

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 7:03 by Planning Commission President Joyce Mackenroth.

City Councilors present: Mayor Rod Cross, Mark Camara, Mary Young, Monica Lyons, and Nancy Lynne. Excused were Bob Emmett and Wes Chadwick.

Planning Commissioners present: President Joyce Mackenroth, Terri Strom, Linda Brodeur, Dawn Grafe, Anne Learned-Ellis and newly appointed Planning Commissioner Stuart Miller. Absent was Paul Schneidecker.

Staff present: City Manager (CM) Michelle Amberg, Community Development Coordinator (CDC) Rusty Klem, and Secretary Arlene Inukai.

VISITORS: Don Amberg

INTRODUCTIONS: Planning Commissioners, City Councilors, and staff were introduced.

STAFF OVERVIEW:

CDC Klem reviewed planning roles and zoning history. The City of Toledo has had a zoning ordinance in place since the 1950's. The original ordinance probably was not based on the Comprehensive Land Use Plan like the modern zoning ordinance, but it contained a lot of similarities to today's ordinance. In 1974, the State mandated planning and created the Land Conservation and Development Commission (LCDC). LCDC provided goals for all jurisdictions to follow, but the two process oriented goals include citizen involvement and setting the planning process. Other goals provide parameters to follow, but they do not build the implementation tools to meet the goals. Each community is responsible for creating implementing ordinances and plans to meet the Statewide goals. Examples of implementing ordinances include zoning, subdivision, annexation procedures, rezone and comprehensive plan changes, sign codes, and design review. Once the documents are created, it is expected that they will be reviewed every 10 years, formally called Periodic Review. The City completed Periodic Review in 2000 and adopted new documents, except one required element was not included—a Transportation System Plan. The Planning Commission, City Council, and Land Use Board of Appeals (LUBA), all make sure the planning process is followed. The planning process starts over in Periodic Review and the Comprehensive Plan must be completed again. However, the existing documents are the starting point for further review. Most concerns are related to the zoning ordinance rather than the Comprehensive Plan. The implementing ordinances have more latitude and can be amended/updated at any time, but the Comprehensive Plan is not often updated. The zoning ordinance mirrors the Comprehensive Plan. If zone designations are changed, LCDC holds the City to a percentage that would need to be replaced elsewhere. The zoning ordinance can be modified to expand the list of allowed uses to included nonconforming

uses in certain zones. However, LCDC sees this as an attempt to take land out of that zone and add it to another zone based on the allowed uses. Changes to the code can occur, but all revisions need to maintain the intent of the zone.

CITY COUNCIL GOALS:

The group reviewed the list of City Council Goals, as distributed in agenda packets. CDC Klem reported Council Goal #2 is to improve overall communication within the City and beyond, which is probably why the joint meeting has been conducted. One of the City Council's contributions to the planning process is the development of the goals. This mandates the movement and growth throughout the City.

Council Goal #3 is to improve and address City operations. The Planning Department has to deal with master plans and LCDC requires certain plans. A Capital Improvement Plan is an important part of the planning process because it lists ways to finance the capital facilities. The Council goal also lists partnerships with different agencies. In reference to new code requirements, CDC Klem stated it is simple to write the ordinance, but it is difficult to implement and enforce new regulations. The Police Department enforces the existing codes, but code enforcement falls behind the priority of public safety.

Goal #4 is to enhance the livability and quality of life in Toledo. This goal highlights a number of objectives and the following summarizes the discussion on various elements of the goal:

- Review and update the zoning ordinance: It is a major job to review/revise the zoning ordinance.
- Design Review: The Planning Commission has discussed this topic and a preliminary draft document was prepared for review some months ago. The draft was distributed to various community members and groups, but no comments were received. The standards in the draft document are achievable, but if the City implements a design review program without comments, it will be viewed by the community as "big brother" putting onerous restrictions on the community. There has been no statement towards the need for design standards and the economic timing is not good. The public needs to buy into the program or it will appear just as additional regulations from City Hall. Councilor Young pointed out that three consultants have suggested a design standard for the downtown area. Councilor Camara added there should be a trigger to implement the regulations. Commissioner Miller felt a trigger may be too late and it may be better to be proactive. However, he agreed that the Main Street owners should be part of the process to create the policies and their support is needed. CDC Klem reported that a design review program requires the merchants to invest, but in this down economy, it is difficult. The list of improvements include facade changes, which can be expensive for the existing buildings. The Planning Commission wants to monitor this issue. Councilor Young suggested the building upgrades occur when they become vacant, thereby not hurting existing owners. Councilor Camera offered a date to reach compliance and added that if owners are doing any work, they specifically be shown what improvements are necessary. Owners need to be brought into the review process. CDC Klem relayed the Planning Commissions' desire for an inventory of the downtown buildings and which structures should be subject to design review. They also asked for guidance on specific examples to implement and a historic period to focus on. The group discussed recent work on downtown buildings and how the proposed standards would

