

## Article 2: Land Use Planning

Land Conservation and Development Commission (LCDC) Statewide Planning Goal 2, Land Use Planning, establishes a land-use planning process and POLICY framework with which local Comprehensive Plans must comply. This section of the Comprehensive Plan contains the City's land-use planning goals and policies, consistent with state and regional requirements.

The Comprehensive Plan Map is used to guide land uses and development in the city. The map shows geographic areas that have been designated for general land uses in accordance with the Comprehensive Plan. The map also shows the general development pattern of the city and indicates which areas are best suited for residences, commercial, office, and industrial uses, and which areas should be left undeveloped.

### Local Context

The Toledo Comprehensive Land Use Plan is organized by topic areas that reflect the Oregon Statewide Planning Goals. The purpose of the land use element of the Plan is to delineate a land use pattern for Toledo that will guide the future use of land. The land use plan is based upon the other elements of the Comprehensive Plan, community desires as expressed by citizen reviews, policy statements, projected land use needs to the year 2042, and existing land use patterns. Minor edits to the City of Toledo Zoning Map and Comprehensive Plan map have occurred over the last 20 years; however, a major city-wide update has not been completed.

The City of Toledo completed a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2022 (Attachment X). The Economic Opportunities Analysis (EOA) was completed in 2010 (Attachment X).

Key conclusions of the HCA included.

- Toledo's population is forecast to grow slower than in the past.
- Toledo's needed housing mix is for an increase in housing affordable to renters and homeowners, with more attached and multifamily housing types.
- Toledo provides housing that is comparatively affordable relative to cities like Newport and Waldport.
- Toledo has a need for additional housing affordable to lower and middle-income households.
- Toledo has enough land within its UGB to accommodate the forecast for growth between 2022 and 2042.
- Toledo's residential land base is heavily constrained and is a barrier to housing development.
- Toledo's vacant land includes areas that are costly to serve with infrastructure such as water or wastewater service.
- Commercial areas may provide opportunities for development of new housing, especially multifamily housing.

Development Constraints: Constraints in Toledo include floodplains, steep slopes, and areas susceptible to landslides, and areas constrained by estuaries, wetlands, or tsunami inundation zones. Within the UGB but outside of the city limits, there about 420 acres of vacant and constrained land in the Low- Density and Medium-Density residential zones. This large amount of vacant land that is constrained land makes it difficult for Toledo to support housing development, because there is so little land that is easily developable and less costly to serve.

**Exhibit X** shows that Toledo has sufficient land to accommodate housing development in each residential plan designation. Toledo has capacity for 245 dwelling units and demand for 15 dwelling units. The result is a surplus of capacity for housing, beyond the forecast of housing growth over the next 20 years of about 230 dwelling units. The largest surpluses are in the UGB Low-Density Residential and Toledo General Residential plan designations.

**Exhibit X: Comparison of Capacity of Existing Residential Land with Demand for New Dwelling Units and Land Surplus or Deficit, Toledo UGB, 2022-2042**

Plan Designation/Zone	Capacity (Dwelling Units)	Demand (Dwelling Units)	Capacity less Demand (Dwelling Units)	Land Sufficiency (Acres)
<b>Within City Limits</b>				
Residential Single (R-S)	31	5	26	5
Residential General (R-G)	82	10	72	5
<b>Within UGB, Beyond City limits</b>				
Low Density Residential	111	-	111	20
Medium Density Residential	21	-	21	1
<b>Total</b>	<b>245</b>	<b>15</b>	<b>230</b>	<b>31</b>

Overall, the 2000 Comprehensive Plan projected a population of 5,500 by the year 2020. The 2022 population was 3,840 showing Toledo did not grow as fast as expected. With that said, City Elected Officials and Staff anticipate growth to increase by more than the projected 32 people over the next 20 years. Toledo will closely monitor actual population growth.

## Implement Land Use Policies – Goal 1

To implement locally desired land use policies and practices that ~~do not conflict~~ are consistent with the State of Oregon's land use planning program.

**Policy 1 – Implementation:** Implementation of the Toledo Comprehensive Land Use Plan shall be through a) management implementation measures such as ordinances, regulations or project plans, and b) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services related to the land use planning goals and objectives identified within the Toledo Comprehensive Land Use Plan. Ensure the requirements of the Toledo Municipal Code (TMC) are consistent with the Comprehensive Plan and that the Plan is implemented through thoughtful zoning and development ordinances, interpretation, and programming.

## Planning Process and Policy Framework – Goal 2

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.

