CITY OF TOLEDO **AGENDA**

City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Work Session – also via Zoom Meeting Platform
July 26, 2023

Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. Call to Order, Pledge of Allegiance and roll call

2. Visitors/Public Comment
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).

3. Consent Agenda
Minutes from the work session held April 26, 2023 and the special meeting held April 28, 2023

4. Discussion Items
There are no items for consideration

5. Decision Items
- Resolution No.1529, A Resolution authorizing staff to apply for a Housing grant from Department of Land Conservation and Development
- Ordinance No. 1414 an ordinance amending Toledo Municipal Code, Section 8.20.030
- Consideration of permit applications to consume alcohol in public places

6. Reports and Comments
- Committee updates

7. Adjournment

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247. Page 1

TOLEDO CITY COUNCIL
WORK SESSION
April 26, 2023

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
X		Councilor Wade Carey
		Vacant

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, Public Works Director (PWD) Bill Zuspan, Police Chief (PC) Michael Pace, Library Director (LD), Deborah Trusty, City Attorney (CA) Mike Adams, Community Outreach Specialist (CO) Katy Keuter

2. VISITORS/PUBLIC COMMENT

There were no comments.

3. DISCUSSION ITEMS

Water and Sewer Rate Study

CM Richter referenced the Rate Study included in the council packet. She implied regardless of when the study was conducted, it is important to consider increases more-so now due to inflation. She noted the Council implemented a 7% increase. The Council recalled their intent was to increase the rate by 3.5% every other year.

Street light utility fee

The Council noted the possibility of swapping the $5 back to the street light utility fee. CM Richter said there is approximately 1300 accounts and if $5 went back to the street light utility fee, it would generate about $6,500 a month or close to $78,000 annually. There was discussion about the Council considering the emergency stand by rate as well. After further discussion, the Council opted to wait to see the proposed budget next week and asked staff to bring a resolution for the water rates, sewer rates and the street utility fee back next week for consideration.

4. DECISION ITEMS

Resolution No. 1511, a resolution adopting a Contributions Policy

CR Figueroa presented the council report and referenced the materials included in the packet. She indicated upon review of the In Kind and Enhancement Policy, there have been several changes since its implementation, however there was never a formal adoption of the process by resolution. She said this resolution would formalize the policy. She reviewed the changes in the proposed policy, such as the increased funding to 30% (per request of the Council), the application and grant cycle process and the terms of the committee members. She noted one change that was not included, which would be to require applicants to state in their correspondence their program was partially funded by the City of Toledo. She requested the Council approve the policy with that amendment.

Motion – It was moved and seconded (Bush/Kauffman) to adopt Resolution No. 1511, a resolution adopting a Contributions Policy to provide funding in support of local social service or civic organizations that provide direct services to citizens as amended and repealing Resolution No 857 and the motion carried unanimously.

5. REPORTS AND COMMENTS

LD Trusty provided an update to the Council on the Library's recent activities. She noted there was a presentation by Central Lincoln PUD and they were very informative. She said Assistant Library Director Harrison Baker recently made a presentation to the Oregon Library Association.

CO Katy Keuter reported the City received a $10,000 for Art Toledo to install a sensory mural. The Council inquired whether a sensory mural could include sound. Ms. Keuter said most sensory murals she found have been installed inside and she has not seen many with sounds included.

CM Richter said she has been involved in the budget for review next week and then will be on vacation for a week.

Councilor Bush commented on the Spring Conference she attended hosted by the League of Oregon Cities and said she learned a lot of useful information.

Mayor Cross indicated the Coastal Mayors discussed creating a Coastal Mayors Caucus because the needs on the coast are vastly different from the needs of other cities in the state.

6. ADJOURNMENT

The work session adjourned at 7:30 p.m.

Approve: Attest:

_____ _____

Mayor Rod Cross City Recorder Lisa Figueroa

DRAFT

TOLEDO CITY COUNCIL
SPECIAL MEETING
April 28, 2023

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
	X	Councilor Wade Carey
		Vacant

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa

Councilor Wade Carey arrived at 4:05 p.m.