affect rehab projects. Mayor Cross requested a list of features be adopted to address any new construction occurring in the downtown area. He noted that because of the economy, business owners cannot afford the design feature upgrades. His opinion is to focus on the health/safety issues as the first priority rather than facade improvements. He wants all buildings to be in compliance with the electrical code. This would fall under the code enforcement program or contracting with the County building division for inspections. The group discussed ways to implement upgrades, the importance for safety improvements, having a prioritized list for improvements, and what may/may not occur when properties are sold. Commissioner Miller noted that if the building appearance is updated, it would entice renters. He suggested that design review be conducted during any permit review period.

Commissioner Learned-Ellis reported that the design review concept has been considered and discussed for at least 15 years. The question has always been what should it look like? Would the City like to adopt a time period or should each building be locked into the era when it was constructed? Toledo is an old town, but there are a lot of different stages and eras represented. She agreed that the timing of implementing new restrictions are awful, but safety should always come first. The reason design standards have never been created is that no one can decide on a vision. The community must agree on the vision. Simple, practical improvements can be implemented, such as requiring awnings. Awnings serve a purpose and still provide a historic appearance.

The group discussed over regulating the area or creating a list of materials to avoid during rehabilitation work. Councilor Young noted that Council Goal #4 lists the creation of fees to offset the code enforcement program and many buildings are in bad shape. Mayor Cross urged the need to have safe buildings. Councilor Young argued that when the new facade is created, it gets the attention of potential renters and vacant stores are filled. Councilor Lyons reported that her landlord will not provide any improvements, it is up to the tenant. CDC Klem stated if a major renovation occurs, a building permit is necessary and that triggers the review of fire life safety codes. The building inspector detects where upgrades are needed. If repairs are not completed, the building code or nuisance code sets policies for enforcement.

Mayor Cross would like to see a time period selected and if/when properties are rebuilt with new construction, standards are in place. Councilor Camara added that any improvement should have guidelines on achieving the 'finished look'. The group discussed funding options for facade improvements and the abatement program. It would be helpful if the City had a building official. It was noted that no new construction is occurring and there are four existing buildings on Main Street for sale. Councilors discussed the option of when properties sell, rehab work begins and that new owners need to know the expectations. Discussion continued on safety issues, setting priorities to address safety concerns, and code enforcement for dilapidated buildings. CDC Klem reported that many code enforcement questionnaires have been received and many respondents list non-maintained buildings as a top concern. A nuisance/abatement program can deal with these structures, which would be a good time to identify the design standards for improvements. The City can use code enforcement as a starting point to implement design review. It was noted that there are non-maintained buildings in both the residential and commercial areas

and if simple design guidelines are in place, it increases the likelihood to get the upgrades. The group suggested either 1) setting a list of materials to ban during construction, 2) picking a historic era to focus on, 3) setting standards for each individual building to maintain the character, or 4) a combination of each. It was suggested that if the list of improvements are too restrictive, no upgrades will be performed. There could be a list of options to choose from and buildings are not locked into one particular historic era.

- **Transportation Options:** CDC Klem reported that Toledo streets are often inadequate. As development occurs, applicants are not providing street improvements. Most have the option to sign/record a deferred improvement agreement for street work. However, more and more deferred improvement agreements are signed and the City is not seeing the necessary upgrades. CDC Klem would like to have an alternative to the deferred improvement process. The group discussed limitations to street upgrades because of topography, as every street has a different condition. The Public Works Director will soon have a design standard book for new development, which hopefully, will address street improvements.
- **Bus and Truck Route:** The truck route travels along Sturdevant Road and past two schools. The transportation system plan will review this conflict and there should be a consideration of separation for pedestrians and trucks. The plan will also review the option of using the west junction for truck traffic. Lincoln County Transit has a bus plan that will also be addressed in the plan.

