

AGENDA

TOLEDO PLANNING COMMISSION

ELECTRONIC/VIRTUAL MEETING VIA ZOOM MEETING PLATFORM. The Planning Commission will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

Public Comments: The Planning Commission may take limited verbal comments during the meeting. Written comments can be submitted by email to planning@cityoftoledo.org by 4:00 pm on August 12, 2020, to be included in the record. Comments received will be shared with the Planning Commission and included in the record.

1. CALL TO ORDER AND ROLL CALL
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE JULY 8, 2020 MINUTES as circulated and reviewed by the Planning Commission
4. INFORMATION ITEM: Identifying buildable lands and code updates, presented by Mayor Rod Cross
5. DECISION ITEM: Review and accept Private Road Maintenance Conditions for Estates of Beaver Homes
6. WORKSESSION:
 - a. Sign Code Standards
 - b. Housing Review (Residential Zone Standards)
7. DISCUSSION ITEMS:
 - a. Updates and Reports
8. STAFF COMMENTS
9. COMMISSIONER COMMENTS
10. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Todd Michels. Commissioners present: Cora Warfield, Anne Learned-Ellis, Robert Duprau and Geoffrey Wilkie.

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) David Robinson, and Secretary Arlene Inukai.

ELECTION OF OFFICERS:

Commissioner Learned-Ellis nominated President Todd Michels to another term as Planning Commission President. President Michels declined the nomination, as he may run for City Council in the fall.

It was moved and seconded (Learned-Ellis/Warfield) to nominate Commissioner Geoffrey Wilkie to serve as Planning Commission President. Commissioner Wilkie declined the nomination, as his term will expire at the end of the year and he may not seek re-appointment. The motion failed for a lack of acceptance.

It was moved and seconded (Michels/Learned-Ellis) to nominate Commissioner Robert Duprau to serve as Planning Commission President. Commissioner Duprau declined the nomination, as he may run for City Council in the fall. The motion failed for a lack of acceptance.

It was moved and seconded (Michels/Wilkie) to nominate Commissioner Anne Learned-Ellis as Planning Commission President. The **motion passed** unanimously.

It was moved and seconded (Learned-Ellis/Duprau) to nominate Commissioner Cora Warfield as Planning Commission Vice President. The **motion passed** unanimously.

The meeting was then handed over to President Learned-Ellis.

VISITORS: Lisa Figueroa

APPROVAL OF THE JUNE 10, 2020, MINUTES:

It was moved and seconded (Warfield/Michels) to approve the June 10, 2020, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously.

WORKSESSION: SIGN CODE REVIEW:

CP Peterson reported that a new draft was sent out for review. Originally, staff used the League of Oregon Cities model sign code as a starting point, but it was too cumbersome. Staffed worked to reduce the number of standards and to focus on safety. Commissioner Duprau stated he likes the purpose statement in the revised draft. President Learned-Ellis added she likes that the code is only three pages. CP Peterson pointed out that the draft does not address sign content, but rather size, maximum amount of signs and clear vision. In the new draft, CA Robinson provided a formula for visual frontage area for both the commercial and residential zones.

CA Robinson stated that the League's sample was a good start, but he wanted to reduce the standards down from the model code. He reviewed various case laws and clarified that freedom of speech applies to art, commercial speech, and religious speech. The sign size, number of signs and location are the standards that can be applied universally.

The visual area concept uses the lot frontage distance, multiplied by 30 (or the length attributable to the building) to determine the amount of signage for that use. CA Robinson clarified that the amount is for all temporary and permanent signs. There is no difference between the two in the revised draft. However, sidewalk signs are addressed in another section. CP Peterson clarified that the residential zones set a maximum sign size of 15 square feet, which is the size of a standard flag. The total square footage calculation can be reviewed in closer detail and if the 10% formula should be used in the visual area calculation. Commissioners may want to further study this, but it appeared that 5% is a small amount, considering all signs, flags, banners, 'beware' signs would fall under the visual area formula. Commissioner Michels suggested a reduced percentage for a smaller lot. CP Peterson pointed out that the draft standards state residential zones would have a maximum of five signs, regardless of frontage. This maximum number should be reviewed if Commissioners feel the total number of signs should increase, especially when looking at larger lots.

CP Peterson provided an example of a property and the amount of signage allowed based on the visual area calculation. It was clarified that the signage is calculated based on what is visible from the street. One sign can be added for each dwelling unit on the property. President Learned-Ellis and Commission Duprau asked for a visual example of how the concept would be used on a property, specifically, comparing a 5% and 10% formula.

CP Peterson reviewed the proposed sign standards for the commercial zone. A business occupant is defined in the draft and requires a business license. The maximum sign size is 18 square feet, there could be an unlimited number of signs, as long as it meets the visual area calculation (proposed 15%). CA Robinson provided an example of the formula, using JC Thriftway property as a sample. The 15% visual area amount may need further discussion if it provides enough signage for businesses.

The commercial zone has sidewalk sign standards proposed at one sign per 30 feet of frontage. The Main Street District would be 20 feet of frontage. Sidewalk signs cannot obstruct traffic.

CA Robinson reviewed the issue of residential use in the commercial zone and the single-family homes should follow the residential standards rather than the commercial standards. If there is a mixed-use (commercial and residential on the property) the proposal would give 100% of the allowed signage to the commercial user, not the residence. Commissioners discussed this concept, which may need to be revised. The residential tenant may want a flag or small home occupation sign. Commissioners discussed the classification of a flag as a sign, asking if two flags could be allowed outright without using the visual area formula. CA Robinson stated that, based on case law, flags cannot be excluded. Commissioners discussed the option that everyone has the minimum amount of expression to ensure that a flag can be displayed.

As proposed, construction projects, including signs that need a building permit or design review could be excluded from the calculation under special circumstances.

Commissioners generally liked the visual frontage format. Additional review is needed for mixed-use properties and the Main Street District. Also, should the second-story apartments on Main Street have

a sign in every window or should they be consolidated to a certain location on the structure (for example, at the entrance or stairway). Window signs may not be a significant problem, but the unit needs to be safe. Commissioners discussed the option of home businesses having one more sign than the formula allows. Additional research will have to be done for properties with double frontage and entrances.

