~~unit area~~ of land.

~~"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.~~

"Subdivide land" means to divide an area or tract of land into four or more ~~parcels lots~~ (including the parent parcel) within one year of the date of the first segregation when such area or tract of land existed as a unit or contiguous units under a single ownership at the time of such segregation.

"Subdivision" means an area of land that has been subdivided.

"Subdivider" means any person who undertakes the subdivision of land for the purpose of transfer of ownership or development at any time, whether immediate or future.

"Tract" means a contiguous area of land which exists or has existed in single ownership.

"Transportation Facilities" means a physical facility used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, transit stations, bus stops, etc.).

"Transportation Improvements" means a transportation facility improvement to include, but are not limited to:

1. Normal operation, maintenance, repair, and preservation activities associated with existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way
3. Projects specifically identified in the City's adopted Transportation System Plan
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property or the public.
6. Construction of a street or road as part of an approved subdivision or partition consistent with the City's adopted Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition approved in accordance with the applicable land division ordinance.

16.04.050 General requirements and minimum standards of design and development.

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

- A. Conformity to the Comprehensive Plan. All ~~partitions and subdivisions~~divisions of land shall conform with all adopted portions of the comprehensive plan, transportation system plan, and all applicable ordinances and design standards of the city. ~~Traffic~~Transportation facilities ~~(including streets, pedestrian paths and bicycle paths)~~, community and neighborhood facilities and recreational areas should be placed in approximately the same locations designated by the comprehensive plan, water master plan, wastewater facilities plan, parks master plan, and transportation system plan.
- B. Access. The ~~partitioning and subdividing~~division of land shall provide each lot or parcel, by means of a fully developed city street, satisfactory vehicular access to an existing street pursuant to Chapter 16.06 of this Code. The city street for the entire length which is adjacent to the parcel or lot which is being ~~partitioned or subdivided~~divided must be a fully developed city street unless an exception is granted as per the following

standards and procedures:

1. ~~Partitions and subdivision~~Divisions of land that require the creation of a public street to serve the proposed lots shall comply with the requirements of the Public Infrastructure Design Standards Manual~~adopted street standards~~ and shall include the public dedication of the required right-of-way in the adopted street standards, except as varied under Section 16.30;
2. ~~Partitions and subdivision~~Divisions of land with frontage along an existing city, ~~county, or state~~ street or that are accessed via an existing city, ~~county, or state~~ street shall be required to make such improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. If the required improvements are roughly proportional to the impacts created by the proposed development, but the ~~planning~~ commission determines that because of the existing street conditions, topography, or other similar factor that requiring the improvements to be completed prior to platting the property is an inefficient method of obtaining the improvements, the ~~planning~~ commission can allow the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.
3. Residential lots or parcels may be accessed by a private access easement (joint use driveway) developed in accordance with the provisions below when it is determined that a public access is: 1) infeasible due to the parcel shape, terrain, or location of existing structures; 2) unnecessary to provide for the future development of adjoining property, and 3) no more than 10% of the lots within a subdivision may be accessed by a private street or private access easement. Where permitted, the access easement shall comply with the following standards:
 - a. Width. ~~Where permitted, the access easement shall comply with the following standards:~~
 - i. Minimum easement width: 20 feet
 - ii. Minimum paved width: For private access of 150' ~~or less~~ and serving one ~~dwelling~~ lot - 12 feet; serving two ~~lots~~ - 16 feet. For private access of more than 150' - 16 feet.
 - b. ~~iii.~~ Maximum length: 200 feet
 - iv. No more than four ~~lots~~ shall have their sole access to the easement. Easements serving more than two ~~homes~~ lots shall comply with provisions for a Residential Neighborhood Street in the Public Infrastructure Design Standards Manual.
 - c. Surface Improvement. The surface width noted in A.1.a.ii above shall be improved with either asphaltic ~~or Portland cement concrete~~ for the entire length of the private access easement. ~~Or with another surface approved by Public Works and Fire.~~
 - d. Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, ~~homeowners~~, homeowners' association, or similar instrument acceptable to ~~t~~The ~~c~~City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final ~~partitioning~~ plat.
 - e. Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the design provisions requirements of the ~~applicable~~ Toledo Fire Department.
 - f. Fire Lanes. All private access easements shall be designated as fire lanes and signed for "no parking." All private access easements and joint use driveways shall comply with the International Fire Code.
 - a-g. Where The City approves a private access easement or joint use driveway, the property owners

shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

C. Relation to the Adjoining Street System. ~~Major partitions and subdivisions~~Divisions of land shall provide for the continuation of the city streets existing in the adjoining neighborhood and for the proper street extensions when the adjoining properties are divided or developed. If the city adopts a plan for the neighborhood or area of which the ~~partition or subdivision~~division of land is a part, the ~~partition or subdivision~~division of land shall conform to such neighborhood or area plan. If the topographical conditions make such continuation or conformity impractical, adjustments or variances may be approved under ~~Section Chapter~~ 16.30.

D. Density. All ~~subdivisions~~divisions of land within residential zones shall create enough parcels or lots to allow building residential units to meet the ~~higher of the~~ following density standards:

1. ~~Fifty (50) percent or more of the maximum net density permitted (based upon the minimum lot size for a single family residence)~~In the R-S zone there shall be a minimum of 4.0 lots per net residential acre; or

2. ~~Eighty (80) percent or more of the maximum net density permitted (based upon the minimum lot size for a single family residence) minus all areas which have slopes of fifteen (15) percent or more, are wetlands or have other topographical features which, in the opinion of the planning commission, preclude development of portions of the site because to develop those portions would require noncompliance with the comprehensive plan, development ordinances or design standards;~~In the R-G zone there shall be a minimum of 4.5 lots per net residential acres.

3. ~~Example: The following example is to act as a guide to meeting this standard. A ten (10) acre parcel is to be subdivided. A street will be provided and dedicated to the public. The street will remove two acres from the usable space for lots leaving a net of eight acres. The property is zoned RG which has a minimum lot size of six thousand (6,000) square feet.~~

~~a. The following example is to act as a guide to meeting this standard. A ten (10) acre parcel is to be subdivided. A street will be provided and dedicated to the public. The street will remove two acres from the usable space for lots leaving a net of eight acres. The property is zoned RG which has a minimum lot size of six thousand (6,000) square feet. Thus the calculation for the minimum number of lots to be provided is:~~

~~10 acres — 2 acres = 8 acres net buildable~~

~~8 acres × 43,560 square feet = 348,480 square feet~~

~~348,480 square feet / 6,000 square feet = 58.08 lots~~

~~58.08 lots × .50 = 29.04 units~~

~~29.04 units is rounded to 29 units minimum required~~

~~b. The following example is to act as a guide to meeting this standard. A ten (10) acre parcel is to be subdivided. A street will be provided and dedicated to the public. The street will remove two acres from the usable space for lots leaving a net of eight acres. However, there are three acres of wetlands and one and one half acres which have greater than fifteen (15) percent slopes. Thus the net, net developable area is three and one half acres. The property is zoned RG which has a minimum lot size of six thousand (6,000) square feet. Thus the calculation for the minimum number of lots to be provided is:~~

~~10 acres — 2 acres = 8 acres net~~

~~8 acres – 3 acres – 1.5 acres = 3.5 acres net buildable~~

~~3.5 acres × 43,560 square feet = 152,460 square feet~~

~~152,460 square feet/6,000 square feet = 25.41 lots~~

~~25.41 lots × .80 = 20.33~~

~~20.33 units is rounded to 20 units minimum required~~

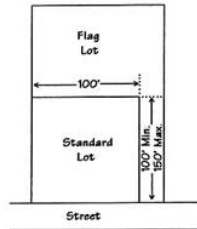
~~Twenty nine (29) units required is greater than twenty (20) units required, therefore twenty nine (29) lots must be created for the subdivision to be approved. These units will have to be clustered away from the wetlands and the fifteen (15) percent slope areas. As a special note to provide additional guidance to the planning commission: if there are areas which cannot be served due to topographical reasons such as the roads cannot be built to meet the city's standards, all of the undevelopable area could be excluded by the planning commission in calculating the minimum density required.~~

