



City Hall
206 N. Main St.
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Work Session – Via Zoom Meeting Platform
September 23, 2020

Virtual Meeting: Due to the governor’s “Stay Home, Stay Healthy” order, the City Council will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. E-mail lisa.figueroa@cityoftoledo.org to receive the 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.

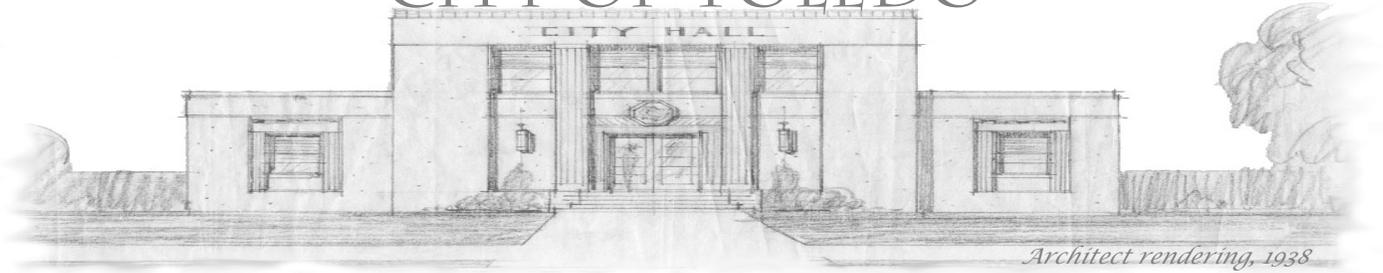
1. **Call to Order and roll call**
2. **Joint Work Session with the Planning Commission**
 - Residential Code Update
 - Draft Sign Code
 - Planning Department Update
3. **Visitors/Public Comment**

(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).
4. **Consent Agenda**

Minutes from the Meeting held September 2, 2020
5. **Discussion Items**
 - Lincoln County Solid Waste Priority Discussion
 - Request for Agency comments from the Lincoln County Department of Planning and Development
 - Project List Update
 - **Committee updates**
6. **Decision Items**
 - Authorize expenditure of \$17,450 to install fire water supply line to 208 S. Main Street
7. **Reports and Comments**
8. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2060 or 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

CITY OF TOLEDO



To: Toledo City Council and Planning Commission

From: Justin Peterson, Contract Planner

Date: September 16, 2020

Re: Residential Code Updates

The City Council adopted the Accessory Dwelling Unit (ADU) standards recommended by the Planning Commission on February 5, 2020. The City of Toledo code is now compliant with House Bill (HB) 2001 and has updated standards that provide more flexibility for ADU development.

Mayor Cross presented to the Toledo Planning Commission August 12, 2020 asking the Planning Commission to work on housing projects. The projects included 1) An updated Buildable Lands Inventory (BLI) and Housing Needs Analysis (HNA), 2) A review of the Toledo Municipal Code (TMC) to create a more efficient permitting process, and 3) A Natural Resource (NR) Zone tax reduction.

Staff recommends reviewing the residential zoning standards and consider updating certain standards. The Lincoln County Housing Strategy Plan provided recommendations for development code updates (Table attached). In addition, other development code updates could reduce barriers to development.

The City of Toledo has two residential zones the Single-Family Residential (R-S) zone and the General Residential (R-G) zone. In addition, the Commercial (C) zone allows for multi-family as a conditional use and allows for one dwelling in conjunction with a commercial use as a permitted use.

The purpose of this memo is to continue the conversation about housing. Staff will present a powerpoint that includes housing code updates to consider and answer any questions.

Attachments: -Existing City of Toledo Municipal Code
-Lincoln County Housing Strategy Plan Development Code Recommendations

Toledo Residential Code Standards

*Note that only code standards related to housing are provided. Please see the Toledo Development Code for all standards.

17.08 Single Family Residential (R-S)

17.08.010 - Purpose.

The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low- density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

17.08.020 - Uses permitted outright.

In the R-S zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.08.090](#).

- A. Single-family dwellings * and their accessory uses.
- B. Home occupations which comply with [Chapter 17.46](#).
- C. Manufactured dwellings.*
- D. Accessory use structures.*
- E. Accessory dwelling units.*

17.08.030 - Conditional uses permitted.

- E. Manufactured Dwellings that do not meet the minimum standards set in Sections 17.08.090(A)-(B)
- H. Multifamily dwelling units.

17.08.050 - Lot size.

The minimum lot area shall be seven thousand (7,000) square feet for an interior lot and seven thousand five hundred (7,500) square feet for a corner lot.

17.08.060 - Setback requirement.

In an R-S zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of six feet on one side and nine feet on the other side except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of fifteen (15) feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.

17.08.070 - Height of building.

In an R-S zone no principal building shall exceed a height of thirty-five (35) feet or two and one-half stories, whichever is less, and no accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

17.08.080 - Lot coverage.

In an R-S zone buildings shall not occupy more than an accumulative fifty-five (55) percent of the lot area. No lot shall have more than one principal building constructed thereon.

17.08.090 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.08.020 and 17.08.030).