Government signs and building numbers were listed in the exclusion section. CA Robinson suggested removing the language for signs regulated by design review/building permits. The list of prohibited signs were reviewed, noting that the existing Toledo Boomer Booster sign would be grandfathered in. There may need to be some clarity for non-conforming signs. Abandoned and damaged signs would be determined when a complaint has been reported or code enforcement sees the sign. Sidewalk flags displayed on the 4th of July, banners provided by the Chamber of Commerce and hung by the City could all be considered government signs because they are placed in coordination or with permission from the City.

Commissioners discussed political signs during the election season. If the signs are placed in the public right-of-way, they could be removed due to safety. If they are on private property, the maximum signage number and visual frontage formula applies. Election laws may help regulate the time political signs can be displayed. Additional review will be provided, as there could be a 'special circumstance' section that includes the election season as a seasonal display category. Commissioners liked the idea to expand the standards during the election season. CP Peterson offered to research the election laws to see if candidates are required to pick up their campaign signs after the election.

Staff will further review and revise the draft and will bring it back in future worksessions.

DISCUSSION ITEM: HOUSING REVIEW (RESIDENTIAL ZONE STANDARDS):

CP Peterson reviewed the current residential zone standards. Commissioners should review the existing standards and return next month with any suggestions for updates. For example, addressing cottage cluster development standards. He reviewed ideas from the Lincoln County Housing Strategy Plan and can also provide a list of suggestions at the next meeting.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson reported that the building permit activity log was included in the packet for information.

STAFF COMMENTS:

CM Richter announced that Mayor Rod Cross ask for a list of Planning Commission duties and may have suggestions that Planning Commissioners can work on as future projects. She has been encouraging Councilors to recruit Planning Commission members.

COMMISSIONER COMMENTS:

None.

There being no further business before the Commission, the meeting was adjourned at 8:45 pm.

Secretary

President

CITY OF TOLEDO



STAFF MEMORANDUM

TO: Planning Commission
FR: Justin Peterson, Contract Planner
RE: PD-3-06 CC&R Review
DT: August 4, 2020

This is a decision item for CC&R review for file # PD-3-06 (requested by Richard Wolff and Adam C. Springer, Attorney at Law). Preliminary approval of the proposed planned development was given by the Planning Commission by order dated April 14, 2006. The final plat was approved July 6, 2006. A copy of the final plat, Planning Commission Order, and CCR's are included. Condition of Approval number 3 states: "In the event of even one sale, by-laws must be prepared by the owner and approved by the City that stipulates perpetual use and maintenance of the private road indicated on the plat. Until sale, the road shall be maintained by the applicant." The property owner is asking for city approval of the by-laws that stipulate the perpetual use and maintenance of the private road. Article 3 of the Declaration of easements, covenants, conditions and restrictions for estates of Beaver Homes requires approval from the Planning Commission. Staff is recommending approval of Article 3 of the CC&R's.

PROPOSED MOTION:

Based upon a review of the Toledo Municipal Code criteria set forth in Sections 16.12.130 and 16.12.140 and the conditions of approval of the preliminary plat order dated April 14, 2006 and the final plat approved on July 6, 2006, the Planning Commission approves Article 3 of the attached CCR's, on behalf of Richard Wolff.