CM Amberg asked if the concept of realigning the west entrance has ever been considered. She reported if the route was straightened out, it could become the direct truck route and avoid Sturdevant Road altogether. The group discussed this option, noting that the engineering costs would be high, a lot of land must be acquired, and bridges constructed. CM Amberg reported if a long-range plan is not created, it will never be achieved.

- **Housing:** Many conversations need to be held regarding the demand and the type of housing needs. Mayor Cross expressed interest in extending the Urban Growth Boundary (UGB) to include the Sturdevant Road area and high school. Commissioner Learned-Ellis stated any change to the UGB has to be justified. It was noted that the UGB extends to the high school, but the City limits would have to cross the wetlands. CDC Klem reported a recent study indicated the sewer line can be extended to serve the area, however, development would be medium to low density because of the topography. Mayor Cross stressed his desire to move forward with developing this area. It was reported that added development will increase the pressure on the truck route and pedestrian separation needs to be addressed. The group reviewed pedestrian options for a footbridge, speed limit in the area, and annexation policies.

PLANNING COMMISSION "TO-DO" LIST:

In 2007, the Planning Commission created a to-do list identifying short and long term projects as time allows. Most of the short term items have been addressed and many were a request for information. Various topics on the list were reviewed, highlighted as follows:

- **Code Enforcement:** Police Chief Mark Fandrey recently attended a Planning Commission meeting and it was reported that Angelo Stephenson is volunteering for the Police

- Department to conduct administrative work for code enforcement activities.
- Toledo Industrial Park: The TIP property again became an issue with the asphalt plant project. Commissioner Learned-Ellis recently helped CDC Klem sort documents and files, as there is a massive amount of information in the Planning Department.
 - Memorial Field: This became a topic when discussion centered on selling the park. Mayor Cross reviewed the history with the park and past plans to create a community park complex on Sturdevant Road. If a new community park was created, it would leave Memorial Field open as a viable commercial property. However, problems occurred during the review phase on the Sturdevant Road project and the idea was abandoned. The City is committed to keeping Memorial Field as the community park and have upgraded the facility. Additional grant funds have been requested for drainage improvements. Also, a new scoreboard was recently installed.
 - Post Office Traffic Pattern: CDC Klem reported he has some information from an engineer on access/egress at the post office. He reported there were many complaints on the traffic pattern at the post office and many drivers are not following the posted signs. CM Amberg reported the Port of Toledo has a connectivity plan in the works that will address the general area of Main Street, Butler Bridge Road, and NW 1st Street. Also, a new proposed bank across from the post office will impact traffic flow in the area. CDC Klem contacted the post office and they were open to discussion and suggestions for improvement. It was suggested that curbing be created which physically prohibits a left turn from the post office exit, onto NW 1st Street. This issue may be addressed during the Port's project.
 - Business Highway 20 Fill Project: The Planning Commission asked staff to monitor the work. The fill site is located in the County, it has an approved fill permit, and the City has even placed fill on the site in the past. When DEQ was contacted about the work, it was reported that the fill site is not encroaching into the wetlands and the State found no problems. The City should be concerned with the development because any new construction would have to access a City road and stormwater run-off must be addressed.
 - Nonconforming Uses: Nonconforming uses are uses that the code does not allow, but has to accept. The zoning ordinance has a workable solution to address nonconforming uses, but there are some revisions that may soon be proposed. Planning Commission discussion was held on re-evaluating the commercial lands along Highway 20. Most non-conforming structures are residential homes in the Commercial Zone. LCDC does not like the idea to allow single-family homes outright in the Commercial Zone or rezoning properties to residential, because it reduces the commercial land inventory. The group considered rezoning commercial properties which have never been used as a commercial use. In the past, banks accepted the language to deal with nonconforming use, but they are now restricting loans on nonconforming properties. Councilor Young suggested dual zoning to address nonconforming use properties. CDC Klem reported LCDC did not like this idea initially, since it is best to eliminate the isolated residential use and promote commercial development. An option is to purchase the commercial properties and then the lots are available when commercial development is ready. It was noted that there are existing vacant spaces on Main Street and some questioned why create more vacancies? The City would want to keep the tax revenue on the nonconforming structures. There needs to be construction activity before justifying this type of redevelopment. President Mackenroth reported she owns a residential home in the Commercial Zone and her property was included in two different proposals during the past few years, both of which did not pencil out for the developer to buy and demolish existing homes. As soon as last summer,

nonconforming properties were being financed. Now, banking rules have changed and it is difficult to get a loan for improvements.