A. Design Features for Single-Family Dwellings in a Single-Family Residential Zone.

1. All single-family dwellings shall enclose an area of not less than one thousand (1,000) square feet.
2. All single-family dwellings located within a single-family residential zone, except for manufactured dwellings located within a mobile home or manufactured home park, shall utilize at least three of the following design features, or other design features as approved by the planning commission:
 - a. Dormers;
 - b. Recessed entries;
 - c. Cupolas;
 - d. Bay or bow windows;
 - e. Window shutters;
 - f. Off-set on building face or roof (minimum twelve (12) inches);
 - g. Gables;
 - h. Covered porch entry or enclosed deck;
 - i. Pillars or posts;
 - j. Tile, wood shake, three-tab composite material, or wood shingle roof;
 - k. Horizontal lap siding or shakes;
 - l. Perimeter foundation of surfaced concrete or masonry;
 - m. Window trim (minimum four inches wide);
 - n. Balconies/decks;
 - o. Decorative pattern on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
 - p. An alternative feature providing visual relief similar to above options;
 - q. Six inch minimum eaves plus gutters and downspouts.

3. All single-family dwellings will meet the minimum requirements for energy efficiency, as set by the Uniform Building Codes as adopted by the city, excepting manufactured dwellings which shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards previously stated. Evidence demonstrating that the manufacture dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.
 4. Single-family dwellings shall have an attached or detached garage or carport. The structure shall be sided and roofed to match the dwelling. All driveways shall have an all-weather surface as approved by the Public Works Department.
 5. Erosion control plans must be submitted prior to issuance of a building permit.
 6. Single-family dwellings and other improvements shall be developed in compliance with all other applicable provisions set forth in the city zoning ordinance and the Uniform Building Codes.
- B. Manufactured Dwellings. In addition to compliance with the provisions set forth above in [Section 17.08.090\(A\)](#), a manufactured dwelling shall be permitted outright subject to the following standards:
1. The manufactured dwelling shall be multi-sectional, double-wide or larger. A manufactured dwelling shall not be considered multi-sectional by virtue of having a tip-out section. The manufactured dwelling must show compliance with Department of Housing and Urban Development standards.
 2. The manufactured dwelling shall minimally be placed on an excavated and backfilled foundation, with continuous footing foundation that is six inches nominal thickness by eighteen (18) inches wide with two continuous #4 rebar lapped twelve (12) inches and centered in each footing. The perimeter shall be enclosed with skirting of concrete or concrete block such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement or in a floodplain, the twelve (12) inch limitation shall not apply.
 3. The manufactured dwelling shall have a pitched roof with a minimum nominal slope of three feet in height for each twelve (12) feet in width (3:12).
- D. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
1. One Unit. A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. Floor Area
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or

floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.

3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.

17.12 General Residential (R-G)

17.12.010 - Purpose.

The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G.

17.12.020 - Uses permitted outright.

In the R-G zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.12.040](#).

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.*
- D. Accessory dwelling units.*

17.12.30 - Conditional uses permitted.

- H. Manufactured dwellings that do not meet the minimum standards in [Section 17.12.040\(B\)](#).

17.12.040 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.12.020 and 17.12.030).

- A. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
 1. Two Units. A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. Floor Area
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.

- b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
 - 3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
 - 4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.
- B. Manufactured dwellings shall:
 - 1. Be double-wide or wider;
 - 2. Have a minimum of eight hundred fifty (850) square feet;
 - 3. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry;
 - 4. Have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12); and
 - 5. Comply with Department of Housing and Urban Development Standards.

17.12.060 - Lot size.

The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

17.12.070 - Setback requirements.

In an R-G zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of five feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.

17.12.080 - Height of buildings.

In an R-G zone no principal building shall exceed a height of thirty-five (35) feet or two and one-half stories, whichever is less. No accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

17.12.090 - Lot coverage.

In an R-G zone buildings shall not occupy more than an accumulative sixty-six (66) percent of the lot area. No lot shall have more than one principal building constructed thereon.

17.16 Commercial (C)

17.16.010 - Purpose.

The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses are also allowed. Residential use above the commercial main floor or located as not to prevent the main commercial use are allowed and encouraged especially in the Main Street District area.

17.16.020 - Uses permitted outright.

In the C zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.16.050](#).

- K. One accessory dwelling unit in conjunction with a commercial use and that meets applicable code requirements.

17.16.30 - Conditional uses permitted.

- F. Multi-family dwelling units.

17.16.040 - Setback requirements.

Except for allowed uses within the Main Street District area as defined in [Section 17.40.010](#), the front yard in a C zone shall be a minimum of twenty-five (25) feet.

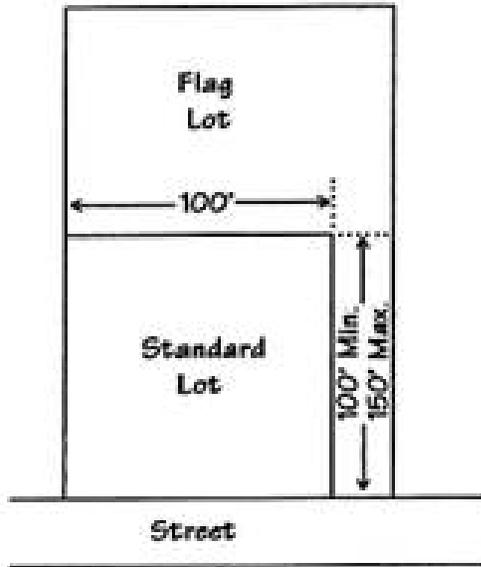
16.04 General Provisions

16.04.050 - General requirements and minimum standards of design and development.