~~4. All partitions—land divisions within residential zones where the subject parcel can be further partitioned/divided, shall be partitioned/divided in a manner that does not preclude the efficient division of land in the future.~~

E. ~~Lots, Parcels, Topography, or Past Development Patterns~~Standards for Lots or Parcels.

1. Minimum Lot Area. ~~Lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.~~
2. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) feet in nonresidential zones, or twenty (20) feet in the R-G zone and R-S zone. Lots utilizing a Joint Use driveway that meets the standards in TMC 16.04.050(B)(3) are exempt from this standards;
2. Lots and parcels with double frontage shall not be permitted unless, in the ~~opinion~~findings of the ~~planning~~ commission, an odd-shaped tract, existing street layout, or existing topography makes such a lot or parcel unavoidable;
3. Lot Side Lines. Each side line shall be as close to perpendicular as practicable to the adjacent ~~street line~~public street, private street, or private access easement upon which the lot or parcel faces or radial to a curved street line as possible;
4. Flag Lots. Flag lots shall be subject to the following Development Standards:
 - A. The access strip shall be a minimum of 20 feet in width for residential lots and 25 feet for non-residential lots. The improved surface shall be a minimum of 14 feet in width.
 - B. The access strip shall not be included in the lot area calculation.
 - C. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire ~~district~~department requirements.

Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet



in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.

5. ~~The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance;~~
6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions;
7. ~~Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage;~~
8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.
- F. All parcels and lots in ~~a division of land partitions and subdivisions~~ shall be served by a public water system. No plat of a ~~partition or subdivision~~ division of land shall be approved unless the city has received and accepted:
 1. A certification by the public works director that water will be available from the nearest point of supply; and
 2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted on the proposed partition or subdivision.
- G. All parcels and lots in ~~partitions and subdivisions~~ a division of land shall be served by a public sewer system unless in possession of a sewer exception stipulated in writing by the public works director and city council (Public Improvement Requirements and Design Standards). No plat of a ~~partition or subdivision~~ division of land shall be approved unless the city has received and accepted:
 1. A certification by the ~~director of~~ public works director that sewage service will be available at the nearest point of collection;
 2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition.

16.04.055 IMPROVEMENT PROCEDURES

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.

16.04.060 Approval of expedited land divisions, partitions, subdivisions and major replats.

- A. No plat or replat of an expedited land division shall be recorded or have any validity unless and until it has the written approval of the city manager or is appealed to and subsequently approved by the referee or by court action.
- B. No plat or replat of a partition shall be recorded or have any validity unless it has approval from the city manager or designee. ~~or A~~ subdivision shall be recorded or have any validity unless and until it has the approval of the planning commission. ~~or Unless an application~~ is appealed to and subsequently approved by the city council or by court action.
- C. No person shall dispose of, transfer, sell, or agree to offer or negotiate to sell any lot in any partition which requires approval by any ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained and the plat of that partition is recorded.
- D. No person shall dispose of, transfer, sell, or agree to offer or negotiate to sell, any lot in any subdivision by reference to, exhibition of, or other use of a plat (or plan) of such subdivision before the plan for such partition has been so recorded.
- E. A person may offer or negotiate to sell any parcel in a partition prior to approval of the preliminary plan for such partition, but no person may dispose of, transfer, sell or agree to sell any parcel in a major partition or in a minor partition prior to such approval.

16.04.070 Notice for public hearings.

The city manager shall give notice of public hearing required by this title by publishing a notice consistent with

~~Type II procedure for partitions and a Type III procedure for subdivision in compliance with Title 19, requirements in a newspaper of general circulation in the city ten (10) days prior to the date of the hearing and by mailing written notice to owners of property within three hundred (300) feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. Notice shall also be provided to a neighborhood or community organization recognized by the city and whose boundaries include the site (see Section 16.04.080 also). The notice shall:~~

~~A. The date, time and location of the hearing;~~

~~B. State that issues which may provide the basis for an appeal to the council shall be raised in writing prior to the expiration of the comment period or in person at the hearing. Issues shall be raised with sufficient specificity to enable the decision makers to respond to the issue;~~

~~B.C. List, by commonly used citation, the applicable criteria for the decision;~~

~~CD. Set forth the street address or other easily understood geographical references to the subject property;~~

~~DE. State the place, date and time that comments are due;~~

~~EE. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;~~

~~FG. Include the name and phone number of a local government contact person;~~

~~G. Provide notice of the decision to the applicant and any person who submits comments under subsection A of this section. Notice of the decision must include an explanation of appeal rights;~~

~~H. Briefly summarize the decision making process for the decision being made; and~~

~~I. The city manager shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice. The failure of any adjacent property owner to receive notice shall not invalidate any proceeding or action taken at any meeting. For purposes of this notice, the requirement shall be met by the provision of an affidavit or other certification that such notice was given.~~

16.04.080 Appeals.

An appeal from an action by the city manager shall go to the planning commission and an appeal from an action by the planning commission as authorized by the ordinance codified in this chapter, other than for an expedited land division, shall be made to the city council. Appeals shall be made by filing written notice with the city recorder. If no appeal is taken within fifteen (15) days of the effective date of the action, the action of the city manager or planning commission shall be final. If an appeal is filed, the council shall receive a report and recommendation from the appropriate city official and shall hold a public hearing and consider the appeal de novo.

In order to have standing for an appeal, a person must ~~have been mailed written notice or~~ have participated in writing or in person during a staff level decision or at the planning commission public hearing ~~or and~~ have been substantially affected by the action.

Content of Notice. Notice of an appeal of a Type II administrative decision or a Type III hearing to be mailed and published per Section 16.04.070 shall contain the following information:

A. The nature of the application and the proposed land use or uses which could be authorized for the property;

- B. The applicable criteria and standards from the development code(s) that apply to the application;
- C. The street address or other easily understood geographical reference to the subject property;
- D. The date, time, and location of the public hearing;
- E. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
- F. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;
- G. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at city hall at no cost and that copies shall be provided at a reasonable cost;
- H. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- I. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings;
- J. The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Toledo Municipal Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

16.04.090 Amendments.

Amendments to this title shall be legislative amendments and are reviewed using the Type IV land use procedure as set forth by Ordinance 1287 and stipulated in Toledo City Charter.

Chapter 16.06 TRANSPORTATION FACILITY STANDARDS

Sections:

- 16.06.010 Purpose.
- 16.06.020 Street and Multi-Use Path Design Standards.
- 16.06.030 Summary of Transportation Facility Standards.
- 16.06.040 Bikeway Standards
- 16.06.050 Street Cross Section Figures. The standards shown in Figures 16.06.050A through 16.06.050C include the cross sections for each of the roadway classifications
- 16.06.060 Street Intersection Spacing Standards
- 16.06.070 Grades and Curves.

Section 16.06.010 Purpose.

The purpose of this section is to establish standards for city streets and pathways that minimize improvement width and total right-of-way consistent with the operational needs of the facility and provide safe and

convenient pedestrian and bicycle access in compliance with Toledo Transportation System Plan and the Oregon Transportation Planning Rule (OAR 660-012).

Section 16.06.020 Street and Multi-Use Path Design Standards.

For new streets and multi-use paths, the rights-of-way and improvements shall be the widths in Section 16.06.030. An adjustment or variance authorized under [Section-Chapter 16.30](#) is necessary to vary the standards for new street and multi-use paths. Existing streets and multi-use paths are exempt from these standards. Where an existing street or multi use path in a subdivision or ~~major~~ partition is substantially rebuilt¹ and cannot meet these standards, then they may be waived following the process in [Section-Chapter 16.30](#). Section 16.06.030 lists the standards for arterial, collector, commercial, and local roads, as well as the unique standards recommended for Main Street in downtown Toledo. The functional classification of existing streets is shown on the Toledo Transportation System Plan maps.

Section 16.06.030 Summary of Transportation Facility Standards.