- Sign Code: CDC Klem reviewed existing sign requirements in the zoning ordinance. The only limits are for conditional uses and home occupations. Sign codes are very contentious and some businesses feel signage is everything for their business. Commissioner Miller reported his wife has written text on this topic and may be a resource to bring in on the subject. He added that traffic speed can help determine the sign and lettering size. Toledo mainly has 25-35 speed zones and smaller signs are effective. Councilor Camara reported flashing signs are a problem. CDC Klem reported one problem related to sign restrictions is to clearly define what is considered a sign. Some communities limit all lettering as a form of signage. There are model codes available for review. Commissioner Learned-Ellis suggested inviting Commissioner Miller's wife to a meeting to discuss the issue. She may be able to provide some direction or suggestions to begin the conversation.

CITY COUNCIL'S TOPIC LIST:

Transportation System Plan (TSP) and Planning Commission's Role:

The City applied for a grant to complete the TSP. If awarded, a consultant will be hired and the Planning Commission will provide the citizen involvement portion for the plan. Hearings will be conducted at the end of the project and the plan must be approved/adopted by the City Council.

Outdoor Markets:

CDC Klem reported the topic of outdoor market regulations came up last summer. Councilor Young pointed out that the City has an outdoor market each week—Wednesday Street Market, which may fall under the same definition if new regulations are created. Commissioner Miller requested outdoor markets to 'fold-up' each night and a time limit set. Councilor Lyons announced this year's Wednesday Street Market will include one night a week to go into the evening hours. CDC Klem reported using and enforcing the temporary use/RV ordinance can help alleviate the problem of open air markets. He reviewed the difficulty to enforce the code, but it is not a bad ordinance. Discussion was held on defining and setting limits for outdoor markets, offering exceptions, and dealing with residential garage sales lasting multiple weekends.

Sign Regulation:

This item was discussed under the "Planning Commission To-Do List" agenda item.

Processing and Manufacturing:

CDC Klem reported there has been a suggestion to change the definition of "Processing and Manufacturing" in the zoning ordinance. He contacted the City's attorney and they believe the existing term is not wrong or bad, especially since it is difficult to discern the various types of uses that could go in the Industrial Zone. City Councilors requested the Industrial Zone conditional use section be expanded to cite a use which needs a state or federal emissions permit requires a City conditional use permit. CDC Klem reported DEQ issues many different permits for new projects and there is no way to list them all. The term, "process and manufacturing" is consistent with the zone and the existing conditional use permit terminology allows discretion by staff to require a conditional use permit. Councilor Camara asked for clarity and that the code be

interpreted the same way. He understands that this may be overbearing, but agreed that each discharge permit should be reviewed as a conditional use. Commissioner Miller stressed the need to review each use for traffic impacts. Planning Commissioners offered to review the topic. Also, the City's attorney used during the asphalt plant suit can be contacted for a recommendation. The City should submit language for review.

Housing:

Councilor Camara asked what option renters have if landlords do not maintain property and the trailer park is also a concern. The State provides renters with numerous avenues to address their concerns. However, renters may not want to draw attention in fear of losing their home or taking a rent increase and Councilors asked if the City can step in to assist renters. There should be an education campaign to inform tenants of their rights and have volunteer advocates to help renters. The City's nuisance ordinance addresses problems with non-maintained homes and properties.

Commissioner Brodeur asked if the trailer park is in compliance. The group discussed the RV units, displacing families if violations are found, restricting new units to the park, updating each space as it becomes vacant, and ways to enforce the State regulations. It was noted that if each space is improved and brought up to code after each is vacated, it would not affect occupancy or displace tenants. There are State regulations for mobile home/RV parks.

Recent Planning Commission Discussions:

Recent problems and discussions have been reviewed tonight, including the flea market and design review.

DISCUSSION OF COMMUNICATION BARRIER AND FORMAT:

Everyone agreed to hold joint worksession meetings bi-annually. A future joint worksession can be held on the City Council's regular meeting night and can focus on one topic. Planning Commissioners agreed to invite Commissioner Miller's wife to a future Planning Commission meeting to review sign regulations. Planning Commissioners will begin receiving the department head newsletter to help inform them of new issues. Councilors thanked the Planning Commission for hosting the worksession. It was noted that Commissioner Learned-Ellis has served on the Planning Commission for over 25 years.

There being no further business, the worksession was adjourned at 9:25 pm.