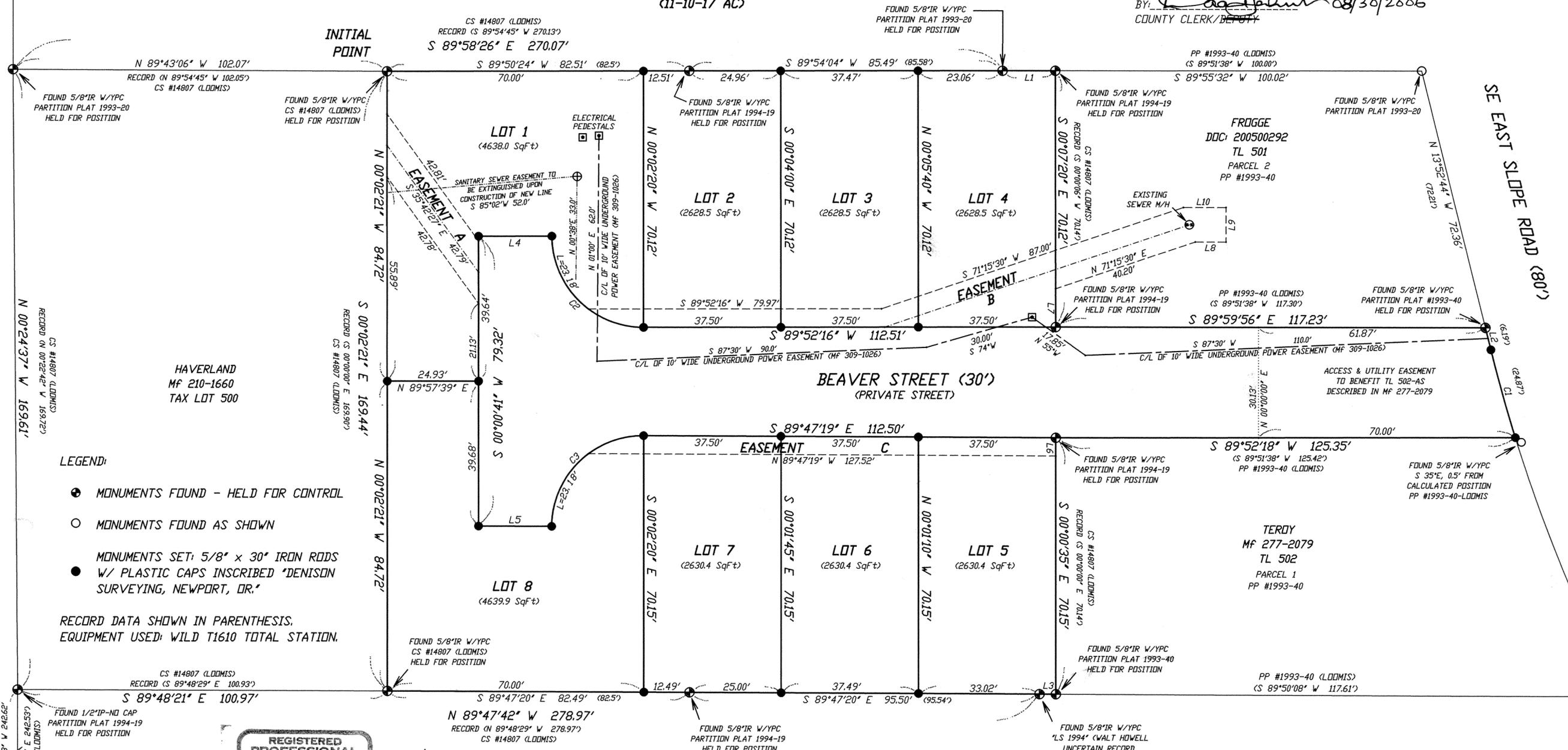
PLAT OF
ESTATES OF BEAVER HOMES

A REPLAT OF PARCEL 1-PARTITION PLAT 1994-19 AFTER THE PROPERTY LINE
ADJUSTMENT-PER CS #14807 AND PARCEL 2-PARTITION PLAT 1994-19.
LOCATED IN THE SW 1/4 OF NE 1/4 OF SECTION 17 TOWNSHIP 11 SOUTH, RANGE 10 WEST, W.M.
SCALE: 1" = 20' DSI-3694 JULY 2006
(11-10-17 AC)

I, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD
ON THE 30th DAY OF AUGUST, 2006 AT 12:34 O'CLOCK P.M.
AND RECORDED AS THE PLAT OF 'ESTATES OF BEAVER HOMES',
LINCOLN COUNTY PLAT RECORDS, BOOK 17 PAGE 49, 47A

BY: *Russell Johnson* 08/30/2006
COUNTY CLERK/BENEFIT

BASIS OF BEARING
MEASURED N 8°42'48" E, 328.54' (328.56')
FROM RM '8907' TO 1/4 CORNER OF
SECTION 17 TO THE NORTH 1/4 CORNER
AND S 02°54'49" E, 2231.69' TO
THE INITIAL POINT.



LEGEND:

- MONUMENTS FOUND - HELD FOR CONTROL
- MONUMENTS FOUND AS SHOWN
- MONUMENTS SET: 5/8" x 30" IRON RODS
W/ PLASTIC CAPS INSCRIBED 'DENISON
SURVEYING, NEWPORT, OR.'

RECORD DATA SHOWN IN PARENTHESIS.
EQUIPMENT USED: WILD T1610 TOTAL STATION.



I, RUSSELL JOHNSON, CERTIFY THAT THIS IS A
TRUE AND EXACT COPY OF THE ORIGINAL
SUBDIVISION PLAT OF 'ESTATES OF BEAVER HOMES'.

SURVEY BY:
DENISON SURVEYING, INC.
720 SW ANGLE ST.
NEWPORT, OREGON 97365
(541) 265-9308

SURVEYOR'S CERTIFICATE:

I, RUSSELL JOHNSON, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE PLAT OF 'BEAVER HOMES ESTATES', THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:
A TRACT OF LAND SITUATED IN THE SW 1/4 OF SECTION 17, T11S, R10W, W.M., IN LINCOLN COUNTY, OREGON, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 5/8 INCH IRON ROD, ESTABLISHED IN LINCOLN COUNTY SURVEY NO. 14807, THAT IS LOCATED NORTH 13°35'07" EAST, A DISTANCE OF 423.57 FEET FROM THE CENTER 1/4 CORNER OF SECTION 17, SAID CORNER BEING THE INITIAL POINT; THENCE SOUTH 00°02'21" EAST, ALONG THE WESTERLY BOUNDARY OF A TRACT OF LAND AS DESCRIBED IN MICROFILM 301-0196, LINCOLN COUNTY FILM RECORDS TO THE SOUTHWEST CORNER THEREOF, A DISTANCE OF 169.44 FEET; THENCE SOUTH 89°47'20" EAST, TO THE SOUTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 1994-19, A DISTANCE OF 82.49 FEET; THENCE SOUTH 89°47'20" EAST, ALONG THE SOUTH LINE OF SAID PARCEL 2, A DISTANCE OF 95.50 FEET; THENCE SOUTH 89°46'50" EAST, ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER THEREOF, A DISTANCE OF 4.47 FEET; THENCE NORTH 00°00'35" WEST TO THE NORTHWEST CORNER OF PARCEL 1, PARTITION PLAT NO. 1993-40, A DISTANCE OF 70.15 FEET; THENCE NORTH 89°52'18" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1 TO THE WESTERLY RIGHT OF WAY OF EAST SLOPE ROAD, A DISTANCE OF 125.35 FEET; THENCE ALONG THE ARC OF A 440 FOOT CURVE RIGHT (THE LONG CHORD OF WHICH BEARS N 15°29'53" W, 24.87'), A DISTANCE OF 24.87 FEET; THENCE NORTH 13°52'44" WEST, ALONG SAID WESTERLY R/W TO THE SOUTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 1993-40, A DISTANCE OF 6.19 FEET; THENCE NORTH 89°59'56" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 2 TO THE SOUTHWEST CORNER THEREOF, A DISTANCE OF 117.23 FEET; THENCE NORTH 00°07'20" WEST, ALONG THE WEST LINE TO THE NORTHWEST CORNER THEREOF, A DISTANCE OF 70.12 FEET; THENCE SOUTH 89°52'28" WEST, ALONG THE NORTH LINE OF PARCEL 2, PARTITION PLAT NO. 1994-19, A DISTANCE OF 14.41 FEET; THENCE SOUTH 89°54'04" WEST, ALONG SAID NORTH LINE TO THE NORTHWEST CORNER THEREOF, A DISTANCE OF 85.49 FEET; THENCE SOUTH 89°50'24" WEST, A DISTANCE OF 82.51 FEET TO THE INITIAL POINT.

SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO RE-ESTABLISH THE BOUNDARIES OF TWO (2) TRACTS OF LAND AS DESCRIBED IN MICROFILM 286-1195 (TAX LOT 503) AND MICROFILM 301-0196 (TAX LOT 504), LINCOLN COUNTY FILM RECORDS AND TO SUBDIVIDE THESE INTO EIGHT (8) LOTS, AS INDICATED ON THE ACCOMPANYING PLANNED UNIT DEVELOPMENT. THIS SURVEY HELD THE MONUMENT AT THE NORTH 1/4 CORNER OF SECTION 17 (LCGCM 'COR8907') AND THE RM TO THE NORTH 1/4 CORNER (LCGCM '8907'), AS ESTABLISHED IN THE LINCOLN COUNTY GEODETIC CONTROL MONUMENTATION SURVEY IN 1989, FOR THE BASIS OF BEARING (S 89°42'48" W, 328.56'). THIS SURVEY HELD THE MONUMENTS THAT WERE ESTABLISHED IN PARTITION PLAT NOS. 1993-40 AND 1994-19, AS WELL AS THE PROPERTY LINE ADJUSTMENT SURVEY RECORDED AS CS #14807, FOR CONTROL, TO ESTABLISH THE EXTERIOR BOUNDARIES OF THE SUBJECT TRACTS. NEW MONUMENTS WERE SET AS INDICATED.

LINE	BEARING	DISTANCE
L1	N 89°52'28" E	14.41
L2	S 13°52'44" E	6.19
L3	N 89°46'50" W	4.47
L4	S 89°52'16" W	20.00
L5	S 89°47'19" E	20.00
L6	S 00°00'35" E	5.00
L7	N 00°07'20" W	10.46
L8	N 90°00'00" E	8.39
L9	N 00°00'00" E	9.47
L10	S 90°00'00" W	11.61

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	24.87	03°14'19"	440.00	24.87	S 15°29'53" E
C2	39.27	90°00'00"	25.00	35.36	N 45°07'44" W
C3	39.27	90°00'00"	25.00	35.36	N 45°12'41" E

PLAT OF
ESTATES OF BEAVER HOMES

A REPLAT OF PARCEL 1-PARTITION PLAT 1994-19
AFTER THE PROPERTY LINE ADJUSTMENT-PER CS #14807
AND PARCEL 2-PARTITION PLAT 1994-19

LOCATED IN THE SW 1/4 OF NE 1/4 OF SECTION 17
TOWNSHIP 11 SOUTH, RANGE 10 WEST, W.M.
DSI-3694 JULY 2006
(11-10-17 AC)

STATE OF OREGON
COUNTY OF LINCOLN

I, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD
ON THE 30th DAY OF August, 2006 AT 12:34 O'CLOCK P.M.
AND RECORDED AS THE PLAT OF 'ESTATES OF BEAVER HOMES'.
LINCOLN COUNTY PLAT RECORDS. BOOK 17 PAGE 49, 49A

BY: [Signature] 08/30/2006
COUNTY CLERK/DEPUTY

EASEMENTS:

THIS PLAT WILL BE CREATING THREE (3) EASEMENTS
AND THE PRIVATE STREET. THEY ARE DESCRIBED AS
FOLLOWS:

EASEMENT 'A'

A 10 FOOT WIDE PRIVATE UTILITY EASEMENT TO
BENEFIT LOTS 1-8 AND TAX LOT 500 (HAVERLAND), AS
DESCRIBED IN MICROFILM 210-1660, LINCOLN COUNTY
FILM RECORDS AND WILL ENCUMBER LOT 1, AS WELL AS
TAX LOT 501 (PARCEL 2, PARTITION PLAT NO.
1993-40). THIS PLAT WILL ALSO BE VACATING AN
EXISTING SEWER EASEMENT AS SHOWN AND CREATED ON
PARTITION PLAT NO. 1994-19 AND NO. 1993-40.
LANGUAGE IN THE EXISTING DEED (HAVERLAND TO
PARSONS), RECORDED IN MICROFILM 301-0196, LINCOLN
COUNTY FILM RECORDS, ALLOWS THE GRANTEEES
(PARSONS) TO MOVE AND RELOCATE THE PRIVATE SEWER
LINE, AS NEEDED.

EASEMENT 'B'

A VARIABLE WIDTH PRIVATE UTILITY EASEMENT THAT IS
ADJACENT TO THE NORTH RIGHT OF WAY OF BEAVER
STREET, THEN RUNNING NORTHEASTERLY THROUGH LOTS 3
AND 4, AS WELL AS BEING CONNECTED AT THE EASTERLY
LINE OF LOT 4 AND EXTENDED EASTERLY INTO TAX LOT
501 (DOCUMENT: 200500292). THIS EASEMENT WILL
BENEFIT AND ENCUMBER ALL OF THE LOTS, IN THIS
SUBDIVISION.

EASEMENT 'C'

A 5 FOOT WIDE PRIVATE UTILITY EASEMENT THAT IS
ADJACENT TO THE SOUTHERLY RIGHT OF WAY OF BEAVER
STREET, TO BENEFIT LOTS 1-8 AND WILL ENCUMBER
LOTS 4-8, AS INDICATED.

PRIVATE STREET

THE PRIVATE STREET WILL BE 30 FEET WIDE AT SE
EAST SLOPE ROAD AND CONTINUE WESTERLY TO ITS
TERMINUS AT THE WEST END OF THE HAMMERHEAD TURN
AROUND. THE STREET WILL HAVE ALL OF THE ABOVE
DESCRIBED UTILITIES WITHIN THE RIGHT OF WAY.

NOTES:

1) BEAVER STREET IS A PRIVATE STREET AND WILL NOT BE
MAINTAINED BY THE CITY OF TOLEDO.

2) EACH LOT WILL HAVE THE USE OF TWO (2) OFF-STREET
PARKING SPACES, THAT ARE ADJACENT TO THEIR RESPECTIVE
LOTS.