Street and Multi-Use Path Design Standards						
Type of Street	Right-of-Way Width with Curbs ¹	Travel Lane	Center Median or Center Turn Lane	On-Street Parking	Bike Lane ²	Sidewalk (ft)
Arterial						
3-Lane	63'	Two 12' travel lanes	14'	None	6' on both sides	6' on both sides
2-Lane	49'	Two 12' travel lanes	None	None	6' on both sides	6' on both sides
Collector ³	45'	Two 12' travel lanes	None	None	5' on both sides	5' on both sides
Commercial	77'	Two 12' travel lanes	14'	8' on both sides	5' on both sides	6' on both sides
Local						
Preferred	55'	Two 14' travel lanes	None	8' on both sides	Cyclists share the travel lane	5' on both sides
Minimum	39'	Two 14' travel lanes	None	None	Cyclists share the travel lane	5' on both sides
Main Street	61'	Two 12' travel lanes	None	8' on both sides	None	10' on both sides
Multi-Use Path	N/A	N/A	N/A	N/A	12' total width (10' paved trail with 1' gravel shoulders)	
Boardwalk Path	N/A	N/A	N/A	N/A	12' total width with side railings; 10' if no rails are used	

¹Includes sidewalks and six inch curbs on either side

¹ “Substantially rebuilt” refers to a construction project where the pavement or asphalt of the street is removed down to the base rock foundation and rebuilt.

Street and Multi-Use Path Design Standards

Type of Street	Right-of-Way Width with Curbs ¹	Travel Lane	Center Median or Center Turn Lane	On-Street Parking	Bike Lane ²	Sidewalk (ft)
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²Bike lanes could be substituted for a 4' shared use shoulder where topography or other right-of-way constraints exist, at the discretion of the Planning Commission

³ Collector standards apply to the Special Downtown Business District on Business Loop 20 between A Street and NE 3rd Street

Section 16.06.040 Bikeway Standards.

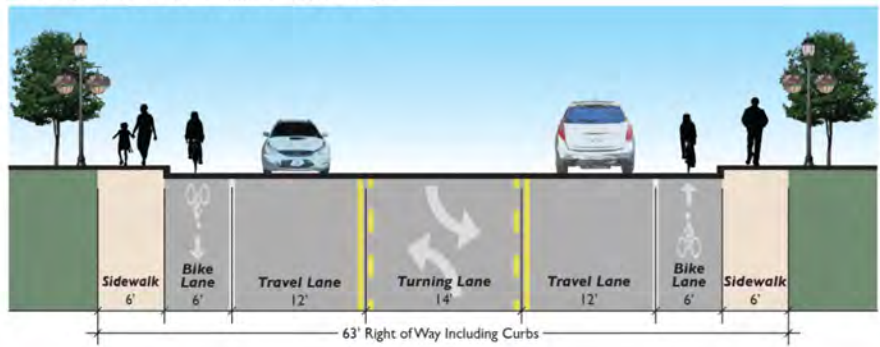
Pursuant to the Statewide Transportation Planning Rule (OAR 660-012), arterial and collector street widths must include width requirements for bikeways in addition to travel lanes. These bikeways must be no less than five (5) feet wide, in each direction of travel. The Planning Commission will decide whether bikeways are to be bicycle lanes, shared use shoulders, or multi-use paths based on the City’s evaluation of bicycle use, right-of-way constraints, and topography. Paved and boardwalk or multi-use path facility standard widths are also included in Section 16.06.030. The proposed city-wide bicycle and pedestrian network is shown on the Toledo Transportation System Plan maps.

Section 16.06.050 Street Cross Section Figures.

The standards shown in Figures 16.06.050A through 16.06.050C include the cross sections for each of the roadway classifications.

Figure 16.06.050A.
Arterial Road Standards

3-LANE **ARTERIAL ROAD**



2-LANE **ARTERIAL ROAD**

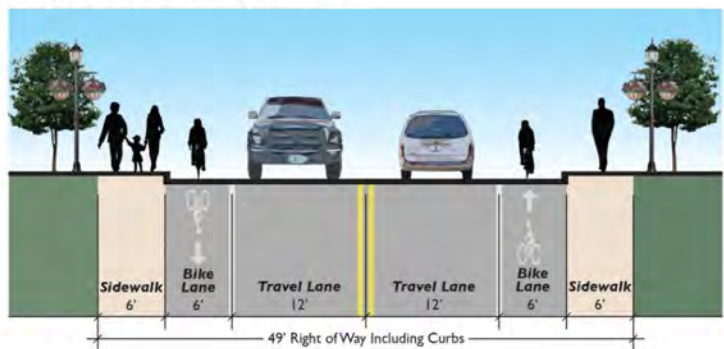
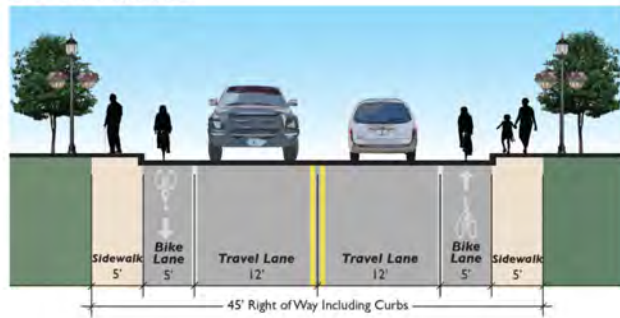


Figure 16.06.050B
Collector and Commercial Road Standards

COLLECTOR ROAD



COMMERCIAL ROAD

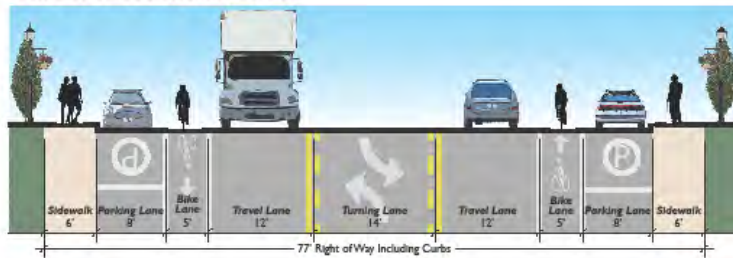
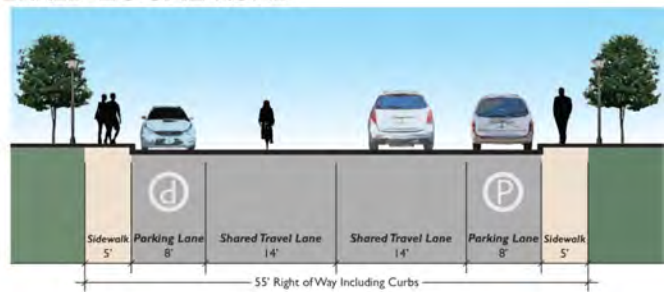
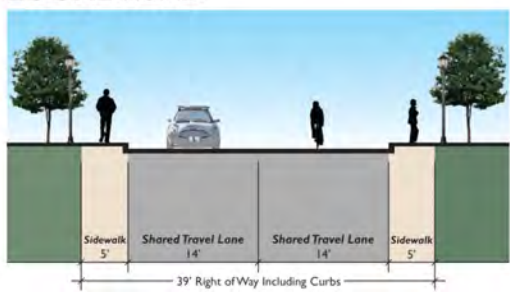


Figure 16.06.050C
Local Road and Main Street Standards

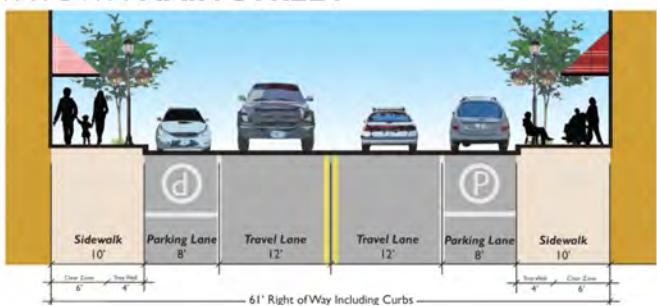
PREFERRED **LOCAL ROAD**



MINIMUM **LOCAL ROAD**



DOWNTOWN **MAIN STREET**



16.06.060 Street Intersection Spacing Standards

Functional Classification	Public Intersection Spacing (measured between centerlines)
Arterial	100 feet
Collector	100 feet
Local Street (includes Main Street and streets designated as Commercial Streets)	50 feet

Section 16.06.070 Grades and Curves.

Grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on any other streets. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on collectors, and continuing residential streets, and 100 feet on other streets and alleys and shall be rounded to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impracticable to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves.

Chapter 16.08 MINOR AND MAJOR LAND PARTITIONS

Sections:

- 16.08.010 Purpose.
- 16.08.020 Approval required.
- 16.08.030 Application process.
- 16.08.040 Improvements.
- 16.08.050 Performance bond.
- 16.08.060 Public hearing.
- 16.08.070 Criteria for evaluation.
- 16.08.080 Planning commission action.

16.08.010 Purpose.

The purpose of this chapter is to provide the ~~planning commission~~city manager or designee with the authority and ~~guidelines-standards~~ to review all minor and major~~applications for a land~~ partitions in order to insure compliance with the comprehensive land use plan and all other city ordinances.

16.08.020 Approval required.

No person shall divide land within the city by means of a ~~minor or major~~ partition without first obtaining the approval of the ~~planning commission~~city manager or designee.

16.08.030 Application process.

- A. An applicant, requesting a ~~minor or major~~ partition of land, shall first submit to the city manager an application on forms provided by the city. The application shall be complete and all information shall be accurate to the best of the applicant's knowledge.
- B. The applicant shall submit a plan-preliminary plat with the application form. The ~~plan-preliminary plat~~ shall include or be accompanied by the following information:
1. Northpoint, scale and date of the completed drawing, approximate acreage and boundary lines;
 2. Location of property(ies) by section, township, range, tax lot(s), and donation land claim, ~~are~~ sufficient to define the location and boundaries of the partition;
 3. Two-foot or five-foot contour lines or spot elevations at two-foot intervals ~~are necessary, but will be as~~ specifically stipulated by staff at the preapplication conference;
 4. Names, addresses, ~~zip codes~~ email addresses, and telephone numbers of ~~all the property owners, the applicant, and the engineers or surveyors, or other consultants~~ responsible for laying out the partition;
 5. Location, square footage, and dimensions of all ~~lots~~ parcels and the proposed ~~lots~~ parcel numbers;
 6. Location, square footage, and dimensions of any sites allocated for a purpose other than residential;
 7. Existing uses on the property, including locations of all existing structures;
 8. Existing locations, widths, and names of opened and unopened roads within or adjacent to the partition, together with easements or rights-of-way and other important features, such as section lines, corners, city boundary lines, and monuments;
 9. Location, width, name, approximate grade, and radii of curves of all proposed roads and the relationship of such roads to any projected or existing roads adjoining the ~~portion~~ partition;
 10. Notations indicating any limitations on rights-of-access to or from roads and ~~lots or other~~ parcels ~~of land~~ proposed by the applicant;
 11. Location of significant natural features such as rock outcroppings, marshes, wetlands, wooded areas, preservable trees, and scenic views;
 12. Location and direction of all water courses and bodies of water and the location of all areas subject to flooding or other natural hazards;
 13. Additional information as city manager ~~or the planning commission~~ deems appropriate.
- C. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted with the preliminary plat and shall contain the following information:
1. Any potential future lots (lot size shall be depicted).
 2. Existing and proposed utilities including water, sewer and storm drains.
 3. Streets and access points for potential future lots.
- D. A filing fee as set forth by resolution of the city council shall be paid in full at the time of filing.

16.08.040 Improvements.

- A. The applicant shall improve or agree to improve lands dedicated for ~~roads, alleys, pedestrian or bicycle ways~~ transportation facilities, drainage channels, private easements for access, and other rights-of-way or

public open space as condition preceding the acceptance and approval of the partition.

- B. Prior to ~~final~~ approval of the final partition plat, the applicant shall either install all required improvements to city standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the city manager an agreement between the applicant and the city specifying the period within which all the required improvements and repairs shall be completed. The agreement shall provide that if all of the required work is not completed within the time specified, the city may complete the work and recover the full cost and expense from the applicant. If the applicant so requests, the planning commission may grant not more than one extension of time for a period not to exceed one year to complete the required improvements.

16.08.050 Performance bond.

- A. A performance bond, pursuant to this chapter, is required with the executed agreement to complete the improvements and repairs. The applicant shall file with the agreement one of the following to assure full and faithful performance:
1. A surety bond executed by a surety company authorized to transact business in the state of Oregon on a form approved by the city manager;
 2. Cash or a certified check in an amount fixed by the city manager; or
 3. Certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses and that the money will only be released upon authorization of the city manager.
- B. Such assurance of full and faithful performance shall be for a sum determined by the city manager as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance, including related engineering and inspection costs and may include an additional percentage as determined by the city manager to cover any inflationary costs which may be incurred during the construction period.

16.08.060 ~~Public hearing~~City Manager or Designee.

~~The planning commission shall hold at least one public hearing to review the application for a partition. Partitions shall be reviewed as a Type II procedure by the city manager or designee. Notice to the public of the hearing decision item shall be in accordance with the terms of the ordinance codified in this chapter 19.12. The planning commission shall schedule the hearing.~~ City mManager or designee shall review the partition as soon as practicable but only after the completed application and plan have been filed.

16.08.070 Criteria for ~~evaluation~~approval.

In reviewing an applications for ~~minor and major~~ land partitions, the city manager shall make findings that all of the following criteria shall have been or will be met before the planning commission may granting approval to approve the proposed partition:

- A. The division of land complies with applicable ordinances and public improvement design standards adopted by the city;
- B. The applicant has filed all the necessary information required by ~~the land division~~ this Title 16 Title;
- C. ~~If the application is for a minor partition, the division of land will not constitute a major partition or a subdivision pursuant to the definitions in this title;~~

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- ~~D. If the application is for a major partition, the~~The division of land will not constitute a subdivision;
- ~~D. The~~and the street design has received approval from the director of public works;
- E. The applicant has demonstrated that each ~~lot~~parcel will be served with city sewer and water and that the city has the capacity to provide those services;
- F. The infrastructure designs have received approval from the director of public works ~~department~~ and if a bond is required to be posted for any infrastructure improvements, the applicant has agreed in writing to do so;
- G. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards;
- H. The ~~division of land~~partition will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County estuary management plan.
- I. The ~~division of land~~partition will not result in any newly created parcels ~~or lots~~ which are entirely zoned for natural resources or which become one hundred (100) percent undevelopable due to splitting off the buildable land unless owned, created, or proposed to be used by a public ~~utility~~entity.

16.08.080 ~~Planning commission~~City Manager action.

- A. The ~~planning commission~~city manager or designee is authorized to approve, conditionally approve, or deny the application ~~and shall take action within forty-five (45) days of the first public hearing on the application.~~ Approval of an application shall be valid for ~~twelve (12)~~twenty-four (24) months after the effective date of the approval. If the improvements are not completed and the ~~real property partitioned~~final partition plat submitted to the city manager for approval within that time, the approval is void.
- B. If the applicant requests an extension in writing before the required time elapses, the ~~planning commission~~city manager or designee may grant not more than one extension of time for a period not to exceed one year to complete the required improvements.

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16.12.100 Submission of final plat.

- A. The partitioner shall have the partition surveyed and a plat drawn in accordance with the preliminary plat and the changes required by the city manager. All owners and mortgagees of the partition and the engineer and surveyor responsible for laying out the partition shall approve and sign the final plat.
- B. The partitioner shall then file the final plat with the city manager within twenty-four (24) months of the approval of the preliminary plat, who shall review it according to the criteria of this title. Failure to submit a final plat within 24 months from the date of approval of the preliminary plat shall result in expiration of the approval of the partitioned submission and appertition. The manager may consult with the partitioner and any other person during the review and may require revisions to the final plat.
- C. The final partition plat shall include the information required is Section 16.12.130.
- D. Approval of a final partition plat shall be a routine administrative action. The city manager shall approve the final plat upon finding that the following criteria are satisfied.
1. The Public Works Director has determined the construction of any public improvements is substantially complete.
 2. The final plat and any supporting documents are in substantial conformity with the approved preliminary plan. Changes from the approved preliminary plan may be approved when the city manager finds that they are minor modifications.