2. DECISION ITEMS

Approve materials for the City Manager recruitment

CR Figueroa provided the council report and noted the items included in the packet. She noted staff requests Council review and approve the recruitment materials and to provide clarification in regards to travel reimbursements for potential candidates and the number of experience years the Council is seeking. The Council expressed concern in reimbursing travel expenses for out of state candidates, but did not object to mileage. Stacey Marple from Lane County Council of Governments addressed the Council. After further discussion, a consensus of the Council agreed to reimburse mileage for in-state candidates, out of state travel reimbursements would be negotiable and at minimum they would require three years of city experience, with an equivalency statement.

Motion – It was moved and seconded (Kamikawa/Mix) to approve the recruitment materials for the City Manager job posting as amended and the motion carried unanimously.

Motion – It was moved and seconded (Kamikawa/Kauffman) to approve mileage travel reimbursements any candidates that are interviewed and to consider other reimbursements as part of the hiring package for the new City Manager.

There was discussion on whether the mileage reimbursement would be in-state only.

Mayor Cross proposed an amended motion to reimburse mileage for interviews and consider any other reimbursements as part of the hiring package for the new City Manager and the motion carried unanimously.

Councilor Kamikawa withdrew her motion.

DRAFT

Motion – It was moved and seconded (Kamikawa/Kauffman) to approve mileage reimbursements for candidates who interview and consider any other reimbursements as part of the hiring package for the new City Manager and the motion carried five to one with Councilor Carey in opposition.

3. ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Approve:	Attest:
_____	_____
Mayor Rod Cross	City Recorder Lisa Figueroa

DRAFT

CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	July 26, 2023	Resolution No.1529, A Resolution authorizing staff to apply for a Housing grant from Department of Land Conservation and Development
Council Goal:	**Agenda Type:**	
Not Applicable	Decision Items	
Prepared by:	**Reviewed by:**	**Approved by:**
Contract Planner J. Peterson	City Manager Judy Richter	City Manager Judy Richter

Recommendation:
Motion to approve Resolution No 1529, A Resolution authorizing Staff to apply for the Housing grant from the Department of Land Conservation and Development (DLCD) for development code updates to Title 16.

Background:
The City of Toledo worked diligently to update the Accessory Dwelling Unit chapter to meeting the standards in House Bill (HB) 2001. In addition, the City moved forward with housing code updates that further support the goals of HB 2001's middle housing objectives. The updates included allowing duplexes outright, reducing minimum lot sizes, allowing cottage clusters, and other housing supportive updates. The City of Toledo was not required to make these updates; however, the City Council has made housing a high priority and the proposed project addresses City Council's housing goal. In addition, the City recently completed a Housing Capacity Analysis that outlined the future policy work for Toledo.

The next practical step is to update Title 16 the Partition and Subdivision standards which have not been updated since 2004.

Staff anticipates the update process occurring in 2024.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	**2023-2024**	**N/A**

Attachment:
1. Draft Grant Application
2. Resolution No. 1529

Department of Land Conservation and Development
2023-25 HOUSING PLANNING ASSISTANCE APPLICATION

Please complete each section in the form below. Fill out the requested information in the spaces provided. **For applicants requesting multiple services, submit a separate form for each. Submit completed applications by COB July 31, 2023**.

Date of Application: 7/28/23

Applicant: City of Toledo (OCWCOG)
If applying on behalf of a jurisdiction or pursuing a joint project, please also include the recipient jurisdiction name(s)

Street Address: 206 N Main Street
City: Toledo
Zip: 97391

Contact name and title: Justin Peterson, Contract Planner

Contact e-mail address: jpeterson@ocwcog.org

Contact phone number: 541-336-2247

Requested Service:

	Direct Grant (& budget estimate)	DLCD-Provided Consultant
Housing Planning Assistance Projects		
Development Code Amendment	☑ | $ 25,000	☐
Housing Capacity Analysis (HCA)[1]	☐ | $	☐
Housing Production Strategy (HPS)	☐ | $	☐
Housing Implementation Plan (not an HCA or HPS)	☐ | $	☐
Urbanization Planning Assistance Projects		
Urban Growth Boundary Land Exchange	☐ | $	☐
Urban Growth Boundary Amendment[2]	☐ | $	☐
Urban Reserves	☐ | $	☐
Public Facilities Area Plan	☐ | $	☐

*1. **DLCD does not recommend commencing a housing capacity analysis in the 2023-25 biennium** as administrative rules will be updated by January 1, 2025, consistent with House Bill 2001 (2023 Session). If your city has an upcoming HCA deadline, please contact the housing team at housing.dlcd@dlcd.oregon.gov*
2. A UGB amendment requires a land deficiency identified in a Housing Capacity Analysis (HCA).

