

TOLEDO PLANNING COMMISSION AND CITY COUNCIL
MINUTES OF THE JOINT WORKSESSION

The City of Toledo Planning Commission/City Council joint worksession was called to order at 6:05 pm by Planning Commission Vice President Brian Lundgren.

City Councilors present: Mayor Rod Cross, Kim Bush, Tracy Mix, Frank Silvia, Jackie Burns, and Andrew Keating. Excused was Jackie Kauffman.

Planning Commissioners present: Vice President Brian Lundgren, Anne Learned-Ellis, Jonathan Mix, and Dennis Sutherland. Excused were President Cora Warfield, Ricky Dyson, and Ruthanne Morris.

Staff present: Contract Planner Justin Peterson, Interim City Manager David Clyne, City Attorney Mike Adams, Police Chief Mike Pace, and Planning Assistant Arlene Inukai.

VISITORS: John Robinson asked about the proposed Commercial Residential Overlay District and noted that he recently built a four-plex in the proposed district. He believes that if vacant lots are under this designation, they will only build single-family homes and properties will not be built out to the highest use. He expressed opposition only to new single-family homes and encouraged the construction of multi-family residential use on the vacant properties. He expressed appreciation with the Planning Commission and CP Peterson's work on this project and moving the housing goals forward.

DISCUSSION AND INFORMATION: Land Division Code Project and Housing Code/HB 3395 Project Review:

CP Peterson reviewed the memorandum provided in the packet, highlighting the code updates that have occurred in recent years. He provided a PowerPoint presentation to review the current project background and proposed updates to the zoning code and land division code, summarized below.

- The current project is funded by a DLCD grant to provide the housing code updates.
- The group discussed the two residential zone terms and that the "Single-Family" term is proposed to become "Standard" Residential Zone.
- Reviewed building permit data and the figures/findings from the recently adopted Housing Capacity Analysis.
- New definitions are added for "Middle Housing" units. This is identified as duplex to six-plex residential units.
- The term "family" will be removed from the definitions and the zoning code will work away from using the term. Where "family" is used, the new term will become "unit".
- The code will include modular and pre-fabricated homes in the dwelling unit definition.
- "Single Room Occupancy" would be added to the residential zones. This is a case that allows the owner to rent a room within the existing home and they share kitchen and common spaces. This use is already occurring, but the code provides the language that it is allowed outright.
- "Babysitting" definition will be removed. Child care facilities are still defined. Discussion

was held on informal child care and licensing exemptions for informal/in-home care. The zoning code does not prohibit this traditional type of friend/family child care, but the code is moving away from the term “babysitting”. The State has also been reviewing child care uses and there may be some modifications that could be coming from the State in the future.

- Sign standards will be expanded in the residential zones to allow identifying signs for subdivisions or a multi-unit dwellings.
- ADA ramps would be allowed to encroach into the front yard setback area.
- Design standards for residential homes would be removed from the residential zone section. Several of the listed design standards are already included within the building codes.
- Provide a clear path of development standards to rebuild a residential unit that was approved as a Conditional Use and then a discretionary path for a rebuild that would go through the traditional Conditional Use permit process.
- Non-conforming uses were discussed and how they can be rebuilt or repaired if destroyed.
- Proposing a small reduction to the existing Commercial Zone setback standard.
- A new section was created for “Commercial Residential Overlay” in the Commercial Zone. This is a mapped area along NE Beech Street, Bus. Highway 20, and NE Alder Street. The mapped area contains existing residential homes that are considered non-conforming in the Commercial Zone. The newly proposed overlay would allow single or multi-unit as an outright use. This could be discussed further based on the comments presented by John Robinson earlier in the meeting. Discussion was held on other areas in Toledo that the overlay district could benefit. The group discussed a recent fill project occurring at the Toledo Industrial Park area, wetland areas, and FEMA floodplain regulations. Mr. Robinson expressed concerns that the vacant lots in the overlay district will be used up for single-family construction and the City will lose the middle housing goal. It was suggested that if lots are larger, there should be multi-family use development or provide incentives to encourage this type of construction. This would also include rebuilding options. The district overlay could have a density standard. Mr. Robinson complemented the City of Toledo in taking a proactive stance on the issues and appreciates staff’s work with providing a good proposal.
- Minimum parking spaces were reduced, partly due to the State’s new requirement for two spaces for a duplex and there is a proposal to reduce several uses by a fraction of a space. Developers can add more parking spaces to their projects. Parking standards and parking dimensions were reviewed. There was discussion on the impacts, including safety concerns, that neighborhoods will experience if off-street parking requirement are reduced.
- Extending the approval period on a Conditional Use permit has been proposed. Currently, the developer has one year to begin the project/submit a building permit or must ask the Planning Commission for an extension to their approved permit. The new proposal changes the original deadline to two years to begin the project and it could still be extended by the Planning Commission for one year. This would change the total time period from two to three years to begin construction on the approved Conditional Use permit.
- Update the noticing procedures to follow State standards to send DLCD notice 35 days before the first public hearing. The City’s procedure require the notice to be sent 45 days before the public hearing. Reducing the time period matches State law.
- A non-conforming house could be allowed to rebuild within two years if destroyed.
- HB 3395 requirements were reviewed. The City already allows duplexes in the R-S zone. Some HB items can be addressed by including a reference to the ORS sections, as some of the items are most likely to occur in large cities. The bill also addresses the 120-day rule and condominium standards. Part of the City’s funding for the code update project comes from a

- grant to address HB 3395 requirements and the City has to be in compliance with HB 3395.
- The land division code has the following proposed updates to comply with new State laws and the goal is to provide clear and objective standards:
 - Definitions updated.
 - General standards modified to allow joint use driveways and clean-up the flag lot standards.
 - Density standards simplified.
 - Public design standards section added.
 - Partitions would move from a Type III to a Type II land use decision.
 - Subdivisions may also be moved to a Type II decision, but more research is needed on this item.
 - Bikeway and natural hazard standards should be updated.
 - Subdivision phasing and timeline section updated.
 - Traffic impact analysis language added.
 - Expedited land division updated to meet ORS and missing middle division of land section was created to provide the development route for duplex lot creation.
 - Minor replat would become a Type II land use decision.
 - Driveway specification language may need to be updated if the driveway is in the floodplain.

The goal is to send the hearing notices in the next few weeks and to begin the public hearings in April. Public hearings will take the next couple of months.

DISCUSSION AND INFORMATION: Parks Master Plan:

CP Peterson reported that the Oregon Parks and Recreation grant agreement has been signed. The next step in the project is to go out for consultants. It is expected that the project will begin this summer. It was also suggested that the City reach out to the schools and to contact the students that had a list of recommendations for the parks.

CITY COUNCILOR AND PLANNING COMMISSIONER COMMENTS:

City Councilors thanked the Planning Commission for the work completed.

Mayor Cross asked about the new bill under State review that will reduce the time period for building permit review. The City performs a zoning, public works, and fire code review and can expect anywhere between two weeks to two months for review. After the City's review it will then go to Lincoln County Building Division for building code review.

STAFF COMMENTS:

None.

There being no further business before the Commission, the meeting was adjourned at 7:45 pm.

Planning Assistant

Planning Commission Vice President