3) ALL OF THE PRIVATE UTILITY EASEMENTS, A, B & C,
WILL ALLOW THE USE BY THE RESPECTIVE UTILITY PROVIDERS
INCLUDING, SEWER, WATER, ELECTRIC, TELEVISION CABLE,
TELEPHONE, GAS, AND OTHER SUCH UTILITIES.

4) THE ENCUMBRANCES LISTED ON LOT BOOK REPORT NO:
20-0125806, ITEMS 2 & 3 DO NOT AFFECT THIS TRACT. ITEMS
6, 7 & 8 ARE SHOWN AND EXPLAINED, AS INDICATED.

APPROVALS:

<u>[Signature]</u> CITY OF TOLEDO CITY MANAGER	<u>8-15-06</u> DATE
<u>[Signature]</u> Lincoln County Commissioner	<u>8/29/06</u> DATE
<u>[Signature]</u> Lincoln County Clerk Commissioner	<u>8/29/06</u> DATE
<u>[Signature]</u> Lincoln County Commissioner	<u>8/30/06</u> DATE
<u>[Signature]</u> Lincoln County Assessor	<u>8/30/06</u> DATE
<u>[Signature]</u> (DEPUTY) LINCOLN COUNTY SURVEYOR	<u>8-15-06</u> DATE
<u>[Signature]</u> LINCOLN COUNTY TAX COLLECTOR	<u>08/30/06</u> DATE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
JULY 26, 1989
RUSSELL JOHNSON
2400

RENEWAL DATE
JUNE 30, 2007

I, RUSSELL JOHNSON, CERTIFY THAT THIS IS A TRUE AND EXACT COPY
OF THE ORIGINAL SUBDIVISION PLAT OF 'ESTATES OF BEAVER HOMES'.

SURVEY BY:
DENISON SURVEYING, INC.
720 SW ANGLE ST.
NEWPORT, OREGON 97365
(541) 265-9308

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS, THAT BRUCE C. PARSONS
AND ILA JEAN M. PARSONS, HUSBAND AND WIFE, SHANE PARSONS
AND SHARYN L. PARSONS, HUSBAND AND WIFE, OWNERS OF THE LAND
REPRESENTED ON THE PLAT OF 'ESTATES OF BEAVER HOMES', AND
MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S
CERTIFICATE, HAVE CAUSED THE SAME TO BE SUBDIVIDED AND
SURVEYED INTO LOTS 1-8, AND HAVE CREATED THE PRIVATE
UTILITY EASEMENTS AND THE PRIVATE STREET, AS SHOWN ON THE
ANNEXED MAP.

<u>[Signature]</u> BRUCE C. PARSONS	<u>[Signature]</u> ILA JEAN M. PARSONS
<u>[Signature]</u> SHANE PARSONS	<u>[Signature]</u> SHARYN L. PARSONS

ACKNOWLEDGMENT:

STATE OF OREGON
COUNTY OF LINCOLN

ON THIS 14TH DAY OF August, IN THE YEAR 2006,
BEFORE ME, ANN DENISON, THE SIGNED NOTARY PUBLIC,
PERSONALLY APPEARED, BRUCE C. PARSONS, ILA JEAN M. PARSONS,
SHANE PARSONS AND SHARYN L. PARSONS, PERSONALLY KNOWN TO ME
(OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO
BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS
INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED IT. WITNESS
MY HAND AND OFFICIAL SEAL.

<u>[Signature]</u> NOTARY SIGNATURE	<u>362084</u> COMMISSION NO.
<u>ANN M. DENISON</u> NOTARY PUBLIC - OREGON	<u>DECEMBER 10, 2006</u> MY COMMISSION EXPIRES

BEFORE THE PLANNING COMMISSION OF THE CITY OF TOLEDO, OREGON

In the matter of the request for)
preliminary approval of a Planned)
Development to create eight manufactured)
home lots at Assessors Map #11-10-17 AC)
Tax Lot 503 and 504.)
)
Bruce Parsons and Shane Parsons,)
Applicants.)

ORDER
City of Toledo File #PD-3-06

This matter came before the Planning Commission on March 8, 2006, and April 12, 2006. The Planning Commission held a public hearing allowing for testimony and introduction of evidence from proponents, opponents, and others. The Planning Commission evaluated the application based on the applicable criteria. Approval of the application is based on the staff report, testimony presented, and the following Criteria, Facts, Findings and Conditions of Approval as adopted by the Planning Commission:

CRITERIA FOR EVALUATING THIS REQUEST:

Toledo Municipal Code - (Land Division Ordinance Section):

Section 16.16.090. Criteria for preliminary evaluation of a planned development.

- A. The granting of preliminary approval is a statement to the applicant to proceed with the development under the conditions set forth by the Planning Commission. Therefore, the Planning Commission shall apply the following criteria to a proposal for a planned development:
1. All required information has been submitted;
 2. Every aspect of the planned development conforms to all applicable ordinance standards;
 3. The proposal complies with the City comprehensive land use plan;
 4. All streets, sidewalks and ways meet the standards and specifications set by the City;
 5. Each unit can be served by City sewer and water and the City has the capacity to provide those services;
 6. Identified natural hazards have been addressed and provisions made for insuring that the development will proceed without aggravating those hazards;
 7. Provisions of City ordinances concerning flood control and prevention have been and will be complied with;
 8. Provisions have been made for safe and efficient access to the development and safe and efficient circulation of motor vehicles, bicycles and pedestrian traffic;
 9. Adequate off-street parking has been provided.
- B. In addition to the above criteria, the Planning Commission shall prefer planned developments which correspond to topographical features, preserve natural, scenic or historic features (for example, stands of trees, watercourses, view property), address and incorporate, when feasible, alternative energy sources and methods of generation, provide attractively landscaped and meandering pedestrian and bicycle ways separate from streets.