E. Lots, Parcels, Topography, or Past Development Patterns.

1. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) feet in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone.
2. Lots and parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd-shaped tract, existing street layout, or existing topography makes such a lot or parcel unavoidable.
3. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.

4. Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.



5. The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance.
6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.
7. Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage.
8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.

Housing Strategy Plan Report

Table 3. Potential Development Code Amendments

Code Provision	Depoe Bay	Lincoln City	Newport	Siletz	Toledo	Waldport	Yachats
Housing Types Allowed	Consider allowing triplexes in R-2 courtyard apts. in R-3	No changes recommended	Consider allowing triplexes in R-2, courtyard apts. in R-3	No changes recommended	Consider allowing duplexes in R-S	Consider allowing duplexes in R-1, triplexes in R-2	Consider allowing duplexes in R-1, triplexes in R-2
Densities/ Minimum Lot Sizes	Reduce lot sizes for duplexes in all zones	Consider reducing lot size for duplexes in all zones, except R-7.5	No changes recommended	Consider reducing lot size for all housing types in G-R	Reduce lot sizes for duplexes if allowed in R-S Consider reducing min lot size for non- single-family dwelling uses in R-G	No changes recommended	Consider reducing min lot size and size for additional units for multifamily in R-3 and R-4
Accessory Dwelling Unit (ADU) Requirements	Allow in all zones where single family dwellings allowed and adopt specific standards	Consider allowing 1 external, 1 internal	Consider eliminating primary resident occupancy requirement, increasing max floor area, and allowing 1 external, 1 internal	Consider eliminating primary resident occupancy requirement and increasing allowed size	Consider eliminating primary resident occupancy requirement and increasing allowed size	Allow in all zones where single family dwellings allowed and adopt specific standards	Allow in all zones where single family dwellings allowed and adopt specific standards
Cottage Cluster Housing	Adopt standards and allow in R-2, R-3, R-4	No changes recommended	Adopt standards and allow in R-2, R-3, R-4	Adopt standards and allow in G-R, maybe R-S	Adopt standards and allow in G-R, maybe R-S	Adopt standards and allow in R-2, R-3, R-4	Adopt standards and allow in R-2, R-3, R-4
Off-street Parking Requirements	Consider reducing requirements for all non- single family dwelling housing types	Consider reducing requirements for multifamily	No changes recommended	Consider reducing requirements for all non- single-family dwelling housing types	No changes recommended	No changes recommended	No changes recommended

CITY OF TOLEDO



To: Toledo City Council and Planning Commission
From: Justin Peterson, Contract Planner
Date: September 16, 2020
Re: Sign Code Update

The City of Toledo existing code has very few sign regulations. The City Council and Planning Commission had a joint work session on March 11, 2020 to discuss the goal of a sign code update. The March 11th meeting provided staff direction to research sign code language. Since the joint work session Planning Commission and Staff including City Planner and City Attorney have been working on the draft sign code.

The League of Oregon Cities (LOC) has a model sign code that staff initially used as a template. However, after working with the LOC template staff heard concerns from Planning Commission members on the length and user friendliness of the document. Staff moved away from the LOC template and created a draft sign code. Staff will review the draft sign code in detail during the meeting and answer any questions. The existing City of Toledo Sign regulations and the Draft Sign Code are attached.

The purpose of this memo is to continue the conversation about the sign code.

Attachments: -Existing Sign Standards
-Draft Sign Code

City of Toledo Existing Sign Code

Definition

"Sign" means a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached. (TMC 17.04)

17.08.040 and 17.12.050 - Signs. (R-S and R-G Zone)

The following signs are permitted in the R-S zone:

- A. One temporary sign, not illuminated and not to exceed nine square feet in area, advertising the sale, lease, or rental of the property.
- B. Temporary political signs, not illuminated and not to exceed six square feet, to be removed within seven days after the pertinent election date.
- C. One non-illuminated sign not to exceed six square feet in area in conjunction with a home occupation.

17.46.050 - Advertising and signs. (Home Occupations)

In no case shall a sign exceed six square feet.

Chapter 17.42. Sign Code

17.42.010 Purpose.

The purpose of this chapter is to improve traffic safety and to regulate the cumulative impact of communicative and aesthetic expression without regard to the content of the expression.

~~[17.42.015 A sign permit is required to construct, erect, repair, or alter a sign when a building permit is required.](#)~~

17.42.020 Definitions.

“**Sign**” means a display, illustration, structure, flag, banner, device that has a visual display, or any other visual representation, which is either temporary or permanent, free-standing or affixed to, painted upon or represented directly or indirectly upon a building or other outdoor surface, that is visible from a public right of way. The scope of the definition shall be interpreted broadly. The scope of the term “sign” does not depend on the content of the message or image being conveyed.

“**Visual Area**” is an area measured in square feet (sq. ft.) and equals the lesser of:

- (a) the length in feet attributable to one address as identified by the City building number system (“address”), which is closest to the street, multiplied by 30 feet; or
- (b) Lot Frontage multiplied by 30 ft.

17.42.~~XXX~~ Non-conforming signs. Prior lawful nonconforming sign” is a sign that is permanently affixed to land or a structure, the location, dimensions, or other physical characteristics of which do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

- A. A nonconforming permanent sign or sign structure shall not be:
 1. Expanded in size or height that increases the nonconformity; or
 2. Relocated
- B. A nonconforming permanent sign may be maintained or altered, including changing the face and changing the types of materials comprising the sign, provided no changes are made that would increase the nonconformity.
- C. If a nonconforming sign is destroyed in whole or in part, the sign shall not be replaced.