3. Any conditions imposed by the city manager have been satisfied and/or assured through bonding agreement(s) or other performance guarantees.

E. The partitioner shall record the final plat with the clerk of Lincoln County within thirty (30) days of the date that the city manager signs the final plat. If not, the subdivider shall resubmit the final plat to the city manager who may require alterations in the final plat because of changes in the area of the partition.

Chapter 16.12 SUBDIVISIONS

Sections:

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16.12.160 Performance bond.

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16.12.010 Purpose.

The purpose of this chapter is to set forth the requirements and standards to be followed by the planning commission in reviewing preliminary and final plats of proposed subdivisions in order to ~~insure~~ensure compliance with the comprehensive land use plan and all other city ordinances.

16.12.020 Approval required.

No person shall subdivide land within the city without first obtaining approval of the planning commission in accordance with this title.

16.12.030 Preapplication conference.

- A. Any person proposing to divide land within the city shall file a letter of intent and a preliminary sketch of the proposal with the city manager. The letter of intent shall include:
 - 1. The location of the proposed subdivision by township, range, section number(s) and tax lot number(s);
 - 2. The proposed usage in the subdivision and the proposed lot sizes; and
 - 3. Any other information relevant to the proposal.
- B. The preliminary sketch shall be of sufficient detail to illustrate the proposed development and shall include the following:
 - 1. The boundaries of the proposed subdivision and a general layout of the size and number of lots;
 - 2. North arrow and scale of the drawing;
 - 3. The proposed name of the subdivision and the total acreage involved in the request; and
 - 4. The tentative layout of the proposed street system and the location of existing and proposed easements for access.
- C. Within one week of the receipt of the information submitted by the applicant, the city manager shall call a conference at which the manager or any other city official requested by the manager shall be present to review and discuss the proposal with the applicant. The purpose of this conference is to inform all parties of the proposal, discuss existing and potential problems, coordinate actions and evaluation, and in general to determine whether the proposal conforms to the city's comprehensive land use plan, applicable zoning ordinance standards, and any other applicable city ordinances. The parties shall discuss the following, if applicable: potential natural hazards, the presence of a dredged material disposal site, the presence of a restoration site, relevant engineering requirements and specifications, building code requirements, permits and fees.
- D. If the applicant fails to file a preliminary plat with the city manager within one year of the date of the conference, an additional conference to review the proposed subdivision will be required prior to the filing of the preliminary plat.

16.12.040 Filing preliminary plat.

- A. After the preapplication conference, an applicant shall then complete and file with the city manager an application on forms provided by the city and ~~ten-three~~ (403) copies of the preliminary plat, together with the improvement plans and other supplementary information required by this title. In addition, electronic versions of all submission shall be provided in a portable document format.
- B. The preliminary plat and plans and information shall be filed no less than ~~ten-thirty~~ (4030) days before the public hearing before the planning commission. The filing fee as set by the city council by resolution shall be paid in full at the time of filing.

16.12.050 Preliminary plat information.

The preliminary plat shall include or be accompanied by the following information:

- A. Proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the city;
- B. North point, scale (either one inch equals one hundred (100) feet or one inch equals fifty (50) feet) and date of completed drawing, approximate acreage and boundary lines;

- C. Appropriate identification clearly stating the map is a preliminary plat;
- D. Location of the subdivision by section, township, range, tax lot or lots and donation land claim;
- E. Location of at least one temporary ~~bench mark~~ benchmark within the plat boundaries;
- F. Contour lines related to the temporary ~~bench mark~~ benchmark and having ~~two-foot or five-foot~~ contour intervals specified at the preapplication conference;
- G. Names, addresses, ~~zip codes~~ email addresses, and phone numbers of ~~all the~~ owners, ~~subdividers-applicant~~, and engineers, ~~or~~ surveyors, and other consultants responsible for laying out the subdivision;
- H. A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services;
- I. Location, square footage and dimensions of all lots and the proposed lot numbers;
- J. Location, square footage and dimensions of areas proposed for public use;
- K. Sites, if any, allocated for a purpose other than single-family dwellings;
- L. Existing uses on the property, including location of all existing structures;
- M. Lots not intended for sale shall be designated and the intended usage and legal status of the lot shall be noted;
- N. Existing locations, widths and names of both opened and unopened streets within or adjacent to the subdivision, together with easements or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments;
- O. Location, width, name, approximate grade, and radii of curves of all proposed streets and the relationship of such streets to any projected or existing streets adjoining the proposed subdivision;
- P. Location, width and purpose of proposed easements of street access and private streets for private use and all reservations or restrictions relating to those easements and private streets;
- Q. Location of significant natural features such as rock outcroppings, marshes, wooded areas, isolated preservable trees and scenic views;
- R. Location and direction of all watercourses and bodies of water and the location of all areas subject to flooding;
- S. Location of all underground utility lines;
- T. A Traffic Impact Analysis, if required by the Public Works Department;
- U. Additional information as the city manager deems appropriate.

16.12.060 Supplementary information.

The applicant shall file the following information, if applicable, with the preliminary plat:

- A. A statement of the projected water and sewer needs of the subdivision and the proposed method of providing those services;
- B. The nature and type of improvements proposed for the subdivision, and a timetable for their installation;
- C. A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities;
- D. Where it has been determined at the preapplication conference that all or a portion of a proposed subdivision may be subject to unstable subsurface conditions, faults or other problems related to local geologic formation, a complete geologic study of the area shall be done by an independent geologist. The independent geologist's

report shall be required before any review of the preliminary plat by the planning commission. The fee for such study shall be paid by the subdivider;

- E. Where it has been determined that flooding problems exist on the land, a showing that the subdivider can and will comply with all of the applicable provisions of the city ordinances on flood control and prevention;
- F. A list of any restrictive covenants which are to be recorded;
- G. A proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must comply with all city ordinances and must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development;
- H. A statement that the proposed subdivision is not located in a designated dredged material disposal site or a mitigation site;
- I. If the financing of the subdivision is to be through the sale of bonds under the Bancroft Bonding Act in Oregon Revised Statutes Chapter 223, a statement setting forth the benefit to the city as a result of the proposed subdivision;
- J. A preliminary title report for the real property to be subdivided. If the applicant is not the owner of the property, evidence of the applicant's rights to the property that provide authority to submit the application.
- K. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted with the preliminary plat and shall contain the following information:
 - 1. Any potential future lots (lot size shall be depicted).
 - 2. Existing and proposed utilities including water, sewer and storm drains.
 - 3. Streets and access points for potential future lots.

16.12.070 Subdivision phasing.

- A. A subdivision may be platted in as many as three phases. All phases shall be designated on the preliminary ~~plan-plat~~ with time limitations not to exceed the following:
 - 1. Phase 1 shall be recorded not later than ~~one-two~~ years after preliminary plat approval;
 - 2. Phase 2 shall be recorded not later than ~~three-four~~ years after preliminary plat approval;
 - 3. Phase 3 shall be recorded not later than ~~five-six~~ years after preliminary plat approval.
- B. The planning commission shall review each phase before recording, and no phase shall be recorded before the commission grants its final approval. If any of the above time limitations are exceeded, the applicant shall reapply for preliminary plat approval and comply with the requirements of this title.
- C. Prior to approval of the final plat of any phase, the applicant shall demonstrate that each phase of the subdivision would be substantially and functionally self-contained and self-sustaining with regard to access, utilities, open spaces, and similar physical features; and be capable of substantial occupancy, operation, and maintenance should the subsequent phases of the subdivision not be developed.

16.12.080 Public hearing.

The planning commission shall hold at least one public hearing to review the application for a subdivision and all the accompanying documents. Notice to the public of the hearing shall be in accordance with the terms of ~~this~~ title 19. The commission shall schedule the hearing as soon as practicable but only after the completed application, preliminary plat, and all supplementary information have been filed.

16.12.090 Criteria for evaluation.

In reviewing preliminary plats, all of the following criteria shall be met before the planning commission may approve the proposed subdivision.

- A. The application is complete in accordance with this title;
- B. ~~All of the proposed lots conform to the minimum standards for lot designs as required by the city zoning ordinance.~~ The density standards of Section 16.04.050 have been met;
- C. The preliminary plat conforms with the city of Toledo comprehensive ~~land use~~ plan;
- D. The preliminary plat complies with the zoning ordinance and all other applicable city ordinances;
- E. The street design has received approval from the director of public works ~~department~~, and if a bond is required to be posted, the subdivider has agreed in writing to do so; and
- F. Each lot can be served with city sewer and water service and must be at the time of construction.
- G. The Transportation Impact Analysis, where required by the Public Works Department, has shown that traffic projected to be generated by the proposed subdivision will not result in the volume to capacity ratio of any intersection to exceed 0.95 or the Level of Service of any intersection or street segment to decrease to less than LOS D.
- H. Stub-end streets: where the potential exists for additional residential development on adjacent property.

16.12.100 Planning commission action.

- A. The planning commission is authorized to approve, conditionally approve or deny the application and shall take action within forty-five (45) days of the first public hearing on the application. The approval of the planning commission shall be binding upon the city and the subdivider for the purpose of preparing the final plat.
- B. Approval by the commission of the preliminary plat shall be valid for ~~twelve-twenty-four (2442)~~ months from the effective date of the approval. Unless an extension is granted under the terms of this title, that approval of the preliminary plat shall be void after the expiration of the ~~twelve-twenty-four (2442)~~ month period and the proposal for subdivision shall be resubmitted to the planning commission for consideration of the preliminary plat before the filing of a final plat.

16.12.110 Extensions of time.

The planning commission may grant one extension of time of up to twelve (12) months to the approval of the preliminary plat of a subdivision or to the time required to complete any phase of a subdivision. Upon the receipt of a written request for such an extension, the commission may grant the extension and may attach any conditions necessary for compliance with this title. The written request shall be filed with the city manager prior to the

termination of the original approval; otherwise, the commission's approval will be considered expired and the subdivider must reapply with the commission.

16.12.112 Submission and Approval Procedures for Construction Plans

A. Construction Plans Submittal Requirements.

1. Submittal Deadline. No later than eighteen (18) months from the effective date of approval of the preliminary plat for a major partition or subdivision the applicant shall submit three (3) sets of construction plans to the Public Works Department. The applicant shall also submit all construction plans and other required documents to the City in electronic form. Failure to submit construction plans within eighteen (18) months of the effective date of approval shall result in expiration of the approval.
2. Conformance to Preliminary Plat. The construction plans shall substantially conform to the preliminary plat as approved.
3. Preparation. All construction plans shall be prepared by a professional engineer registered with the State of Oregon.
4. Format. Construction plans shall be clearly and legibly drawn to a standard engineer's scale in a manner which allows all detail to be easily read. The overall size of construction plans shall be 22 inches by 34 inches. Construction plans consisting of more than one sheet shall be bound or stapled on the left side. The format shall meet requirements set forth in the Public Infrastructure Design Standards Manual.
5. Construction Plans Information. The construction plans shall be drawn in accordance with and contain the information specified in the Public Infrastructure Design Standards Manual.

B. Review and Approval of Construction Plans.

1. Approval of construction plans shall be a routine administrative action.
2. The Public Works Department shall issue a written acknowledgement indicating the date the construction plans and other required documents were received by the City.
3. The Public Works Director shall forward the construction plans and other required documents to the City Engineer for review and approval.
4. Within 14 days of submittal of the construction plans and other required documents, the City Engineer shall determine if the submittal is complete. If the City Engineer determines the submittal is incomplete, the applicant shall be notified in writing of the additional information that must be submitted in order for the Public Works Director to initiate City review of the submittal. Failure of the applicant to provide a complete application within 181 days of the original submission shall result in the construction plans and other required documents being considered withdrawn. City staff shall notify the applicant that the application is considered withdrawn.
5. Within 21 days of determining the submittal is complete, the City Engineer shall determine whether the construction plans and other required documents are in general conformance with the requirements of this Title, the Public Infrastructure Design Standards Manual, and any conditions of approval.
6. If any portion of the construction plans and other required documents are not in conformance with the required Public Infrastructure Design Standards Manual, the applicant shall be informed in writing of the necessary changes to bring them into conformity.
7. Once the City Engineer has determined that the construction plans and other required documents generally conform to the Public Infrastructure Design Standards Manual, the City Engineer shall notify the engineer of record who prepared the plans in writing that a specified number of copies of the approved

plans to be provided for City Engineer approval.

8. Upon City Engineer approval of the construction plans, the applicant shall obtain all necessary agency approvals and shall obtain all necessary permits prior to commencement of construction. Design and construction activities shall be in accordance with the requirements set forth in the Public Infrastructure Design Standards Manual.

16.12.120 Submission of final plat.

- A. ~~Within twelve twenty-four (1224) months after the effective date or a valid extension of approval of the preliminary plat, the~~ The subdivider shall have the subdivision surveyed and a plat drawn in accordance with the preliminary plat and the changes required by the planning commission. All owners and mortgagees of the subdivision and the engineer and surveyor responsible for laying out the subdivision shall approve and sign the final plat.
- B. The subdivider shall then file the final plat with the city manager within 24 months of the approval of the construction plans, who shall review it in light of the criteria of this title. ~~Failure to submit a final plat within two years from the date of approval of the construction plans shall result in expiration of the approval of the subdivision.~~ The manager may consult with the subdivider and any other person during the review and may suggest to the subdivider revisions to the final plat. ~~The manager shall submit the final plat, together with recommendations, to the planning commission at the next regularly scheduled meeting.~~

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16.12.130 Final plat information.

The final plat shall meet the Lincoln County Surveyor's Map Standards. The following information shall be shown on the final plat:

- A. The name of the subdivision, the date the plat was prepared, the scale, north point and legend;
- B. Legal description of the subdivision boundaries;
- C. Reference, by distance and bearings, to adjoining recorded surveys, if any and referenced to a field book or map as follows:
1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,
 2. Adjoining corners of adjoining subdivisions,
 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this title;
- D. Numbering of lots and blocks as follows:
1. Lot numbers beginning with the number "1" numbered consecutively in each block,
 2. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision;
- E. All dimensions shall be in feet and decimals of a foot, to the nearest one one-hundredth of a foot;
- F. Ties to any city, county or adjacent subdivisions' boundary lines;
- G. Square footage of each parcel and total acreage of the subdivision;
- H. All sites to be utilized for public purposes shall be clearly noted on the plat;

- I. Exact location and width of streets and easements of access intersecting the boundary of the subdivision;
- J. Subdivision block and lot boundary lines and street rights-of-way and centerlines with dimensions to the nearest one one-hundredth of a foot, bearings or deflection angles, radii, arch, points of curvature, chord bearings and distances and tangent bearings. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings;
- K. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated; L. Utility and private easements of access to public streets or roads denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;
- M. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed roads or along the edge of partial width roads on the boundary of the subdivision;
- N. Any conditions specified by the planning commission upon granting preliminary approval.

16.12.140 Supplementary information.

The subdivider shall supply to the city manager the following information with the final plat:

- A. A preliminary or supplementary title report for the property being subdivided, including the exceptions, if any, that will be imposed when the final plat is recorded;
- B. A copy of the restrictive covenants to be filed with the final plat;
- C. Improvement plans for the facilities to be constructed by the subdivider, including plans for drainage, sewer, water, curbs and gutters, sidewalks and streets, and any other construction plan that may be required. All such plans shall meet or exceed the specifications for construction adopted by the city;
- D. A deed or deeds, satisfactory to the commission, conveying all land to be dedicated for public use other than streets;
- E. A statement to be fixed to the final plat which offers for public dedication all streets, pedestrian and bicycle ways, private easements of access, other rights-of-way, drainage channels, watercourses and any other property intended for public use;
- F. A statement from the Lincoln County assessor concerning unpaid taxes on the property to be subdivided.