**Policy 2 – Sufficient Lands:** The Toledo Comprehensive Land Use Plan Map and the Toledo Zoning Map shall provide for sufficient lands for a 20-year supply of land within the Urban Growth Boundary to meet the projected population growth of ~~5,550 by the year 2020~~ 3,872 by the year 2042 as projected in the Toledo Buildable Lands Inventory. The 20-year supply of land shall be a sufficient supply of land to implement the following land use zones:

**Exhibit X: Comprehensive Plan Land Use/ Zoning Consistency (Plan Designation Zoning Matrix)**

Comprehensive Plan Land Use Designation	Zones Consistent with the Land Use Classification
Low-Density Residential	Single Family Residential (R-S) Zone
Medium-Density Residential	Single-Family Residential (R-S) or General Residential (R-G) Zones
Commercial	Commercial (C) Zone
Industrial	Industrial, Light-Industrial, and/or Water-Dependent Zones
Water Dependent	Water Dependent Zone
Natural Resource	Natural Resource Zone

The relationship of the Plan designations to the zoning districts is summarized graphically in the “Plan Designation Zoning Matrix.” This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation.

- A. Comprehensive Plan Map Designations: Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the City determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Low-Density Residential - This designation provides for lower density housing with a focus on single-family housing accessory dwelling units, and duplexes. This designation allows for other types of housing including cottage clusters and multi-family. ~~This designation shall be implemented through the zoning map’s Single Family Residential (R-S) zone designation.~~

Medium-Density Residential – This designation provides for either lower or higher density housing. ~~This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.~~

Commercial - This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with commercial areas including allowing residential uses. ~~This designation shall be implemented by the zoning map designation of Commercial.~~ A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

Industrial - This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial designation. The intent is to encourage industrial growth and provide for industrial development at appropriate locations ~~in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light Industrial, and/or Water-Dependent.~~

Water-Dependent - This designation provides for uses of property that depend on a location adjacent to a waterway for the viability of that use. Toledo's water surface and its shorelands are a valuable resource and provide considerable potential for future economic growth. ~~The Water-Dependent plan designation shall be implemented by the zoning map designation of Water-Dependent.~~

Natural Resource - This designation is intended to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities. ~~This designation shall be implemented through the zoning map's Natural Resource zone designation.~~

Public Lands - This designation is intended to indicate lands currently providing areas to benefit the public, regardless of ownership of the lot or parcel, and used for a public use such as schools and parks acknowledging that such lands may be put to a variety of uses. ~~This designation shall be implemented through the zoning map's Public Lands zone designation.~~

Estuary Management Units - The Lincoln County Estuary Management Plan classifies the Depot Slough, Olalla Slough, and Yaquina River segments within the Toledo Urban Growth Boundary into Management Units for Development, Conservation and Natural. The Lincoln County Estuary Management Plan Management Unit designations and uses shall apply to the waterways within Toledo. The current version of the Lincoln County

Estuary Management Plan was adopted in 1982. The Estuary Management Plan updated process is underway.

Dredged Material Disposal Sites - The Lincoln County Dredged Material Disposal Plan identifies dredged disposal sites for the Yaquina River and related tributaries. The current version of the Lincoln County Dredged Material Disposal Plan was adopted in 1982. The City will work in cooperation with the Port of Toledo and Lincoln County and other entities to adopt an updated dredged material disposal plan and site designations. When an updated plan is adopted, the City will adopt land use regulations to provide protection for the newly identified disposal sites as required by the Oregon Statewide Planning Goals and will designate the existence of disposal sites on the comprehensive plan and zoning maps. Existing disposal sites in River Segments 6 and 7 identified by the 1982 Lincoln County Dredged Material Disposal Plan may be used in a manner that precludes the future use of the site for dredged material disposal through use of the following procedure:

- 1) Any person wishing to develop or use property in a manner which would preclude its use for dredged material disposal shall submit a proposal in writing to the City. The proposal shall set forth the intended use of the property and any alternative disposal sites or methods (with appropriate documents) considered by the applicant. The City shall then notify the Port District of the proposal in writing to allow the Port an opportunity to negotiate for use of the dredged material site before the proposed use is approved.
- 2) After 30 days of receipt of a complete proposal and notification to the Port District, the City shall notify the property owner that the property may be used consistent with City zoning and other applicable requirements.

#### B. Zoning Designations-Districts

Zoning is a major “tool” for implementing the Comprehensive Plan. By law, zoning must be “consistent” with the Comprehensive Plan. However, this does not mean that zoning designations simply duplicate Comprehensive Plan designations. The zoning cannot permit uses or intensities that are not allowed under the particular Plan category. It is possible to have zoning that is more restrictive than the Plan designation (e.g., if the land is not needed for such uses in the short run, or a particular area is not currently suitable for such development). In those instances, the zoning intensity would be increased when the land was needed and/or the suitability of the land for a particular use was assured.

Zone changes will occur, since minor adjustments to the Comprehensive Plan undoubtedly will occur. Zone changes also will occur concurrently with annexations, although the particular zone(s) attached to each annexation depends on the Plan classification, the need for the intended uses, and the suitability of the land for a particular use.

Zoning regulations within the Urban Growth Boundary will be administered by the City of Toledo for areas inside the city limits and by Lincoln County for land outside the city

limits. Zone changes in the urbanizing area will be reviewed by the City of Toledo subject to the requirements of the joint Urban Growth Management Agreements with Lincoln County.

The Toledo Development Code describes the zoning districts that apply within the city limits. For information on zones that apply in the urbanizing area, refer to the Lincoln County zoning code.