17.42.030. Signs. The following signs are allowed outright.

A. In the Single-Family Residential Zone (R-S) a maximum of five (5) signs are permitted per lot subject to the following conditions:

1. The maximum size of any individual sign is fifteen (15) square feet, and
2. The total square feet of all signs is equal to or less than 5% of the Visual Area.

B. In the General Residential Zone (R-G) a maximum of five (5) signs are permitted per lot subject to the following conditions:

1. The maximum size of any individual sign is fifteen (15) square feet, and
2. One additional sign is permitted for each dwelling unit in a duplex, triplex, fourplex, and multiplex, and
3. The total square feet of all signs is less than 5% of the Visual Area.

C. In the Commercial Zone (C) signs are regulated subject to the following conditions:

1. Business Occupation. Business occupation is defined as one commercial use located on one lot, commercial uses located at multiple addresses on one lot, or multiple commercial uses located at one address. The City imposes no limit to the number of signs that a business occupation may post, subject to the following:

(a) The total square footage of all signs must be equal to or less than 25% of the Visual Area; and

(b) The business occupant(s) must have a business license from the City.

(c) Sidewalk signs. One sign is allowed on the sidewalk that abuts a business occupation. If a business occupies greater than 30 continuous feet of sidewalk, one additional sign is permitted on the sidewalk for each 30-foot of continuous distance that the business occupies. Sidewalk signs must not obstruct pedestrian traffic or ingress and egress from vehicles. Sidewalk signs are allowed only during the business's hours of operation.

2. Residential Occupation. Sign displays on a lot located in the C zone that is used exclusively for residential occupancy are regulated according to TMC 17.42.030(B).

3. Mixed Use Occupation.

(a) For mixed use residential and Business Occupation, located at one lot or at one address, the total square footage allowable for all signs is authorized to the Business Occupation and under no circumstance shall the signage on a mixed-use lot exceed 25 % of the Visual Area.

(b) For mixed use residential and Business Occupation, located at multiple addresses on the same lot, the signage at the residential addresses is regulated by TMC 17.42.020(B), the signage for the business occupation is regulated by TMC 17.42.030(C)(1).

D. In the Main Street District Overlay there is no maximum number of signs permitted per Business Occupation, subject to the following conditions:

1. The total square footage of all signs must be equal to or less than 15% of the Visual Area, and
2. The occupant(s) must have a business license from the City.
3. Sidewalk signs. One sign is allowed on the sidewalk that abuts a Business Occupation. If a business occupies greater than 20 continuous feet of sidewalk, one additional sign is permitted on the sidewalk for each 20-foot of continuous distance that the business occupies. Sidewalk signs must not obstruct pedestrian traffic or ingress and egress from vehicles. Sidewalk signs are allowed only during the business's hours of operation.
4. Residential Occupation. Sign displays on a lot located in the Main Street District Overlay that is used exclusively for residential occupancy is regulated according to TMC 17.42.030(B).

5. Mixed use Occupation in the Main Street District Overlay:

(a) For mixed use residential and Business Occupation, located at one lot or at one address, the total square footage allowable for all signs is authorized to the Business Occupation and under no circumstance shall the signage on a mixed use located at one address exceed 15% of the Visual Area.

(b) For mixed use residential and Business Occupation, located at multiple addresses on the same lot, the signage at the residential addresses are regulated under TMC 17.42.020(B), the signage for the business occupation is regulated consistent with TMC 17.42.020(C)(1).

E. Home Occupations. One additional sign is permitted for home occupations subject to the following conditions:

1. The Home Occupation must have a current business license from the City.
2. The maximum size of the Home Occupation sign is equal to or less than nine (9) square feet.

F. Industrial and Light Industrial Zone

G. Natural Resource and Water Dependent Zones

17.42.040 Exclusions. The following are excluded from this sign ordinance.

- A. Signs placed or authorized by a unit of government.
- B. Grave markers.
- C. Building numbers
- D Signs authorized or required by building permit.

[E. Murals, window signs, and wall signs, defined as any depiction that is painted on a wall of a building, or a sign attached to the wall of a building.](#)

17.42.050 Prohibited Signs. The following signs are not permitted inside the City limits

A. Billboards, defined as a sign on which any sign face exceeds 200 square feet in area.

B. Video Signs, as defined as a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities

C. Flying Signs, defined as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure;

D. Inflatable Signs, defined as signs that are attached to the property, ground or other permanent structure, including but not limited to balloons;

E. Abandoned Signs, defined as a sign or sign structure where:

1. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;

2. The sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

F. Signs placed in any public right-of-way or on public property, unless authorized by this sign code or otherwise authorized by law.

G. Signs located in the Clear Vision Area

17.42.xxx. Temporary Signs.

A. Definition. A Temporary Sign is a sign which is displayed consistently limited to 30 days or less.

B. Temporary signs are permitted as additional permitted signs in all zones.

C. The maximum square footage of a Temporary Sign may not be greater than 9 sq. ft.

D. A permit to post Temporary signs that do not conform to this section is available at City Hall. The posting of a nonconforming temporary sign is subject to review for safety and maintenance standards.

TOLEDO CITY COUNCIL
REGULAR MEETING – VIA ZOOM MEETING
September 2, 2020
6:00 p.m.

1. CALL TO ORDER

Council President Joshua Smith called the meeting to order at 6:00 p.m.

Present	Absent	
X	X	Mayor Rod Cross
X		Council President Joshua Smith
X		Councilor Jackie Kauffman
	X	Councilor Heather Jukich
X		Councilor Bill Dalbey
X		Councilor Stu Strom
X		Councilor Betty Kamikawa

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, Police Chief (PC) Michael Pace, Public Works Director (PWD) Bill Zuspan, Fire Chief (FC) Larry Robeson, City Attorney (CA) David Robinson, Contract Planner (CP) Justin Peterson

Visitors present: Craig Lash, Terri Neimann, June O’Conner, Bill Kucha, Martin Desmond, C.J. Drake, Wayne Belmont and Dennis Lyon

2. PRESENTATIONS

Proclamation – National Preparedness Month

CP Smith read a proclamation on behalf of Mayor Cross and declared September as National Preparedness Month.

Police Department Employees of the Year

Veterans of Foreign Wars Representative Mike Petersen presented Officer Marshall Dean with their annual recognition award.

PC Pace presented Officer Marshall Dean with the 2019 Police Officer of the Year award and commended Officer Dean for his professionalism and commitment to the Department.

PC Pace presented Wendy Pickell with the 2019 Dispatcher of the Year Award. He noted Ms. Pickell received an achievement award from the Police Academy and thanked her for the dedication and integrity she brings to the Department.

Service Line Warranty program

HomeServe USA Regional Director Dennis Lyon provided a presentation to the Council in regards to HomeServe’s Service Line warranty program. He said their utility line warranty program is endorsed by the National League of Cities and requested use of the City logo. He said there is no cost for the City of Toledo to participate. He said they educate homeowners about the

1 misconception that the City is responsible for maintenance of water/sewer lines on their property
2 as well as provide information about homeowner responsibilities and they offer 24/7/365 customer
3 service. He said their program can reduce wasted time, money, resources and burdens for City
4 staff and reduce frustration for homeowners. He said it is a voluntary opt-in(out) homeowner
5 program. He said HomeServe will find (local, licensed, bonded) contractors on behalf of citizens
6 participating in the program. He said there is no paperwork for the homeowner because
7 HomeServe manages the paperwork for the contractor. He said for every participant, the City
8 would receive \$.50 per month for each of the warranty agreements, up to \$1.50 per household if
9 the homeowner opted into all three of the products. He said the money is not restricted to a specific
10 use. He said HomeServe will send marketing materials to the community no more than three times
11 per year, with the partnership of the City and after the City reviews and approves the material. Mr.
12 Lyon answered clarification questions in regards to the agreement, the City logo used as an
13 endorsement/partnership on materials used for homeowners and qualifying events that are covered
14 under the program. The Council directed staff to bring back more information for Council
15 consideration to a future meeting.

16
17 **3. VISITORS/PUBLIC COMMENT**

18 There were no comments.

19
20 **4. CONSENT AGENDA**

21 **Consider approval of Minutes from the Regular Meeting held August 19, 2020**

22
23 **Motion** – It was moved and seconded (Strom/Kamikawa) to approve the Consent Agenda as
24 presented and the motion carried unanimously.

25
26 **5. DISCUSSION**

27 CP Smith said the Cascades West Area Commission on Transportation meeting was rescheduled
28 to next month.

29
30 **6. DECISION ITEMS**

31 **Public Hearing: Consideration to renew a Temporary Use Permit; TTP-1-20 (500
32 NE Bus. Highway 20)**

33 CP Smith opened the Public Hearing at 6:58 p.m. He asked if any Council members wish to declare
34 ex parte contacts or conflicts of interest. Councilors Strom and Kauffman indicated they drive by
35 the property every day. After hearing no other comments, CP Smith opened the floor for the
36 council report.

37
38 CP Peterson said this application from Sharon and Shawn Mohl, located at 500 NE Business Hwy
39 20 is requesting an extension of the permit. He said the permit was approved by staff in January
40 of 2020. He said the renewal would extend to January 22, 2021. He said they are using it for minor
41 construction and security services for the commercial building (pet grooming) on site. He said staff
42 sent out a notice to property owners within 150-feet of the property and they received one comment
43 in support of the renewal. He referenced comments provided by the Fire and Public Works
44 Department included in the packet. He said the Municipal Code allows only one extension by the
45 City Council. He said the Council may approve the request for six months or less or they may deny
46 the request. He noted the owner was not in attendance.

1 CP Smith opened the floor for public comment and after hearing none, he closed the Public
2 Hearing at 7:05 p.m.

3
4 CA Robinson noted the Council must include in their findings of fact that a permanent solution is
5 forthcoming. He inquired whether the applicants would be able to ensure they are seeking a
6 permanent solution and then speculated they [applicants] found a place. The Council questioned
7 whether the applicants could sublet the trailer if they found a place to stay. CP Peterson indicated
8 the applicants were listed on the application and the permit cannot be used by someone else.

9
10 **Motion** – It was moved and seconded (Dalbey/Kauffman) to approve the request the deadline for
11 temporary use permit TTP-1-20 for up to six months and the motion carried unanimously.