FACTS:

1. The property owner has submitted an application with the requested information for preliminary approval of the planned development for creating eight manufactured home lots for eventual construction and rental that access a private street. Private because it can't meet public street standards. The property is presently identified as Tax Lots 503 and 504 on Assessor's Map 11-10-17 AC.
2. Notification of the pending application was completed in conformance with notification requirements.
3. The property is located in an area designated by the 2000 Toledo Comprehensive Land Use Plan and Zoning Map as being suitable for General Residential uses and is zoned General Residential. The planned development will provide considerable flexibility to the developer to pursue maximum use of the land within existing constraints while providing the City the opportunity to review and revise development proposals.
4. The creation of parcels requires access to an improved public street and this project has it by access privilege to the private street retained by the Parsons and intersecting East Slope Rd.
5. The Public Works Director, the Fire Chief, and the Police Chief have reviewed and approved the preliminary plat.
6. Sewer and water are both available to the site.
7. The applicant has stated they will initially retain ownership of all parcels and homes.
8. The parcel in question conforms to existing ordinance requirements.
9. The proposal conforms to the Toledo Comprehensive Land Use Plan.
10. TMC Section 16.16.080(A) allows the density to be increased beyond provisions of the RG zone if the development is not adversely affected and the purpose of the zone is carried out.
11. If not relocated, the sewer serving the existing house to the west (805 SE 4th Street), essentially renders Lot 1 unbuildable.
12. Any stormwater improvements in association with the Parsons' development will necessitate downstream improvements to the City's system by the City by using the appropriate materials and implemented in a timely manner.

FINDINGS:

1. The requirements of TMC Section 16.16.090 (1) has been met as the required information has been submitted.

2. The requirements of TMC Section 16.16.090 (2) has been met as every aspect of the planned development conforms to all applicable ordinances.
3. The requirements of TMC 16.16.090 (3) are met as the proposal complies with the City of Toledo Comprehensive Land Use Plan. The Planned Development process is encouraged by the housing component of the Comprehensive Plan. The property is designated on the Comprehensive Plan and Zoning Map as General Residential.
4. The requirements of TMC Section 16.16.090 (4) has been met as the proposed access meets the 1996 Toledo Public Improvement Requirements and Design Standards (TPIRDS) applicable for private road access. The planned development procedure does not require the creation of a public street or access from a public street and the TPIRDS allows a private driveway as an option for serving more than one residence.
5. The requirements of TMC Section 16.16.090 (5) have been met as each unit can be served by city sewer and water and the city has the capacity to provide those services.
6. There are no identified natural hazards.
7. The requirements of TMC Section 16.16.090 (7) will be met because the property is not subject to flooding.
8. The requirements of TMC Section 16.16.090 (8) can be met as provisions have been made for safe and efficient access to the development for residences that will meet the applicable code requirements as determined by the Public Works Director and the Fire Chief.
9. The requirement of TMC 16.16.090(9) to provide adequate off-street parking will be met by Condition 5 which stipulates that two off-street parking spaces for each lot shall be provided and indicated on the plat.
10. The direction to the Planning Commission of TMC Section 16.16.090 for preference of planned developments that conform to all existing ordinance requirements is met by the application.

CONDITIONS OF APPROVAL:

1. The property development shall be developed in general conformance with the proposed preliminary plat.
2. Utility easements shall be created and shown to protect existing and future services, including main service lines.
3. In the event of even one sale, by-laws must be prepared by the owner and approved by the City that stipulates perpetual use and maintenance of the private road indicated on the plat. Until sale, the road shall be maintained by the applicant.

4. The road should be constructed to adopted City standards.
5. There shall be two off-street parking spaces for each lot and they shall be indicated on the plat.
6. Parking in the hammerhead is not permitted and shall be signed accordingly by the applicant. A stop sign at East Slope Road is to be acquired by the applicant.
7. The sewer from the existing house to the west must be relocated and indicated on the plat.
8. Stormwater improvements will consist of curbs, full street paving, and oil-water separator catchbasins that will require Public Works approval.
9. This permit shall be void after twelve months if it is not acted upon. The authorization may be extended by the Planning Commission if the request is made in writing prior to the expiration of the original authorization.
10. The street must be at least 20 feet wide from the hammerhead down to the property line of the two existing homes and from that point, 17 feet wide through the retaining wall area to East Slope Road.
11. Stairs shall be built at a minimum of four feet in width with a 6" rise and 11" step with handrailing. Stairs shall be on the same side as the designated parking.
12. Designated parking shall be established on one side of the private road, on the same side as the stairs.
13. The applicants to discuss with the neighbors the possibility of creating a cedar privacy fence or hedge.

Based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on March 8, 2006 and April 12, 2006, the Planning Commission determined that the application meets the criteria in Toledo Municipal Code Section 16.16.090 subsections A and B inclusive.

IT IS ORDERED that the request for an approved Planned Development preliminary plat in this matter is granted.

DATE: 4/12/06



PLANNING COMMISSION VICE PRESIDENT

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.

17.42.020 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. Permitted Signs

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 10% of the Visual Area.

ALTERNATE CLAUSE 2

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 equal to or less than 15% of the Visual Area.

ALTERNATE CLAUSE 2

2. 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 maximum size of any individual sign is eighteen (18) square feet; and
- (b) The total square footage of all signs must be equal to or less than 15% of the Visual Area; and
- (c) The business occupant(s) must have a business license from the City.
- (d) 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 is 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 15 % of the Visual Area.
- (b) For mixed use residential and Business Occupation, assigned to multiple addresses on the same lot, the signage at the residential addresses is regulated

under TMC 17.42.020(B), the signage for the business occupation is regulated consistent with 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 maximum size of any individual sign is fifteen (15) square feet
2. The total square footage of all signs must be equal to or less than 15% of the Visual Area.
3. The occupant(s) must have a business license from the City.
4. No signs are permitted for residential occupancy inside the Main Street District Overlay
5. 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.
6. 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).
7. Mixed use residential and Business 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, assigned to multiple addresses on the same lot, the signage at the residential addresses is 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.

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

To: Toledo Planning Commission
From: Justin Peterson, Contract Planner
Date: August 6, 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. ADUs are only one type of housing unit and updating other development standards may reduce development code barriers to housing development. Other housing development types include single-family residential, multi-family, duplexes, cottage clusters, or upper floor residential.