Project Title:

Partition and Subdivision (Title 16) Update

Project Summary: (Summarize the project and products in 50 words or fewer)

The City of Toledo last updated the Subdivision and Partition standards in 2004. The proposed updates will streamline the process.

Project Description & Work Program

Please carefully review the attached Sample Work Program. The work programs included represent typical tasks and work products associated with common project types. If you expect the project to be substantially similar (i.e. there may be minor variations, but major project deliverables align with applicant expectations) to the scope included in the Sample Work Program, the applicant does not need to submit a work plan.

However, if the applicant anticipates a proposal for a project that is substantially different from the projects included in the Sample Work Program, please include an attachment detailing the proposed project, addressing each of the following in an attachment. *Applicants proposing distinct or unique projects are expected to submit detailed proposals that specify the work tasks, products, and timelines unique to their proposal. Priority will be given to proposals that provide well-defined tasks, products, and timelines.*

Is this project expected to be similar to the attached Sample Work Program? Yes ☐ No ☑

If "yes", please skip to the "Tasks, Timelines, and Budget" section below. If "no", please attach a detailed work program including the following.

A. Goals and Objectives. The purpose of housing planning assistance projects is outlined in the attached Sample Work Program. Please state the goals or overall purpose of the project. Describe particular objective(s) the community hopes to accomplish. Please indicate whether this is a stand-alone project or is part of a longer multi-year program. If it is the latter, describe any previous work completed, subsequent phases and expected results, and how work beyond this project will be funded.

B. Products and Outcomes. Please describe the product(s) and outcome(s) expected from the proposed project in detail, including a brief description of any anticipated significant effect the project would have on development, livability, regulatory streamlining, and compliance with state/federal requirements, equitable socioeconomic benefits, or other relevant factors.

C. Work Program, Timeline & Payment. Please include a comprehensive work program describing the specific tasks, timelines, expected budget, and deliverables. Public engagement is a necessary component of any planning process but may be tailored to fit the project context. Some projects, such as code amendment or technical projects, may not require extensive engagement in comparison to major projects with substantial local policy impacts. If other changes are necessary, please consult with your Regional Representative.

Tasks, Timelines, and Budget

List and describe the major tasks, including:

- The title of the task;
- Anticipated timeline for each task, including the tentative start date after the grant agreement or consultant contract is executed, task completion dates, and project completion date. Note that all tasks must be completed before the end of the biennium. We request that project timelines conclude no later than May 31, 2025;
- For direct grant projects, anticipated budget for the task; and
- Expected local contribution, including budget, staff time, and resources.

Important Planning Assistance Dates

Date	Planning Assistance Milestone
June 1, 2023	Application period opens; materials distributed
June 5, 2023 | 10:30a – 12p	Open Forum for follow-up question & answer Zoom link | Meeting ID: 265 799 1542 | Passcode: 664570
July 31, 2023	Application period closes; materials submittal deadline
September 1, 2023	Anticipated funding decision; award notices sent
October – November 2023	Direct grant agreements anticipated execution
November – December 2023	Consultant contract anticipated execution
May 31, 2025	Project completion deadline

Task	Title	Timeline (Month, Year)	Estimated Budget*	Local Contribution
1	Project Kick-off and Management	Jan to Feb	$ 2,500	$ 0
2	Code Audit and Code Concepts	Feb to April	$ 2,500	$ 0
3	Draft Code Update	April to July	$ 10,000	$ 5,000
4	Final Code Update	July to Oct	$ 5,000	$ 0
5	Adoption	Nov to Dec	$ 5,000	$ 0
6		to	$	$
7		to	$	$
8		to	$	$
TOTAL		Jan **to** Dec	**$** 25,000	**$** 5,000

** Budget estimates are only required for Direct Grant requests. Applicants requesting DLCD-provided consultants can leave this field blank.*

If the project is part of a multi-year program, provide an overview of the expected timelines in sequence of expected start dates and completion date for each phase and describe subsequent phases to be completed.

Project Criteria and Additional Information

1. **Evaluation Criteria.** Include a statement that addresses the program priorities and evaluation criteria presented in the application instructions ("Eligible Projects and Evaluation Criteria").