12
13 **Authorize the expenditure of \$40,000 to install 465’ Cured-In-Place Pipe Liner in the**
14 **Wastewater mainline on Nye Street**

15 PWD Zuspan provided the report and said it is a Priority 1 project listed under the Mutual
16 Agreement and Order with the Department of Environmental Quality. He said this project must be
17 completed this year and would fulfill the Priority 1 project list. He confirmed it would be an
18 improvement to the Inflow & Infiltration (I&I) issue.

19
20 **Motion** – It was moved and seconded (Kauffman/Dalbey) to authorize expenditure of \$40,000 to
21 install 465’ Cured-In-Place Pipe (CIPP) Liner in the Wastewater mainline on Nye St and the
22 motion carried unanimously.

23
24 **Authorize expenditure of \$64,000 for engineering services for the replacement of the**
25 **Wastewater Treatment Plant effluent discharge line**

26 PWD Zuspan said this is another project that will be part of the I&I process. He indicated there
27 the line is almost completely collapsed and it is a high priority. He said this project was not
28 specifically included in the budget for this year, but there was I&I funding included. He clarified
29 the funding would be allocated in this fiscal year, but the work would begin in the next fiscal year.

30
31 **Motion** – It was moved and seconded (Dalbey/Kauffman) to authorize expenditure of \$64,000 for
32 engineering services to prepare for the replacement of the Wastewater Treatment Plant discharge
33 line and the motion carried unanimously.

34
35 **Resolution No. 1451, extending the state of emergency declaration to November 4, 2020**

36 The Council reviewed the Resolution. CM Richter indicated the County extended their declaration
37 recently. She indicated making the declarations allows the City to apply for reimbursements from
38 the coronavirus (COVID-19) pandemic relief.

39
40 **Motion** – It was moved and seconded (Kauffman/Dalbey) a resolution of the Toledo City Council
41 extending the state of emergency declaration with a revised date of October 7, 2020.

42
43 **7. REPORTS AND COMMENTS**

44 FC Robeson reported the Department had 97 calls last month with 20 calls being mutual aid calls
45 for the City of Siletz. He said 45 were in the City limits and 26 were in the Rural Fire District area.
46 He commented the Department placed the old ladder truck for a bid sale, but did not receive any

1 bids so he considered donating it to the Fire Museum in Salem. There was a consensus of the
2 Council to donate it to the Museum.

3
4 PC Pace reported the school supply giveaway will occur Thursday, September 3, 2020 in the Police
5 Department parking lot.

6
7 PWD indicated the Public Works Department will start on the Arcadia & Spruce St. project on
8 September 14.

9
10 CA Robinson provided an update on a property on Burch Street that came before the Council a
11 year ago. He said the retaining wall on the property has deteriorated to the point where part of it
12 collapsed. He noted PWD Zuspan said the wall is six-feet tall and if it collapses any further it will
13 crash into the neighbor's porch. CA Robinson said the City is close to a condemnation, which
14 would require the City to take the property and offer some compensation to the adult heirs of the
15 property.

16
17 CM Richter said she and Mayor Cross met with the Seal Rock Water District Manager and Interim
18 Board President this week and said it went well. She said they plan to meet again next week before
19 their Board Meeting this month. She said the City has sent the Community Services Consortium
20 (CSC) approximately \$6,000 in recent months for the H2O program of which \$400 has been used
21 for utility relief. She requested the Council consider her exploring the option to have the Salvation
22 Army administer the H2O program because they are more responsive to the City and its customers.
23 A consensus of the Council concurred with CM Richter. CM Richter reported on a recent webinar
24 she attended, which discussed brownfield remediation and asked the Council to provide her
25 recommendations for any potential sites they could think of. She commented on the City staff and
26 indicated each of the Departments will provide a report to the Council about the employees that
27 work for the City in the future.

28
29 **8. ADJOURNMENT**

30 The meeting adjourned at 7:55 p.m.

31
32 ATTEST:

APPROVE:

33
34
35
36 _____
City Recorder Lisa Figueroa

37 _____
Mayor Rod Cross

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	September 23, 2020	Lincoln County Solid Waste Priority Discussion
Council Goal:	Agenda Type:	
Promote sustainability through environmentally friendly solutions to community challenges.	Discussion and Information	
Prepared by:	Reviewed by:	Approved by:
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

No formal action is needed.

Background:

Lincoln County Solid Waste District Manager Paul Seitz provided a presentation to the City Council on August 26 about the Lincoln County Solid Waste Advisory Committee (SWAC). He provided information on their role and following that presentation Mr. Seitz asked the Council to provide him a list of priorities to consider.

Mr. Seitz would like to develop a County wide comprehensive education program/model that would be shared throughout the communities within the County, which would be developed by SWAC. Staff brought this item back for discussion and consideration. Some examples of the priorities could include:

- Ecotourism
- Solid Waste
- Hazardous Waste
- Sustainability
- Recycling
- Promote business ‘green’ environmental practices/standards

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2020-2021	N/A

From: Judy Richter
Sent: Thursday, September 10, 2020 10:31 AM
To: Rod Cross <Rod.Cross@cityoftoledo.org>; Bill Dalbey <Bill.Dalbey@cityoftoledo.org>; Joshua Smith <Joshua.Smith@cityoftoledo.org>; Betty Kamikawa <Betty.Kamikawa@cityoftoledo.org>; Stu Strom <Stu.Strom@cityoftoledo.org>; jackiekauffman@ymail.com; Heather Jukich <Heather.Jukich@cityoftoledo.org>
Cc: Lisa Figueroa <administration@cityoftoledo.org>; David Robinson <davidjamesrobinsonesq@gmail.com>
Subject: REQUEST for Agency Comments -- Conditional Use Application -- Georgia-Pacific Toledo LLC -- 20-C-PC-20 INFORMATION ONLY