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 condition use and allows for one dwelling in conjunction with a commercial use as a permitted use. Staff recommends reviewing the residential zoning standards and consider updating certain standards. The Lincoln County Housing Strategy Plan provided recommendations for development code updates. In addition, other development code updates could reduce barriers to development.

The purpose of this memo is to introduce potential housing code updates. Based on the feedback from Planning Commission member's staff will develop an updated list of updates for the September meeting.

Attachments: -Residential Code Proposed updates
-Tigard Cottage Cluster Standards

Toledo Residential Code Updates

17.04 Definitions

Density:

[Comment: Definition missing. The lot coverage standard in the R-G zone discusses density. However, the code does not define how to make that calculation. Except for 16.16.80(A) has a density calculation. 16.04.050(D) has density for subdivisions. I think we need to clarify this definition and calculation.]

Lot Coverage:

[Comment: Definition missing. Need to clarify what counts towards lot coverage.]

Cottage Cluster:

[Comment: Add this definition if cottage clusters are allowed in the R-G zone.]

Dwelling Multi-Family:

[Comment: Update the definition to include town homes. "Town Home" means an attached, privately owned dwelling unit which is a part of and adjacent to other similarly owned dwelling unit(s) that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility]

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. Duplexes

[Comment: Consider allowing duplexes on any lot 1,000 square feet larger than the minimum lot size (8,000 square feet with the current lot size minimum) or on corner lots. This recommendation was in the Lincoln County Housing Strategy Plan. In addition, the state mandated cities larger than 10,000 to allow duplexes. This mandate does not apply to the City of Toledo, however the city can voluntarily allow duplexes.]

- D. Manufactured dwellings.*
- F. Accessory dwelling units.*

17.08.030 - Conditional uses permitted.

- A. Manufactured dwellings that do not meet the minimum standards set in Sections [17.08.090\(A\)](#)—(B).
- B. Single Family Homes that do not meet the minimum standards set in Sections 17.08.090(A)-(B).

[Comment: Add single family dwellings that do not meet the minimum standards set in Sections 17.08.090. This standard would allow for a stick built home that is less than 1,000 square feet as a conditional use.]

- G. Multifamily dwelling units.
- H. Cottage Clusters

[Comment: Allow cottage clusters as a conditional use subject to design standards.]

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.

[Comment: Consider a small reduction in the minimum lot size. Many historic lots in the City of Toledo are 50' x 100' or 5,000 square feet.]

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.

[Comment: Consider allowing both side yards to be a minimum of six feet. A reduction in the side yard increases the amount of buildable area on the lot. The six foot side yard still provides a buffer between the neighboring properties. The corner lot setback would remain 10 feet.]

- C. The rear yard shall be a minimum of fifteen (15) feet.

[Comment: Consider a reduction in the rear yard setback. Detached accessory dwelling units may be located in the backyard. A reduction in the rear yard setback could increase the potential for ADU development on lots. The R-G zone has a rear yard setback of 5 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.

17.08.080 - 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.

[Comment: Consider a small increase to the lot coverage maximum.]

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).
- E. **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.

[Comment: *Add Cottage Cluster Design Standards*]

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. Cottage Clusters

[Comment: Consider allowing cottage clusters with special standards listed in 17.12.040. This recommendation is in the Lincoln County Housing Strategy Plan.]

- D. Manufactured dwellings.*
- E. Accessory dwelling units.*

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.

[Comment: *Add Cottage Cluster Design Standards]*

7.12.060 - 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.

[Comment: *Consider a small reduction in the minimum lot size. Many historic lots in the City of Toledo are 50' x 100' or 5,000 square feet. In addition, consider a small reduction in the 1,800 square feet for each additional dwelling unit and consider allowing duplexes on lots just like single-family dwellings. With this update a duplex would be allowed on a 6,000 square foot lot (or 5,000 if the standard is changed). The reduction in lot sizes recommendation is in the Lincoln County Housing Strategy Plan. Last, consider an increase in the density requirement and a clarification on how density is calculated.]*

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.

17.12.090 - 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.

[Comment: Consider a small increase in lot coverage (up to 70 percent). Consider removing or clarifying the one principal building standard. What if a developer wants to build a two building apartment complex on the same lot. That would have two principal buildings and under the current standards would not be permitted.]

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.

[Comment: This standard needs to be clarified. The Accessory Dwelling Unit definition was updated in 2020. These could be called "live work units" or a "commercial accessory dwelling unit".]

- A. Upper-floor residential in the Main Street Overlay.

[Comment: This would allow upper-floor residential units in the main street overlay. Upper floor residential is normal in downtown areas.]

17.16.30 - Conditional uses permitted.

- F. Multi-family dwelling units.

[Comment: Consider allowing cottage clusters.]

17.16.040 - Setback requirements.