~~Single family Residential (R-S) The purpose of the R-S zone is to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. The R-S Zone is primarily for single family homes, accessory dwelling units, duplexes, and their accessory uses. In addition, multifamily dwellings and some other uses may be evaluated as a conditional use.~~

~~General Residential (R-G) The purpose of the R-G zone is to encourage a wide range of housing types, including, multi family, single family, accessory dwelling units, and cottage clusters. In addition, some other uses may be evaluated as a conditional use.~~

~~Commercial (C) 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 will also be allowed. Residential use above the commercial main floor use shall be allowed and encouraged especially in the Main Street District area, residential live work units are allowed, and multi family outside the Main Street District area may be evaluated as a conditional use.~~

~~Light Industrial (L-I) The purpose of the Light Industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transitional area between commercial and residential uses and heavier industrial uses. Uses permitted in the Light Industrial zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the Industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted Light Industrial use.~~

~~Industrial (I) The purpose of the Industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing provide sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. The Industrial zone is intended to serve a range of manufacturing uses~~

~~which may have significant external impacts. Uses permitted in the Industrial zone often have transportation needs that include both rail and truck. Less intensive industrial uses that are permitted in the Light Industrial zone are also permitted.~~

~~Water Dependent (W-D) The purpose of the W-D zone is to protect uses which need contact with or use of the water for uses such as waterborne transportation, recreation, energy production, or water supply.~~

~~Natural Resource (N-R) The purpose of the N-R zone is to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities.~~

~~Public Lands (P-L) This purpose of the P-L zone is to indicate lands currently providing areas to benefit the public, regardless of ownership of the lot or parcel, and used for a public use such as schools and parks acknowledging that such lands may be put to a variety of uses.~~

### C. Overlay Zone Designations

Overlay zones not specifically identified in the Comprehensive Plan may be created as needed under the Comprehensive Plan through a plan amendment. Overlay zones are zones defined by a boundary in which variations from the underlying zoning requirements may be allowed, in which additional standards may be required to be met, or in which certain land use procedures may be allowed or required. The Main Street Overlay was created for downtown Toledo. Another example of an overlay zone that could be created is the establishment of a historic residential overlay zone in which construction of residences within the zone would have to meet certain architectural standards designed to maintain the historic look of that residential area.

## Factual Basis for all Decisions and Actions – Goal 3

To assure an adequate factual basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.

**Policy 3 – Area and Community Plans:** Specific area plans may be adopted as plan amendments to the Toledo Comprehensive Land Use Plan. The specific area plans may provide the basis for land use planning of the specific area consistent with the Toledo Comprehensive Land Use Plan. Specific area plans may also be adopted as guidance documents for an area and, as guidance documents, they shall not replace the existing comprehensive plan regulations applicable to that area but should be given consideration in future land use actions.

**Policy 4 – Urban Growth Management Agreement:** An Urban Growth Management Agreement (UGMA) with Lincoln County shall be implemented to coordinate review of land use decisions

outside of the City of Toledo city limits but within the Toledo Urban Growth Boundary. The City shall review the UGMA to ensure land within the Urban Growth Boundary (UGB) can be efficiently redeveloped when annexed into the city limits.

**Policy 5 – Planning Commission and City Council Responsibilities:** The division of responsibilities between the Planning Commission and the City Council for land use planning to implement the Toledo Comprehensive Land Use Plan shall be established by ordinance.

**Policy 6 – Technical Framework:** A Toledo Comprehensive Land Use Plan Inventory shall be adopted as part of the Toledo Comprehensive Land Use Plan to provide a factual basis for the adoption of the Toledo Comprehensive Land Use Plan and the subsequent implementation of land use ordinances. The Toledo Comprehensive Land Use Plan Inventory consists of related planning documents, maps, and other information related to planning within the Urban Growth Boundary of Toledo. ~~To ensure up to date and accurate factual information, the Planning Commission may be given the authority to adopt up to date and accurate factual information without further action of the City Council.~~

**Policy 7 – Updates:** The City of Toledo will ~~undertake a periodic~~ review of the Toledo Comprehensive Land Use Plan as the need arises and/or in accordance with state required review time periods. Updates shall:

- a. Remains current and responsive to community needs
- b. Retains long range reliability
- c. Incorporates the most recent and reliable information

**Policy 8 – Amendments:** Amendments to the comprehensive plan or comprehensive plan map may be filed with the City on appropriate forms provided by the City by any person of legal age. Amendments may also be initiated by the Planning Commission or the City Council. The City Council will be the decision-making body. Any change must be consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria. In addition, any applicant must show that circumstances have changed, that there is a public need for the amendment, and that the need cannot reasonably be met by any other method. Future boundary amendments shall utilize property lines whenever possible to facilitate boundary management and site developments. In instances where an applicant can show that a mistake was made in the original Plan, that showing, along with proven compliance with the Oregon Statewide Planning Goals and Guidelines, will be sufficient to amend the Plan. Amendments to the Glossary section of the Plan may be made based on the criteria that the added definition is consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria.