

TOLEDO PLANNING COMMISSION MINUTES

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

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

VISITORS: Tracy Mix

APPROVAL OF THE JANUARY 8, 2025, MINUTES:

It was moved and seconded (Dyson/Learned-Ellis) to approve the January 8, 2025, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Warfield abstaining and noting the absence of Sutherland.

WORKSESSION: LAND DIVISION CODE AND HOUSE BILL 3395 UPDATES:

CP Peterson provided updates on both projects. After meeting with Oregon Department of Land Conservation and Development (DLCD), staff made some modifications based on DLCD's review of the proposed updates, summarized below.

- The newly proposed "Religious Owned" section was removed, based on DLCD's recommendation. The City will still need to comply with State requirements on the issue, but the language does not have to be listed in the development code. The City will reference the ORS section and follow the criteria provided in the statute. The standards may also be revised by the State during this legislative session.
- The land division code will include the missing middle housing section. This is the expedited land division process that developers could utilize if their project meets the missing middle standards established by the State. An example diagram was drawn for Commissioners to see how a lot could be partitioned in order for construction of a duplex. For Toledo, a duplex will address the missing middle housing needs. Duplexes are allowed on any residential lot that allows a single-family unit. Conversion of an existing single-family home could be allowed and an accessory dwelling unit (ADU) can be added. Any conversion or new dwelling unit would still have to meet building code requirements. Existing ADU standards were reviewed.
- Partition applications will be moved from a Type 3 process to a Type 2 process. Additional legal review is needed, but DLCD recommended that the City move subdivisions to a Type 2 process as well. Staff recommends that subdivisions remain a Type 3 process and keep the Planning Commission review. If it has to be moved to a Type 2 because of legal reasons, this section may also be updated.
- Planned Unit Developments would continue as a Type 3 review process with a Planning Commission hearing.
- The City needs to move away from standards that are not considered clear and objective. Any discretionary standard should be updated to a measurable standard or provide an alternative option.

CP Peterson reported that updates have been posted to the City's website and draft changes can be

reviewed online. He hopes to schedule a joint worksession with the City Council and Planning Commission in March. Hearings are expected to begin in April and May.

DISCUSSION ITEMS: Updates and Reports:

CP Peterson reviewed the parks master plan grant project. The grant agreement was signed, but a consultant has not been selected. The parks planning project will be the next item to prepare and additional information can be presented at the March worksession.

A security fence has been installed around the 1103 NW A Street structure during construction. The project is taking longer to complete. The Code Enforcement Officer contacted the owner and a fence was installed within days.

In response to President Warfield's inquiry, City Councilor Tracy Mix reported that the City's renovation project for the new police building had slowed down for a while. The contractor had health issues, but the crew is back at the site. The completion date is uncertain on the exterior project. Councilor Mix also reviewed recent concerns with the City Hall building and the discovery of contamination in the parking lot. Air testing inside and outside of the building continues.

CP Peterson provided an update on the FEMA floodplain development standards that were recently adopted. He reported FEMA required Oregon cities and counties to adopt one of three options to address the FEMA BiOp settlement case. The City Council chose a forth option, to require the developer to prepare a 'no-take' option where a biologist demonstrates that the development will not take (harm) habitat. No floodplain permits have been submitted since the adoption of the code amendment in December. Councilor Mix reported that FEMA placed the City under the default option that requires a permit-by-permit assessment for each application. This puts the burden on property owners and developers. If the City does not participate, citizens lose the ability to obtain FEMA flood insurance. The BiOp came from a lawsuit around 2017 because of fish habitat.

STAFF COMMENTS:

None.

COMMISSIONER COMMENTS:

Commissioner Mix asked Commissioners if the summer meeting hours of 6:30 pm can begin in April. After discussion, it was moved and seconded (Mix/Morris) to begin Planning Commission meetings at 6:30 pm, starting in April and through October. The **motion passed** unanimously, noting the absence of Sutherland.

CP Peterson reported a Planning Commission/City Council joint worksession has been proposed for March 12th, however, a time has not been determined yet.

Commissioner Mix would like to provide a fire presentation to the Planning Commission in April.

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

Planning Assistant

President