   Criteria 1 - see the attached materials

2. **Project Partners.** List any other public or private entities that will participate in the project, including federal and state agencies, council of governments, city and county governments, and special districts. Briefly describe the role of each (*e.g.*, will perform work under the grant; will advise; will contribute information or services, etc.). If the project includes multiple jurisdictions, briefly describe the capacity and support of those jurisdictions to support and participate in the project.

   Oregon Cascades West Council of Governments, DLCD

3. **Advisory Committees.** List any advisory committee or other committees that will participate in the project.

   The Planning Commission will serve as the Advisory Committee

4. **Cost-Sharing and Local Contribution.** DLCD funds may comprise a portion of overall project costs; if so, please identify sources and amounts of other funds, staff time, or services that will contribute to the project's success. Cost-sharing (match) is not required but recommended. **Will a consultant be retained to assist in completing grant products?** Yes ☐ No ☑
   Will you be utilizing this funding to dedicate your own staff resources in completing grant products? Yes ☑ No ☐

Local Official Support

The application ***must include a resolution or letter from the governing body*** of the city or county demonstrating support for the project. If the applicant is a regional entity proposing a joint project including multiple local governments, a letter from the local government governing body or administrator with authorization to execute intergovernmental agreements supporting the application may be included in lieu of a resolution. The letter of support may be received by DLCD after the application submittal deadline, but it must be received before planning assistance is awarded.

Submit your application electronically with all required information to:

Ethan Stuckmayer, Housing Program Division Manager
E-mail: DLCD.GFGrant@dlcd.oregon.gov

Please note that we will not be accepting applications by mail. If your jurisdiction requires special accommodations, please reach out to a Grant Program Contact as soon as possible.

If you have questions about the Housing Planning program or projects funded by this round of planning assistance, please contact:

DLCD Housing Team
Housing.dlcd@dlcd.oregon.gov

If you have questions about the Grant Program or application process, please contact:

Angela Williamson, Grants and Periodic Review Administrative Specialist
DLCD.GFGrant@dlcd.oregon.gov or (971) 239-2901

For all correspondence, please include the appropriate Regional Representative.

Mid-Willamette Valley	Melissa Ahrens	melissa.ahrens@dlcd.oregon.gov
Central Oregon	Angie Brewer	angie.brewer@dlcd.oregon.gov
North Coast & Lower Columbia	Brett Estes	brett.estes@dlcd.oregon.gov
Eastern Oregon	Dawn Hert	dawn.hert@dlcd.oregon.gov
Portland Metro (West)	Laura Kelly	laura.kelly@dlcd.oregon.gov
Southern Oregon	Josh LeBombard	josh.lebombard@dlcd.oregon.gov
Portland Metro (East)	Kelly Reid	kelly.reid@dlcd.oregon.gov
South Coast	Hui Rodomsky	hui.rodomsky@dlcd.oregon.gov
South Willamette Valley	Patrick Wingard	patrick.wingard@dlcd.oregon.gov

APPLICATION DEADLINE: July 31, 2023

City of Toledo Planning Assistance Title 16 Development Code Update – Direct Grant – Narrative Attachment

A. Goals and Objectives.

The purpose of this Project is to prepare a hearings-ready development code, Title 16 Subdivisions, to comply with housing-related statutes and facilitate housing production, affordability, and choice. The overall objective is to streamline and improve the subdivision and partition process to support housing development in Toledo. The work may include other minor updates to relevant sections in Title 17 or 19.

B. Products and Outcomes.

The City of Toledo worked diligently to update the ADU chapter to meeting the standards in HB 2001. In addition, the city moved forward with housing code updates that further support the goals of HB 2001's Middle Housing objectives. The updates included allowing duplexes outright, reducing minimum lot sizes, allowing cottage clusters, and other housing supportive updates. The City of Toledo was not required to make these updates; however, the City Council has made housing a high priority and the proposed project addresses City Council's housing goal. In addition, the City recently completed a Housing Capacity Analysis (HCA) that outlined the future policy work for Toledo.

The City of Toledo Partition and Subdivision standards have not been updated since 2004 and changes to these sections may be beneficial with a better understanding of the lots available for development. Updated partition and subdivision standards will lead to efficient development and use of the land available for development. Updates are expected to include but not limited to adopting clear and objective criteria, making Partitions a Type II approval instead of a Type III, allowing greater flexibility in shape for lots impacted by steep slopes, allowing access easements, updating the design requirements, and any other updates required by state statute.

