

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Joyce Mackenroth. Commissioners present: Stuart Miller, Linda Brodeur, Dawn Grafe, Paul Schneidecker, and Anne Learned-Ellis (arrived at 7:03). Excused was Terri Strom.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: None.

APPROVAL OF THE MAY 13, 2009, MINUTES:

It was moved and seconded (Brodeur/Miller) to approve the May 13, 2009, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Mackenroth abstaining and noting the absence of Strom and Learned-Ellis.

Commissioner Learned-Ellis arrived at 7:03 pm.

DISCUSSION ITEM: INDUSTRIAL ZONE REVIEW:

CDC Klem reviewed the Commissioner packet, which included the City's existing industrial zones, the model development code example, and industrial zones from the Cities of Philomath, Lincoln City, Depoe Bay and Waldport. A zoning map was also included. The information will be used to begin the industrial zone discussion. CDC Klem also has other relevant City documents for reference, including the Comprehensive Plan and Inventory, Buildable Lands Inventory, and maps. A lot of the industrial properties are located in the 100-year floodplain. Based on Commissioner review of the material, the following comments were noted:

- Commissioner Miller read the City of Philomath's statement for conditional use permits and noted the language could help Toledo's code. Adding this language still allows the freedom of interpretation, but if there are significant impacts (noise, traffic, dust, etc.), the use must be reviewed as a conditional use permit.
- CDC Klem reported other cities allow "softer" uses in the light industrial zone, such as commercial uses, but no processing/manufacturing uses. Toledo does not allow processing/manufacturing in the Light-Industrial (LI) Zone, but it is allowed in the heavier Industrial (I) Zone, which is in the middle of town. An asphalt plant was proposed in the I Zone and staff required a conditional use permit. Historically, Toledo wanted industry and zoned property for such uses. Commissioner Learned-Ellis added that people are used to seeing industrial uses. It was clarified that the term 'heavy industrial' reflects the City's I Zone. Most zoning codes only have two industrial zones--light and heavy.
- Commissioner Learned-Ellis reported some examples include an industrial park zone and she clarified that industrial parks are normally located in an area to prevent strip development along highways and to isolate industrial uses from residential and commercial areas.
- Commissioner Miller stressed that Toledo's code has some ambiguous language and suggested the conditional use section be expanded. He also requested a list of prohibited uses and for bulk storage of flammable liquids and scrap metal facility be removed from the

allowed uses. CDC Klem likes the City's code and the short list of permitted uses with a catch-all statement for conditional uses if the proposed use is consistent with the purpose of the zone. He understands the wording is soft, but it allows many uses to be reviewed through the conditional use process. A long list of outright and conditional uses will not cover all proposed businesses and special considerations will always be needed.

- Commissioner Learned-Ellis also likes adding language for undesirable discharges in the I Zone, similar to the City of Philomath. The current purpose statement can be revised to delete the phrase, "as much as possible". This removes the vagueness of the paragraph. After discussion, it was requested to research the City of Philomath's code for a reference to another municipal code section. Also, a definition of "significant" should be included because there are different levels of significant light/air/noise/water pollution and traffic impacts. The group felt hazardous materials/chemical manufacturing should be restricted.

Commissioner Learned-Ellis requested there be a review of the locations of LI and I Zoned properties. Some areas of town may better suit industrial uses than the Toledo Industrial park (TIP). CDC Klem reviewed maps and areas that may be more or less suitable for industrial development. TIP is in the middle of town and visible to many residential and commercial properties. He noted that all I Zone designations could be removed from the TIP and converted to LI Zone. Commissioners Brodeur and Learned-Ellis liked the suggestion. This may affect the commercial fuel business and a couple vacant lots. If changed, the fuel storage property would be classified as pre-existing and can continue in its current location. Nonconforming uses can be rebuilt, expanded, or transferred to new property owners, but if left vacant, it must be converted to an allowed use. Commissioner Miller asked if changing the zone creates a takings case for other properties. CDC Klem stated any rezone cannot be completed without full disclosure to property owners.