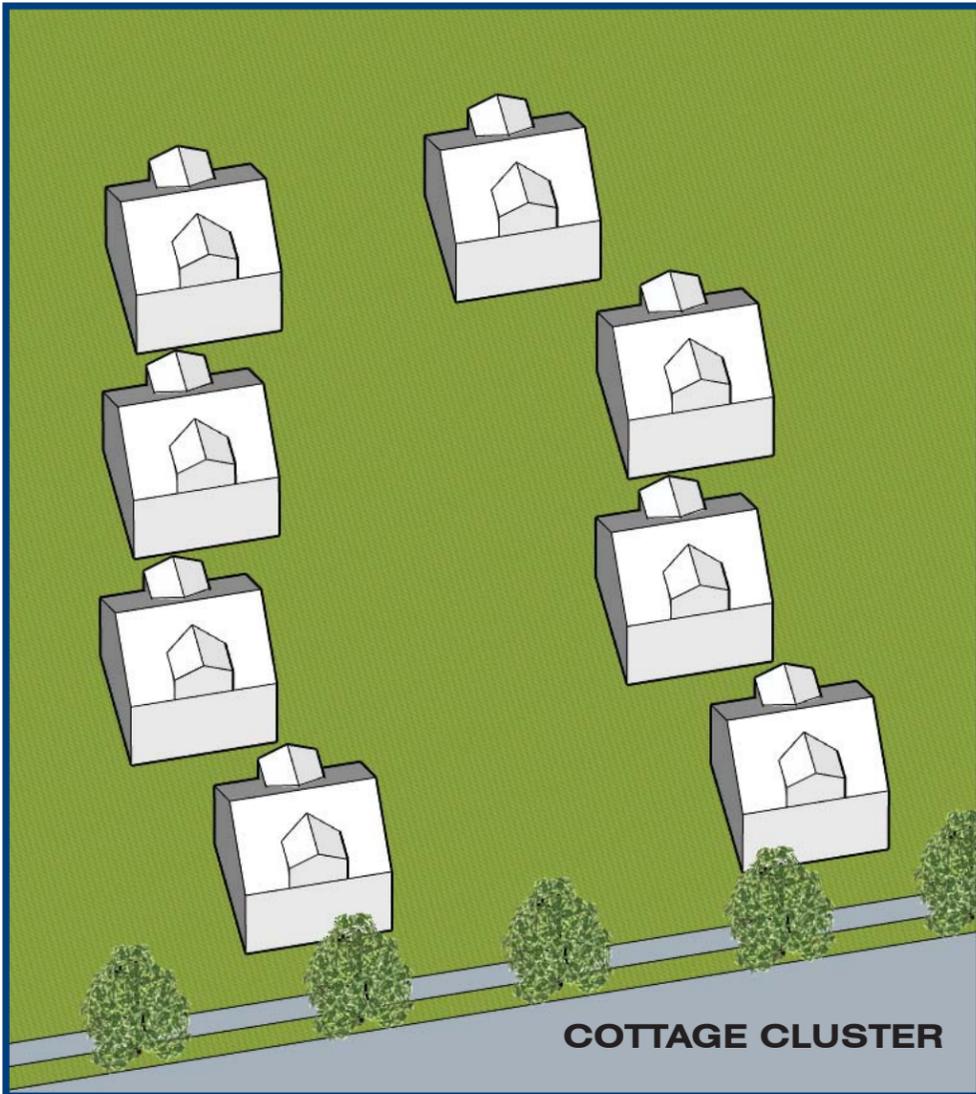
Except for allowed uses within the Main Street District area as defined in [Section 17.40.010](#), the front yard in a C zone shall be a minimum of twenty-five (25) feet.

[Comment: Consider adding setback standards for residential uses. Multi-family and cottage clusters are subject to the setback requirements listed within the R-G zone.]

17.44 Off-Street Parking and Loading

[Comment: The off-street parking requirements are based on unit size and allow for on-street credits. I do not think these standards need to be updated. If cottage clusters are allowed add parking standard for cottage clusters. I recommend one space per cottage cluster.]

Cottage Clusters



Background

Cottage clusters are a group of smaller detached housing units. The cottages are typically 800-1200 square feet, less than half the size of the typical modern home. Cottages are clustered around a common open space. Front entrances of cottages open onto the common space or onto the sidewalk. Parking areas are located at the side or the rear of the property, and are connected to the units by internal sidewalks.

This housing type provides a community-oriented option for anyone interested in smaller housing, including younger homeowners and seniors. Units are typically offered under condominium ownership or as rentals. Cottage clusters offer many benefits, including reduced landscape maintenance responsibilities, efficient parking design, and shared amenities.

Proposed Site Standards

Units: Between 4 and 12 units.

Lot size: Minimum lot size is 10,000 square feet.

Site Coverage: 20 percent of lot must be common open space, which is oriented to the street.

Setbacks: 10 feet along the street, 5 feet everywhere else.

Internal Pathways: Required. Must be ADA-compliant and connect cottages to parking and common space.

Home Occupations: Home businesses serving customers are not allowed.

Additional Standards:

- Cottages cannot be enlarged.



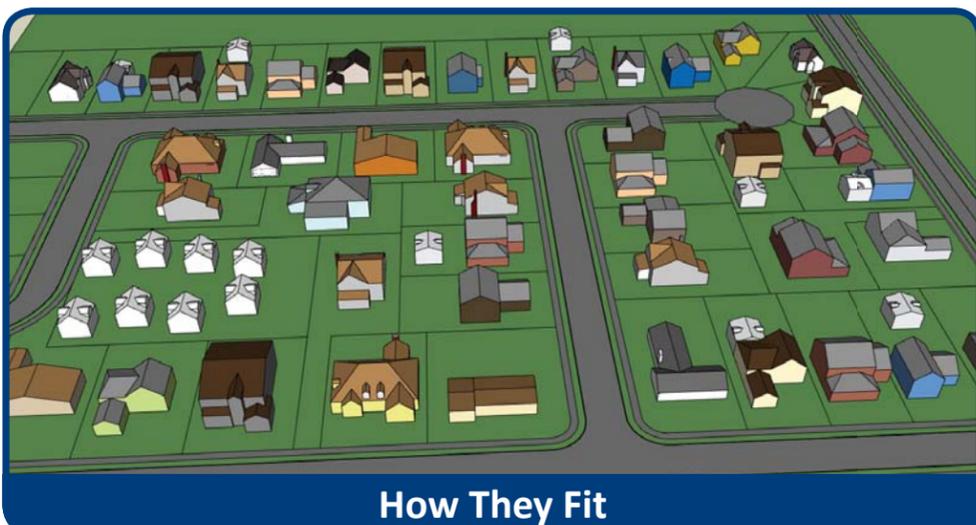
Proposed Design Standards

Size: Maximum size of each cottage is 1,200 square feet. The average square footage of units is 1,100 square feet, ensuring diversity of size.

Maximum Height: 25 feet.

Additional Standards:

- Front entrances must face the common open space or the street.
- Porches are required, must be 50 square feet minimum.
- Fences not along a property line must be 3 feet or less.



Proposed Parking Standards

Parking Minimum: 1 parking space per unit.

Parking Credit: Allowed, if within 1/2 mile of transit or if sufficient curb space exists.

Screening: Off-street parking must be screened from street and adjacent properties.

Location: Parking must be grouped and located at least 20 feet from any street.



City of Tigard

www.tigard-or.gov/HousingOptions