C. Work Program, Timeline & Payment.

Task 1: Project Kick-Off and Management

Timeline: January – February

Estimated Cost: $2,500

OCWCOG provides existing planning services to the City of Toledo and is familiar with many of the challenges with Title 16. OCWCOG will verify the action items identified through this initial conference call with the Local Government and will develop and share a proposed schedule for

the actions required for the completion of all tasks. The level of detail required for the proposed project schedule should be determined by mutual agreement by the Local Government and the OCWCOG.

OCWCOG will have monthly check-ins with the City to discuss major project milestones and work products, address questions, and identify follow-up actions.

Task 1 OCWCOG Deliverables:

- Summary of major tasks and action items for the Project
- Proposed Project schedule

Task 1 Local Government Deliverables:
- Copy of relevant comprehensive plan and code sections, or other relevant City data or documents

Task 2: Code Audit and Code Concepts

Estimated Cost: $2,500

Timeline: February – April

A preliminary review has already been completed. OCWCOG will review the zoning ordinance, and other land development documents and regulations (if any) to identify legal or policy issues related to residential development. This will include, but is not limited to, the OCWCOG determining whether the comprehensive plan and zoning code contains:

- Standards permitting the development of housing in compliance with applicable statutes and Administrative Rules (OAR Chapter 660)
- A clear and objective path for approval of residential development
- Standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay
- Criteria or procedures related to housing that may stymie production.

Local Government will schedule and provide notice and an agenda for a Planning Commission meeting to present findings and recommendations of the code review. OCWCOG will coordinate with Local Government on meeting arrangements and facilitate the Planning Commission meetings.

Task 2 OCWCOG Deliverable:
- Code Audit findings and recommendations (Code Concepts)
- Presentation materials to explain required middle housing elements, findings, and recommendations to the Planning Commission, the public, and interest groups

Task 2 Local Government Deliverables:
• Planning Commission appointments, meeting notices, and agendas
• Planning Commission meeting notes

Task 3: Draft Code Update

Timeline: April - July

Estimated Cost: $10,000

After review of the findings and recommendations of the code review with the Planning Commission at the first committee meeting, OCWCOG will prepare draft updates to the Local Government's zoning ordinance, other development codes (if any), and comprehensive plan (if required), addressing issues identified in Task 2.

Local Government will schedule one public workshop or open house to present development code updates, code audit findings, and recommendations in the form of code concepts. Local Government will solicit input from the public on proposed code concepts. OCWCOG will coordinate with Local Government on meeting arrangements and facilitate the public meeting(s).

Following the public workshop or open house, OCWCOG, in consultation with Local Government, will consider public input received and make any necessary revisions to the code concepts, if needed.

Task 3 OCWCOG Deliverable:
• Draft updates to Title 16 and other development codes (if any).
• Presentation materials to explain draft updates to the planning commission, the public, and interest groups
• Public meeting summary

Task 3 Local Government Deliverables:
• Planning Commission meeting notices and agendas
• Planning Commission notes
• Public meeting notice(s)

Task 4: Final Code Update

Timeline: July - October

Estimated Cost: $5,000

After review of the code update with the Planning Commission at a second meeting, OCWCOG will prepare final draft updates to Toledo's Title 16, other development codes (if any, addressing issues

identified in Task 2. The final draft document will be delivered in two formats: double underline/strikeout (showing new and deleted text, respectively) to indicate changes from existing code language; and clean text, in a format suitable for adoption.

Task 4 OCWCOG Deliverable:
• Final draft updates to Title 16, other development codes (if any).
• Presentation materials to explain final draft updates to the Planning Commission, the public, and interest groups

Task 4 Local Government Deliverables:
• Planning Commission meeting notices and agendas
• Planning Commission meeting notes

Task 5: Adoption (if applicable)

Timeline: November – December

Estimated Cost: $5,000

Local Government will schedule and provide notice and an agenda for hearings to adopt updates to the Local Government's zoning ordinance, other development codes (if any), and comprehensive plan (if required). OCWCOG will coordinate with Local Government on hearing arrangements and present updates to the hearings body or bodies.

• Presentation materials to explain final draft updates to the hearings body or bodies

Task 5 Local Government Deliverables:
• Hearings notices, agendas, and minutes

D. Evaluation Criteria.

Criteria 1: The project fulfills a housing-related statutory obligation.