Good Morning Councilors

See below – information regarding request for comments. If you have comments, please forward to either me or Arlene. We will accumulate and forward to the County. Please do not reply to all.
Thank you

Judy M. Richter, City Manager
City of Toledo
Direct Line: 541-635-2003
Cell: 541-844-5280
P.O. Box 220
Toledo, OR 97391

From: John O'Leary [<mailto:joleary@co.lincoln.or.us>]
Sent: Friday, September 04, 2020 10:11 AM
To: LANDRUM Carrie <carrie.landrum@state.or.us>; Lisa Phipps <lisa.phipps@state.or.us>; Adair, Celinda <celinda.adair@state.or.us>; Brian Fuller <Brian.FULLER@state.or.us>; GAO Hugh <Hugh.GAO@state.or.us>; Arlene Inukai <planning@cityoftoledo.org>; Roy Kinion <rkinion@co.lincoln.or.us>
Cc: Onno Husing <ohusing@co.lincoln.or.us>; Joshua Bacher <jbacher@co.lincoln.or.us>; Lilli Glasgow <lglasgow@co.lincoln.or.us>
Subject: REQUEST for Agency Comments -- Conditional Use Application -- Georgia-Pacific Toledo LLC -- 20-C-PC-20

Good Morning,

Lincoln County Planning Department has received a Conditional Use Application from Georgia-Pacific Toledo LLC to modify their existing wastewater sludge ponds, located across the Yaquina River from the City of Toledo, in order to expand their existing landfill. The purpose of this expansion is to allow Georgia-Pacific to remove sludge from the existing ponds and place it in the expanded landfill.

Lincoln County is soliciting for comments on this application from relevant governing agencies. We would appreciate your comments as an agency that has either direct or indirect regulatory responsibility for permitting of the proposed use. We request that you provide your comments to us by Wednesday, October 7, 2020. If you require more time please contact me. If there is a person in your agency that you feel is more appropriate to address this matter, please either forward this email on to them or provide me with their contact information and I will email them directly. If you wish to discuss the application

materials, or if you have any questions about this request, please contact me directly at the number below.

Agency comments should be emailed directly to me. We would prefer that all agency comments be provided in a scanned business letter format with official agency letterhead and contact information. Lincoln County will attach comments, as received in their original form, as exhibits to the application and staff report. Your comments will be considered by the Lincoln County Planning Commission as part of the application record.

If for any reason you are unable to download the attached documents please let me know and I will transmit these materials by other means. Again, if you have any questions about this request, or if you need any additional information, please let me know as soon as possible. You can also contact Onno Husing, Lincoln County Planning Director, at (541) 265-0230 with any of the same questions.

Thank you for your time and consideration of this matter,

John O'Leary

Associate Planner

[Lincoln County Department of Planning & Development](#)

210 SW Second Street

Newport, OR 97365

Main Office: (541) 265-4192

Direct Line: (541) 265-0223

Fax: (541) 265-6945

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	September 23, 2020	Project List Update
Council Goal:	Agenda Type:	
Keep the community informed about council and city activities through outreach by diverse methods.	Discussion and Information	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Staff makes no recommendation/No formal action is needed.

Background:

The Council has asked to be updated on the projects as outlined in the budget. The report provided lists each of the projects and provides a brief update on the status. Staff is available to provide more information or answer questions as needed.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2020-2021	N/A

Attachment:

1. 2020- 2021 Project List

Projects List 2020-2021

	Location	Budget amount	Dept Responsible	Coouncil approval	Planning needed	Begin Date	Status update September 23	Completed Date	Final Cost
Interior Painting	City Hall	\$ 20,000	PW	yes	3 quotes if possible		winter TBD per contractor		
Exterior Painting	City Hall	\$ 30,000	PW	yes	3 quotes if possible	9/18/2020	scheduled for 9/21		
Repair/Maint Ext	New PS Building	\$ 100,000	PW	yes	3 quotes if possible		exterior inspection completed 8/31, seeking quotes for repairs		
Parking Lot/Storage	Fire Dept	\$ 50,000	PW	yes	3 quotes if possible		quote for asphalt parking lot 9/16		
Exterior Painting	Fire Dept	\$ 25,000	PW	yes	3 quotes if possible	ON HOLD			
Renovation	Arcadia Park	\$ 90,000	Paul Steenkolk	yes	Nothing at this time - project is dependent on getting grant				
Replace Outdoor Sign	Library	\$ 30,000	PW /Deborah	yes	Costs to be shared by Pool - identify project		In design process		
Centralized Heating/Cooling	Library	\$ 40,000	PW/Deborah	yes	Deborah has quotes	9/16/2020	Install in process 9/16		
Exterior Painting	Library	\$ 25,000	PW	yes	3 quotes if possible		completed	7/11/2020	\$6,195.00
New Patrol Car	Police	\$ 54,000	Police	yes	Use state contract?	7/22/2020			
Upgrade Community Room	Library	\$ 18,500	Deborah	no	3 quotes? Identify Vendors				
Kubota Skid Steer	PW	\$ 60,500.00	PW	yes	3 quotes?	ON HOLD			
Street Sweeper	PW	\$ 85,000.00	PW	yes	used - document "shopping"		PURCHASED & IN USE	7/6/2020	\$76,900
Spruce Street Improvement	PW	\$ 161,000.00	PW	yes	engineering - bid by Dyer Partnership		Road/Drivwe awarded bid, scheduled Mid October		
Arcadia Street Paving	PW	\$ 330,000.00	PW	yes	engineering - bid by Dyer partnership		Road/Drive awarded bid , scheduled for mid October		
Forklift	Water	\$ 15,000.00	Water	no	3 quotes if possible		shopping for compatible unit		
New Windows	Water	\$ 10,000.00	Water	no	Identify contractor or in house?	ON HOLD			
Backwash Motor & Pump	Water	\$ 80,000.00	Water	yes	single source??		Negotiating bid prices with vendor		
Catwalk	water	\$ 20,000.00	PW?	no	3 quotes or in house?	ON HOLD-			
Surface Wash Motor & Pump	Water	\$ 20,000.00	Water	no	single source??		Negotiating bid prices with vendor		
Water line replacement on									
Spruce Street	Spruce Street	\$ 650,000.00	PW	Yes	engineering -bid by Dyer Partnership	R/D Sub TLX began 9/14			