16.12.150 Agreement for improvements.

The subdivider shall improve or agree to improve lands dedicated for transportation facilities, drainage channels, private easements of access and other rights-of-way as a condition preceding the acceptance and approval of the final plat. Prior to the commission's certifying approval on the final plat, the subdivider shall either install all required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or shall execute and file with the commission an agreement between the subdivider and the city specifying the period within which all the required improvements and repairs shall be completed. The agreement shall provide that if all of the required work is not completed within the time specified, the city may complete the work and recover the full cost and expense from the subdivider. The subdivider shall also post a performance bond as required by this title.

16.12.160 Performance bond.

- A. A performance bond, pursuant to this section, is required with the executed agreement to complete the improvements and repairs within the subdivision. The subdivider shall file with the agreement one of the following to assure full and faithful performance:
1. A surety bond executed by a surety company authorized to transact business in the state of Oregon on a form approved by the city manager;
 2. Cash or a certified check in an amount fixed by the city manager; or
 3. Certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses and that the money will only be released upon authorization of the city manager.
- B. Such assurance of full and faithful performance shall be for a sum determined by the city manager as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance, including related engineering and inspection costs and may include an additional percentage as determined by the manager to cover any inflationary costs which may be incurred during the construction period.

16.12.170 Final plat approval and recording.

- A. Upon receipt of the final plat and all supplementary information and documents, the ~~planning commission~~city manager shall determine whether the final plat conforms to the preliminary plat, the conditions of approval, and the ordinances of the city. ~~If any changes are to be considered by the planning commission in the approved preliminary plat, the planning commission shall first hold a public hearing in accordance with this title.~~
- B. Approval of a final partition plat shall be a routine administrative action. The city manager shall approve the final plat upon finding that the following criteria are satisfied.
1. The Public Works Director has determined the construction of the public improvements is substantially complete.
 2. The final plat and any supporting documents are in substantial conformity with the approved preliminary plan. Changes from the approved preliminary plan may be approved when the city manager finds that they are minor modifications.
 3. Any conditions imposed by the planning commission have been satisfied and/or assured through bonding agreement(s) or other performance guarantees.
- ~~If the planning commission finds that the final plat conforms to the approved preliminary plat, the conditions of approval, and the requirements of all city ordinances, the final plat may be approved and submitted for the necessary signatures.~~
- C. Approval by the ~~planning commission~~city manager shall constitute acceptance by the public-city of the any dedication of ~~any street~~ on the plat and agreement by the city to maintain ~~that any dedicated right of way~~ street as a city street.
- C. The subdivider shall record the final plat with the clerk of Lincoln County within thirty (30) days of the date that the ~~last required signature to~~city manager signs the final plat ~~has been obtained~~. If not, the subdivider shall resubmit the final plat to the ~~planning commission~~city manager ~~which who~~ may require alterations in the final plat because of changes in the area of the subdivision.

Chapter 16.16 PLANNED DEVELOPMENT PROCEDURES

Sections:

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.

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 [and Section 19.24.030](#), 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.
- G. [A Transportation Impact Analysis, where required by the Public Works Department.](#)

H. Stub-end streets: where the potential exists for additional residential development on adjacent property.

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 and Section 19.16.030.

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~~ (240) 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. ~~F~~ire 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 shall~~ 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 Street~~ 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 except variations permitted by Section 16.16.080 above;
 - 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.

10. The Transportation Impact Analysis, where required by the Public Works Department, has shown that traffic projected to be generated by the proposed subdivision will not result in the volume to capacity ratio of any intersection to exceed 0.95 or the Level of Service of any intersection or street segment to decrease to less than LOS D.

- 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, or conditionally approve ~~or table any the application 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~~ Toledo's 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,
 - 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 Lincoln Ceounty 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.

Chapter 16.24 REPLATTING WITHIN SUBDIVISIONS AND PARTITIONS

Sections:

16.24.010 Purpose.

16.24.020 Approval required.

16.24.030 Major and minor replat application fees.

16.24.040 Major replats.

16.24.050 Minor replat application process.

16.24.060 Minor replat public hearing and notice.

16.24.070 Minor replat criteria for approval.

16.24.080 Planning commission action on a minor replat.

16.24.090 Recording approved minor replats.

16.24.010 Purpose.

The purpose of this chapter is to provide the planning commission with the authority and guidelines to review all major and minor replats.

16.24.020 Approval required.

No person shall replat land within the city by means of a replat without first obtaining the approval of ~~the planning commission~~ the city manager.

16.24.030 Major and minor replat application fees.

An application fee as set forth by resolution of the city council shall be paid in full at the time of filing of a replat request.

16.24.040 Major replats.

For a major replat, the application shall be reviewed and processed in accordance with the procedures for a subdivision as set forth in ~~the Toledo Municipal Code Title 16.12, subdivisions~~ chapter 16.12.

16.24.050 Minor replat application process.

- A. Replatting. Any plat or portion thereof and any group of adjacent parcels may be replatted upon receiving an application signed by all of the owners as appearing on the deed(s) and an application on forms provided by the city.
- B. Plan. For a minor replat, the applicant shall submit a plan with the application that includes the following information:
 - 1. Northpoint, scale and date of the completed plan, approximate acreage and boundary lines;
 - 2. Location of propert(ies) by section, township, range, tax lot(s) sufficient to define the location and boundaries of the replat;
 - 3. Contour lines or spot elevations at five foot intervals;
 - 4. Location, square footage, and dimensions of all lots to be replatted;
 - 5. Location, square footage, and dimensions of any sites allocated for a purpose other than residential;
 - 6. Existing uses on the property including location of all existing structures;
 - 7. Existing locations, widths and names of opened and unopened roads with or adjacent to the replatted areas, together with any easements or rights-of-way and other important features such as section lines, corners, city boundary lines, and monuments;
 - 8. Any proposed changes to existing utility easements;
 - 9. Notations indicating any limitations on rights-of-access to or from roads and lots or other parcels of land proposed by the applicant;
 - 10. Locations of significant natural features such as rock outcroppings, marshes, waterways, and/or wetlands.

For a replat resulting in one lot, #3 and #5 may be omitted by the city manager.

16.24.060 Minor replat public hearing and notice.

The planning commission shall hold at least one public hearing to review the application for a minor replat. Notice shall be given pursuant to the notification requirements of a subdivision request and shall include notice to any utility company and public agency affected by a proposed change in a utility easement.

16.24.070 Minor replat criteria for approval.

The following criteria must be met before the planning commission may approve the proposed minor replat:

- A. The application has been deemed complete by the city manager;
- B. The replat of land complies with applicable ordinances and public improvement design standards adopted by the city or the applicant has applied for and received an exception/variance from the applicable ordinance or standard;

- C. The applicant has demonstrated or the public works director has verified that each lot can be served by city sewer and city water and the city has the capacity to provide those services;
- D. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards;
- E. The replat of land will not affect a dredged material disposal site or a mitigation site as designated by the Toledo Comprehensive Land Use Plan;
- F. The replat of land will not result in any newly created parcels or lots which are entirely zoned for natural resources or which become one hundred (100) percent undevelopable due to the splitting off the buildable land unless the property is owned by the city of Toledo or other government agency;
- G. No public streets or roads are vacated by the replat; and
- H. No existing utility easement is changed where an objection in writing is filed by a utility company that desires to maintain the easement as it exists.

16.24.080 Planning commission action on a minor replat.

- A. The planning commission is authorized to approve, conditionally approve, or deny the application and shall take action within forty-five (45) days of the last public hearing on the application. Approval of an application shall be valid for twelve (12) months after the effective date of the approval for the applicant to complete the requirements of the replat.
- B. If the applicant requests an extension in writing before the expiration of the approval of the replat, the planning commission shall grant one extension of time for a period not to exceed one year to complete the requirements of the replat.
- C. Any required improvements shall be subject to the "improvements" and "performance bond" sections of the subdivisions chapter of Title 16

16.24.090 Recording approved minor replats.

- A. The replat shall be prepared in accordance with ORS Chapters 92 (Comprehensive Land Use Planning Coordination) and 209 (County Surveyor) by an Oregon licensed surveyor and conform to the plat standards established by the county surveyor.
- B. A copy of the recorded replat shall be provided to the city no later than sixty (60) days after recording.