- *Amend local development codes to comply with other housing-related statutory requirements, including:*
  - *ORS 197.307 – clear & objective requirements*

Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of "needed housing." This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The clear and objective standards, conditions, and procedures can't discourage housing through unreasonable cost or delay. This includes development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use ***application criteria that apply to partitions****,*

subdivisions, site reviews, conditional use permits and planned unit developments that will provide housing.

E. Project Partners. List any other public or private entities that will participate in the project, including federal and state agencies, council of governments, city and county governments, and special districts. Briefly describe the role of each (*e.g.*, will perform work; will advise; will contribute information or services, etc.).

The proposed project will include the Department of Land Conservation and Development (DLCD) and the Oregon Cascades West Council of Governments (OCWCOG). OCWCOG will perform the work under the grant and, the City of Toledo, and DLCD will provide guidance.

F. Advisory Committees. List any advisory committee or other committees that will participate in the project to satisfy the local citizen involvement program.

The Planning Commission and the City Council will participate in the process. Zoning Code amendments require a recommendation from Planning Commission and adoption by City Council. Both Planning Commission and City Council have been supportive of the housing code updates.

G. Grantee Capacity

The City of Toledo has a Planning Assistant, an Oregon Cascades West COG contract planner, and City Manager that will support this project. The combined capacity demonstrates adequate local capability.

H. Leverage

The City of Toledo has committed $5,000 to support the completion of this project.

Local Official Support

See attached Resolution XXXX.

CITY OF TOLEDO
RESOLUTION NO. 1529

A RESOLUTION OF THE TOLEDO CITY COUNCIL AUTHORIZING THE CITY OF TOLEDO TO APPLY FOR A GRANT FOR A HOUSING CODE UPDATE TO TITLE 16 SUBDIVISIONS

WHEREAS, additional funding for cities to apply for housing planning is available;

WHEREAS, solicitation is now open for cities to apply for housing planning funding including development code updates;

WHEREAS, the Oregon Department of Land Conservation and Development is accepting request for planning assistance;

WHEREAS, the City of Toledo desires to participate in this program as a means of providing assistance for the City of Toledo's planning needs; and

WHEREAS, the City of Toledo has an Intergovernmental Agreement with the Oregon Cascades West Council of Government (OCWCOG) for contract planning services and has $5,000 available to provide a grant match.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. The City of Toledo formally requests grant funding from the Oregon Department of Land Conservation and Development for development code assistance.

Section 2. The City of Toledo has $5,000 available to provide grant match using the contracted time with OCWCOG;

Section 3. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 26th day of July, 2023.

APPROVED

_____
Mayor Rod Cross

ATTEST

_____
City Recorder Lisa Figueroa

CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	July 26, 2023	Ordinance No. 1414 an ordinance amending Toledo Municipal Code, Section 8.20.030
Council Goal:	**Agenda Type:**	
Improve Emergency Preparedness	Decision Items	
Prepared by:	**Reviewed by:**	**Approved by:**
City Attorney M. Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:
Motion to adopt (with specified changes, if any): **"An ordinance of the Toledo City Council amending a definition in Section 8.20.030, Part of Chapter 8.20, Fire Prevention Code in the Toledo Municipal Code; and declaring an emergency."**

Once there is a second and approval by council, Mayor: **"Does any councilor present at the meeting request the ordinance be read in full?"**

If no councilor makes such request, motion to adopt (**read title again**), second, and adoption if unanimous.

Background:
As discussed in July 5, 2023 meeting, at the request of the Department of Oregon State Fire Marshal, this ordinance was brought before the City Council for possible adoption.

In the City's Fire Prevention Code, the existing definition in Section 8.20.030 is being deleted:

> ~~*Fire Code Official* means the Fire Chief, and one or more designees of the Fire Chief, which may include personnel from the State Fire Marshal's Office.~~

And replaced with:

> *Fire Code Official* means the Fire Chief, and one or more designees of the Fire Chief. In addition, the Fire Official will also mean the Deputy State Fire Marshal from the Department of Oregon State Fire Marshal.