Ammon Reservoir Replacement	Ammon Reservoir	\$ 1,100,000.00	PW	Yes	on hold pending usage parameters					
Reservoir Road Fire Protection Project	Reservoir Road	\$ 300,000.00	PW	Yes	Engineering - bid Civil West Eng	9/10/2020	Dyer engineerd, out for bid on 9/10			
Skyline Reservoir Repairs	Skyline	\$ 50,000.00	PW	yes	Engineering - bid Civil West Eng		Scheduled w/contractor for early November			
Solids Removal	WW	\$ 57,000.00	WW	yes	identify procedure	9/1/2020	bid out , hauling complete 9/14, billing recv'd	9/14/2020	\$20,000.56	
Replace sections of WW main on Spruce Street	Spruce Street	\$ 163,000	PW	yes	Engineering - bid by Dyer Partnership	TLX begin date 9/16				
MAO Deq Projects		\$ 650,000			Need to be identified and a plan made		Final Priority 1 project (Nye Street liner) completed 9/14, awaiting invoice.	9/14/2020		
Public Safety Bldg Renovation		\$ 5,000,000		yes	Architects plans needed as first step					

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	September 23, 2020	Authorize expenditure of \$17,450 to install fire water supply line to 208 S. Main Street
Council Goal:	Agenda Type:	
Encourage economic development by supporting business investment and working to secure grants for projects such as commercial rehabilitation.	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Public Works Director Bill Zusan	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to authorize an expenditure of \$17,450 to install fire water supply line to 208 S. Main Street.

Background:

During a recent visit the State Fire Marshall recommended installing a 4” supply line to existing fire suppression system at 208 S. Main St due to the fact that there are apartments with tenants living above the building.

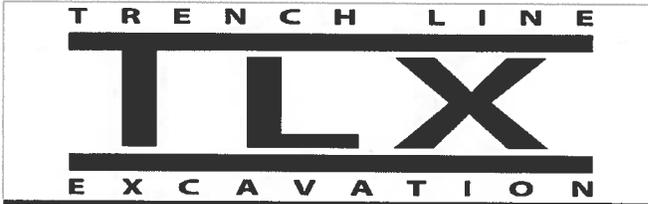
It would be possible to tie this job in with the City’s Fire protection up-grade on Reservoir Road fire protection up-grade as a change order. It would be completed before the end of 2020.

The city will be billing customer \$518.75 per month as per Municipal Code 13.12.130- Fire Protection Service. (%50 of facilities flat rate charge) At this rate, the city will recover their costs in 34 months.

Fiscal Impact:	Fiscal Year:	GL Number:
\$17,450	2020-2021	041-410-620520

Attachment:

1. Bid proposal



33871 SE Eastgate Circle
 Corvallis, OR 97333
 Phone: 541-752-0481
 Fax: 541-752-5523
 CCB # 105905

BID PROPOSAL

Project: Fire Line Cut-In	Bid Date: 31-Oct-19
Location: Toledo, OR	Arch/Engr.: N/A
Bid to: City of Toledo	Plan Sheets: N/A
Attn: Bill Zuspan	Plans Dated: N/A
Phone:	Addenda Rec'd: 0
Fax:	Sheets Attached: 1

Trench Line Excavation proposes to provide Labor, Equipment, and Materials to perform the following:

Scope of Work:

Sawcut Existing Road Surface, excavate down to existing 8" water main
 Cut in new 8" x 4" tee and 8" long sleeve, install new 4" valve and 4" DI water line out of roadway
 Demo existing sidewalk, lay 4" line past it, vertical 90 and spool up out of ground at building face
 Second 90 for alignment into building, FL x PE Spool, flanged 90 inside building, spool piece to existing flange
 Restore Roadway asphalt, Restore sidewalk, General Cleanup behind our work.
 Includes all traffic control, signage, equipment, mobilization, piping materials.

Bid Total: \$ **17,450.00**

Excluded: Penetration/cut through side of existing building, sealing hole/insulating/flashing, permits, testing/special inspections, landscape/planting restoration

NOTICE TO PROCEED:

This proposal is accepted as submitted and shall serve as a notice to begin work by signing below.

 Trench Line Excavation, Inc.

 Date

 Date