CDC Klem can begin the process of re-writing the purpose statement and the Commission can begin reviewing each of the uses in the LI and I Zones. Some communities have identified prohibited uses and Toledo can add this section. Commissioners suggested moving some items from "outright" to "conditional uses" and prohibiting scrap metal facility and bulk storage of flammable liquids. Discussion continued on the bulk storage of fuel, aggregate, and collecting scrap metal in an enclosed building. CDC Klem reported some other example codes do not allow any manufacturing or processing to be conducted outside of buildings. Some equipment can be stored outside or under a carport, but manufacturing products be located inside a structure. It was suggested that manufacturing/assembly conducted out-of-doors be reviewed as a conditional use permit.

Commissioners discussed the option of creating an Industrial Park Zone. This zone designation can eliminate some uses, while it may not be necessary to remove uses for all LI or I Zoned properties in other parts of Toledo. After reviewing an Industrial Park Zone, the Commission can look at the rest of the City for updates. It was proposed that all industrial lands in the TIP be designated LI Zone. Commissioner Learned-Ellis suggested a review of other industrial areas, such as Sturdevant Road and near the Toledo airport. There may be more suitable areas for heavy industrial. Commissioner Miller stressed that the TIP is central to the town and an Industrial Park Zone designation makes sense. If an Industrial Park designation is created, a full re-write of the industrial sections are not necessary. In response to Commissioner questions, CDC Klem noted that the process would be the same for a zone addition and for a zoning ordinance amendment. He would like to have support from the property owners in the TIP, but may not have full buy-in. One

property owner may be upset with any proposed change and may argue a decrease in property value. CDC Klem affirmed that an Industrial Park Zone be presented first, then adjust the LI and I Zones after further review.

STAFF COMMENTS:

The code enforcement questionnaire results were presented to Planning Commissioners and it was noted that non-maintained buildings/properties lead the responses. President Mackenroth noted the continued problems with trucks not following designated truck routes.

An email from City Councilor Mark Camara was forwarded to Planning Commissioners apologizing for conduct during the joint worksession. Commissioners agreed that Councilor Camera's apology was honest and well meaning.

CDC Klem reported Commissioner Strom submitted some concerns to review. He would like to discuss the issue of overgrown vegetation on sidewalks and blocking signs with the Public Works Director before bringing back to the Commission.

COMMISSIONER COMMENTS:

Commissioner Grafe thanked staff for preparing the results of the code enforcement questionnaires.

Commissioner Schneidecker is glad to see the industrial zone discussion begin.

Commissioner Learned-Ellis thanked staff for the information and wished all a safe 4th of July.

Commissioner Brodeur asked that when issues are not resolved at past meetings, they be brought forth on the next agenda. There may not be time to review the items, but the Commission can table the topic. She wants assurance that issues are not lost and feels if they are on the agenda, they stay current. In May, she mentioned three items in Commission Comments and they were not presented on tonight's agenda. She requested design standards be included on the next agenda. She also voiced concern with parking at M&R Auto Repair and that the business has eliminated on-street parking for the homes in the area. She questioned if they are in violation of their parking terms and if creating a one-way street is an option. CDC Klem clarified that during the business day, they can park vehicles on-street, but after-hours, all vehicles must be located on the site. They are allowed six parking spaces along the building. The last few times CDC Klem viewed the site after-hours, they were in compliance. An inspection could be made and letters sent to the business owner if they are in violation of their parking conditions. Commissioner Brodeur believes the parking terms should be reconsidered for day-time parking to accommodate neighbors' on-street parking needs. Commissioner Learned-Ellis noted that the terms could be reviewed again. Commissioner Brodeur asked that this topic be on the next agenda. She then wished everyone a good holiday.

Commissioner Miller believes his wife will be able to attend the next meeting to discuss sign regulations. CDC Klem announced there may be one land use application for the July meeting.

Commissioner Grafe suggested the agenda format be changed to allow the item of "Old Business" be included before Staff Comments. Commissioner Brodeur said issues that are resolved between meetings are not brought back to the Planning Commission.

There being no further business before the Commission, the meeting was adjourned at 8:05 pm.

Secretary

President