Copies of the proposed ordinance have been posted, on July 5, 2023, and re-posted on July 18, 2023, and emailed to Council, more than one week prior to this hearing, to allow an adoption tonight, pursuant to City Charter, Chapter XI – Ordinances, Section 31.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	**2023-2024**	**N/A**

Attachment:
1. Ordinance No. 1414

CITY OF TOLEDO
ORDINANCE NO. 1414

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING A DEFINITION IN SECTION 8.20.030, PART OF CHAPTER 8.20, FIRE PREVENTION CODE IN THE TOLEDO MUNICIPAL CODE; AND DECLARING AN EMERGENCY

WHEREAS, The City Staff has received comments from the Department of Oregon State Fire Marshal on recent amendments to the City's Fire Prevention Code; and

WHEREAS, the City Council finds it advisable to declare an emergency and make the ordinance effective immediately upon adoption.

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. The definition of Fire Code Official in § 8.20.030 is amended, to read in its entirety as follows:

> *Fire Code Official* means the Fire Chief, and one or more designees of the Fire Chief. In addition, the Fire Official will also mean the Deputy State Fire Marshal from the Department of Oregon State Fire Marshal.

Section 2. This Ordinance shall be effective immediately and upon its passage by the Toledo City Council.

This Ordinance is adopted by the City Council this 26th day of July, 2023.

APPROVED: ATTEST:

_____ _____

Mayor Rod Cross City Recorder Lisa Figueroa

CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	July 26, 2023	Consideration of permit applications to consume alcohol in public places
Council Goal:	**Agenda Type:**	
Not Applicable	Decision Items	
Prepared by:	**Reviewed by:**	**Approved by:**
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

Recommendation:
Staff makes no recommendation however, requests Council make a motion to recommend an approval or denial of each application separately.

Background:
Attached are copies of two permit applications to consume alcohol in public places.

1. Martek Real Estate submitted an application for their annual employee event on the Port of Toledo property at the pavilion. They will not be selling any alcohol, but would like to allow their employees to supply their own drinks. They expect no more than 20 people at their event and the Council has approved their request in the past.

2. Pinot Vista Vineyards submitted an application to host a beer garden at the Cycle Oregon event in September. The beer garden will be located on the Port of Toledo property, secured and monitored during the event (see image at right).

Both organizations are seeking Council approval at this meeting. The applications were forwarded to the Police Department for review. Council may make a recommendation to approve or deny the application, which will be forwarded to the Oregon Liquor & Cannabis Commission.

Staff requests a separate motion for each application.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	**2023-2024**	**N/A**

Attachment:
1. Martek Real Estate application
2. Pinot Vista Vineyards application

CITY OF TOLEDO
Consume Alcoholic Beverages in a Public Place
Permit Application

Event Information

Date(s) of Event: 8-13-23 Time of Event: 3-7 pm

Event Location: Waterfront Park

Type of Alcohol to be consumed at the event: wine & beer

Applicant must provide the following information:

1. Identify the event area (e.g., entire premises, area within a park, provide a site map if necessary):

Pavilion only

2. List primary activities within the area (dinner, auction, beer garden, food fair):

Company picnic

3. Will minors and alcohol be allowed in the same area together? ☑ Yes ☐ No

4. What is the expected attendance in the event area per day? 20
**If 50 or more people are expected, than you will be required to submit an Application for Outdoor Event Permit*

5. Describe your plan to prevent problems or violations.

We only expect 2-3 children who will be with their parents.

6. Describe your plan to prevent minors from gaining access to alcoholic beverages.

Their parents will have responsibility, but we all will watch them!

7. Describe your plan to manage alcohol consumption by adults.

We are an older crowd & don't drink much. Picnic will only be a couple of hours.

Applicant/Organization Information

Organization Name: Martek Real Estate

Applicant/Contact Name: Doretta Smith

Phone: 541-961-6688 E-mail address: [redacted]

Mailing address: 567 N Coast Hwy
Newport (City) OR (State) 97365 (Zip Code)

Name/Number of Alternate Contact: Diana Abbott [redacted]

CITY OF TOLEDO
Consume Alcoholic Beverages in a Public Place
Permit Application

Certification of Application

Please read carefully and check all boxes for the terms of the permit.

☑ I agree to comply with all Toledo City Ordinances and Oregon State laws pertaining to this event.

☑ I agree to comply with all requirements and additional conditions of approval placed on this permit.

☑ I agree that the applicant and/or the alternate contact person listed in this permit will attend the event and be made available for contact throughout the duration of the event.