Chapter 16.28 LOT LINE ADJUSTMENTS

Sections:

- 16.28.010 Purpose.
- 16.28.020 Submission requirements.
- 16.28.030 Approval process.
- 16.28.040 Approval criteria.
- 16.28.050 Minimum conditions.
- 16.28.060 Recording lot line adjustments.

16.28.070 Extension.

16.28.010 Purpose.

The purpose of this chapter is to provide rules, regulations, and standards governing the approval of lot line adjustments which involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots and which may includes the consolidation of lots. This chapter is intended to encourage efficient use of land resources, full utilization of urban services, and transportation options.

16.28.020 Submission requirements.

All applications for lot line adjustment shall be made on forms provided by the city. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation, existing fences and walls; and any other information deemed necessary by the city manager for ensuring compliance with city codes. A filing fee as set forth by resolution of the city council shall be paid in full at the time of filing.

16.28.030 Approval process.

- A. Decision-Making Process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Ordinance 1287 Chapter 19.08 using approval criteria contained in Section 16.28.040
- B. Time Limit on Approval. The lot line adjustment shall be effective for a period of one year from the date of approval, during which time it must be recorded.

16.28.040 Approval criteria.

The city manager shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

- A. No additional parcel or lot is created by the lot line adjustment; however, the number of lots or parcels may be reduced.
- B. Lot Standards. All lots and parcels comply with the applicable lot standards of the land use district including lot area and dimensions.
- C. Access. All lots and parcels comply with the standards or requirements of access and circulation.
- D. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district.
- E. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

16.28.050 Minimum conditions.

Approvals shall be subject to the following minimum conditions:

- A. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Lincoln County clerk's office.

- B. A certified boundary survey map that reflects the approved lot line adjustment shall be filed with Lincoln County. Prior to the filing of the survey map with Lincoln County, the map shall be reviewed by the city and signed by the city manager.
- C. Copies of the recorded deeds and filed survey map shall be provided to the city following recordation.

16.28.060 Recording lot line adjustments.

- A. Recording. Upon the city's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Lincoln County within one year of approval or the decision expires, and submit a copy of the recorded survey map to the city, to be filed with the approved application.
- B. Time Limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the city within fifteen (15) days of recording and prior to the issuance of any building permits on the re-configured lots.
- C. Lapsing of Approval. The lot line adjustment approval shall lapse if:
 - 1. The lot line adjustment is not recorded within the time limit of one year;
 - 2. The lot line adjustment has been improperly recorded with Lincoln County without the satisfactory completion of all conditions attached to the approval; or
 - 3. The final recording is a departure from the approved plan.

16.28.070 Extension.

The city shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

- A. No changes are made on the original plan as approved by the city;
- B. The applicant can show intent of recording the approved lot line adjustment within the one-year extension period; and
- C. There have been no changes in the applicable code or plan revisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied.

Chapter 16.30 ADJUSTMENTS ~~AND VARIANCES~~

Sections

16.30.010 Adjustment – Purpose.

16.30.020 Adjustment – Procedure.

16.30.030 Adjustment – Review criteria.

~~16.30.040 Variances – Purpose.~~

~~16.30.050 Variance – Procedure.~~

~~16.30.050 Regulations which may and may not be varied.~~

~~16.30.060 Variance – Review criteria.~~

~~16.30.070 Appeals of adjustment and variance decisions.~~

16.30.010 Adjustment – Purpose

The adjustment review process provides a mechanism by which the city manager may make limited modifications to the application of regulations in the development code. Adjustment reviews provide limited flexibility for unusual situations, while continuing to provide certainty and rapid processing for land use applications. Requests for changes from a numerical development standard of 10 percent or less of the standard are processed as “adjustments.” Requests for changes to standards which are not numeric or which are for more than 10 percent of the standard are processed as “variances.”

16.30.020 Adjustment – Procedure

Adjustment requests are processed through a Type II procedure using the review criteria listed in TMC 16.30.030 in addition to the applicable requirements contained in Chapter 19.12

16.30.030 Adjustment – Review Criteria

All adjustment requests will be approved if the city manager finds that the applicant has shown that the following criteria have been met:

1. The requested adjustment is for 10 percent or less of the numerical development standard;
2. The need for the requested adjustment is created by the configuration of an existing or proposed structure on the site;
3. The need for the requested adjustment is created by the configuration of the existing lot boundaries or topography of the site;
4. The design and operating characteristics of the proposed development are reasonably compatible with the placement of surrounding development and land uses, and any negative impacts have been sufficiently minimized; or
5. If more than one adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.

~~16.30.040 Variances – Purpose~~

~~This section provides standards and procedures for variances, which are modifications to the development standards in Title 16 of this code that are not otherwise permitted elsewhere in this code as exceptions to code standards. This code cannot provide standards to fit every potential development situation. The city’s varied geography and complexities of land development require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the code. The variance procedure provides relief from specific code provisions in Title 16 when they have the unintended effect of preventing reasonable development that is in conformance with all other codes. The variance procedure is intended to provide flexibility while ensuring that the purpose of each development standard is met. Variances are necessary when the applicant requests a deviation from numerical standards of more than 10 percent or a variance from non-numerical development standards.~~

16.30.050 Variance—Procedure

A variance is processed as a Type III procedure using the review criteria listed in TMC 16.30.070 in addition to the applicable procedures contained in Chapter 19.16.

16.30.060 Regulations which may and may not be varied

~~A. Unless listed in subsection (B) of this section, all regulations in this code may be modified using the variance process.~~

~~B. Variances are prohibited for the following items:~~

- ~~— 1. As an exception to any restrictions on uses or development which contain the word “prohibited.”~~
- ~~2. As an exception to a threshold for a review, such as the characteristics that would distinguish a minor partition from a major partition or subdivision.~~
- ~~4. As an exception to a definition or classification.~~
- ~~5. As an exception to the procedural steps of a procedure or to change assigned procedures.~~

16.30.070 Variance—Review Criteria

The Planning Commission may approve an application for a variance if the applicant has shown that all of the following criteria have been met:

- ~~A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;~~
- ~~B. A hardship to development exists that is peculiar to the lot size or shape, topography, pre-existing structure(s), wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;~~
- ~~C. The development proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;~~
- ~~D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;~~
- ~~E. The hardship is not self-imposed; and~~
- ~~F. The variance request is the minimum variance that would alleviate the hardship.~~

16.30.080 Appeals of Adjustment and Variance Decisions

Appeals of adjustment and variance decisions shall be processed in accordance with the provisions of Chapter 19, as applicable.

16.30.090 Time limit on approval of a variance

- A. ~~Except as provided in subsection B of this section, authorization of a variance shall be void after one year if the installation of any required improvements have not been completed and the final plat has not been recorded.~~
- B. ~~The authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.~~

Chapter 16.32 LEGAL FRAMEWORK

Sections:

- 16.32.010 Enforcement.
- 16.32.020 Interpretation.
- 16.32.030 Severability.
- 16.32.040 Penalty.

16.32.010 Enforcement.

The city manager shall have the power and duty to enforce the provisions of ~~the ordinance codified in~~ this chapter.

16.32.020 Interpretation.

The provisions of this chapter shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions, of this chapter or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

16.32.030 Severability.

The provisions of ~~the ordinance codified in~~ this chapter are hereby declared to be severable. If any section, sentence, clause, or phrase of the ordinance codified in this chapter is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

16.32.040 Penalty.

A person violating a provision of ~~the ordinance codified in~~ this chapter shall be punished upon conviction by a civil penalty as a Class A infraction. This remedy is not intended to be exclusive and the city of Toledo may pursue any other remedy available to it by law.

Title 19 – Land Use Procedures.

Partition	Type III	Chapter 16.08
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