☑ I further agree to defend, indemnify, and hold harmless the City of Toledo, its officers, agents, and employees from any and all liability, actions, claims, losses, damages, or other costs, including attorney fees, for injuries to persons and damage to property arising out of the activities pursuant to this permit.

☑ I understand the City reserves the right to suspend or revoke this permit at any time without cause.

☑ I understand this is a one-time permit and valid only for the specific event identified in this document.

☑ I certify that information contained in this application is true and correct. I understand that false information may be grounds for denial or revocation of this permit.

☑ Proof of Liability Insurance included

☑ Initials: *I understand that the application may be held for approval until I provide all necessary information*

☑ I certify all information submitted is complete and correct to the best of my knowledge. I understand a false answer may be reason to deny this application.

Dolores Smith
Signature

6-1-23
Date

OFFICE USE ONLY:	
DATE RECEIVED: _____	EVENT NUMBER: _____

CLEAR PRINT

Oregon Liquor Control Commission

APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE (TUAL)

FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION

- Sell at retail distilled spirits, malt beverages, wine, and cider by the drink for consumption in the special event licensed area.
- Sell at retail malt beverages, wine, or cider in a securely covered container (growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons. You must not allow any other open container of alcohol to leave the licensed premises.

LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION

- Sell at retail malt beverages, wine, and cider by the drink for consumption in the special event licensed area.
- Sell at retail malt beverages, wine, or cider in a securely covered container (growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons. You must not allow any other open container of alcohol to leave the licensed premises.

OLCC LICENSE FEE

- The license fee is a $10.00 per license day or any part of a license day. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.
- **Make payment by check or money order, payable to OLCC.**
- **License Days:** In #11 below, you may apply for a maximum of **seven** license days per application form.

Process Time
OLCC needs your completed application in sufficient time to approve it. Sufficient time is typically 2 to 4 weeks before the first event date listed in #11 below (some events may need extra processing time). OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.

1. My Annual License is a:	☐ FULL ON-PREMISES	☒ LIMITED ON-PREMISES	
2. Licensee Name (please print): Vertical Success LLC			
3. Email: rich.vertical123@gmail.com			
4. Trade Name of Business: Pinot Vista Vineyards		**5.** Fax (Optional)	
6. Address of Annual Business: 448 NE 3rd Street		**7.** City McMinnville	
8. Contact Person: Rich Washburn		**9.** Contact Phone: 503-932-1401	
10. Event Name (if one): Cycle Oregon Classic Ride			
11. Date(s) of event (no more than **seven** days): SEPT 13th and 14th 2023			
12. Start/End hours of alcohol service: 11am (am/pm) to 10:00 (am/pm)			
13. Address of Special Event (Street, City and Zip): TOLEDO, OR			

14. Is the event, or any part of the event, outdoors? × YES	
14a. If yes, submit a drawing showing the licensed area and its boundaries.	
15. List the name(s) and service permit number(s) of alcohol manager(s) on-duty and in the licensed area: Rich Washburn #E297JO EXP 12-02-24	
17. Insurance Company: American Family Insurance	**18.** Policy #: 36-x53907-02
19. GOVERNMENT RECOMMENDATION: You must obtain a recommendation from the local city **OR** county **before** submitting this application to the OLCC.	
19a. Name the **CITY** if the event address is within a city's limits:	
OR **19b.** Name the **COUNTY** if the event address is outside the city's limits:	

I affirm the following:

- Minors (people under the age of 21) and visibly intoxicated people will not be allowed to buy, possess, or consume alcohol.
- The only open containers of alcohol that may be taken off the licensed area are securely covered containers (growlers) of malt beverages, wine, or cider. I will not allow any other open container of alcohol to leave the licensed premises.
- Marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) isprohibited on the special event licensed premises.
- The event will meet the food service requirements of a Temporary Use of an Annual License.
- I am authorized to sign this application on behalf of the applicant.

20. Licensee Name (print): Rich Washburn	
21. LICENSEE SIGNATURE:	**22.** Date: 6/3/2023

CITY OR COUNTY USE ONLY
The city/county named in #19 above recommends:
☐Grant ☐Acknowledge ☐Deny (attach written explanation of deny recommendation)

(Optional) City/County Contact Person:
(Optional) Phone Number or Email:
City/County Signature: Date:

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY Fee Paid: Date: Receipt #:
License is _____Approved _____Denied

OLCC Signature: Date: