

**Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
April 10, 2024
6:00 pm**

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting in City Hall Council Chambers. Participants can also attend the meeting through the Zoom video meeting platform. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information. Participants can also visit www.cityoftoledo.org/meetings for meeting details.

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 FEBRUARY 14, 2024 MINUTES as circulated and reviewed by the Planning Commission
4. WORKSESSION: Partition and Subdivision Chapter Updates (Attachment)
5. DISCUSSION ITEMS:
 - a. Grant Project Updates
 - a. DLCD Housing Grant
 - b. Safe Routes to Schools
 - c. Oregon Parks and Recreation Local Government Grant – Parks Master Plan
 - b. Updates and Reports
6. STAFF COMMENTS
7. COMMISSIONER COMMENTS
8. 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 6:00 pm by President Anne Learned-Ellis. Commissioners present: Ricky Dyson, Brian Lundgren, Cora Warfield, Jonathan Mix, and Dennis Sutherland. Excused was Ruthanne Morris.

Staff present: Contract Planner (CP) Justin Peterson, City Attorney (CA) Mike Adams, and Planning Assistant Arlene Inukai.

VISITORS: None.

APPROVAL OF THE JANUARY 10, 2024, MINUTES:

It was moved and seconded (Dyson/Warfield) to approve the January 10, 2024, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, noting the absence of Morris.

TRAINING: PLANNING COMMISSION AND LAND USE BASICS:

CP Peterson provided a PowerPoint presentation for basic land use activities and planning commission duties. He reviewed land use history, establishing urban growth boundaries, Oregon Statewide Planning Goals, agency/department/board roles, land use appeal process, citizen participation, application types (quasi-judicial vs. legislative), decision criteria and findings, evidence and testimony, conditions of approval and rational nexus/roughly proportional standards, public hearing procedures and timelines, planning commission bias/ex parte/conflict of interest, conduct for site visits, and inspection process.

WORKSESSION: SUBDIVISION CHAPTER UPDATES:

CP Peterson reviewed the code update recommendations from the recent land division code audit project. Staff will use this list and the recommendations from the Housing Needs Analysis project to begin a draft update to the land division ordinance. Possible updates may include changes to the density standards, constrained areas, flag lots, shared driveways, shifting some decisions to staff-level review, and modifying the timeline for filing a final plat.

The Commission discussed recent annexed properties and approved building projects, including the potential for future development at the annexed sites.

The next meeting will have specific sections with proposed edits to review.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson updated the Commission on the Radio Court project, noting that the property owner picked-up the permit application, but has not submitted the application to convert the existing temporary driveway to a permanent driveway. Once reviewed, there should be some stipulations for the permanent placement, such as adding a culvert to the driveway and realigning to provide a safer angle to the highway.

CA Adams reported that a document has been recorded on the property, putting the property owner and future owners on notice that the existing issues need to be resolved. CP Peterson noted that the placement of the garage was provided in order to address the property's CC&Rs. If the driveway from Hwy 20 is removed, the property still has access from Radio Court. The home and garage meets zoning code standards, but the temporary driveway from Hwy 20 will need to meet code standards. President Learned-Ellis stressed the need for compliance to public safety standards.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: None.

There being no further business before the Commission, the meeting was adjourned at 7:20 pm.

Planning Assistant

President



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MEMORANDUM

DATE: April 3, 2024
TO: Toledo Planning Commission
FROM: Justin Peterson
RE: Partition and Subdivision Code Updates

The discussion at the March meeting focused on TMC 16.04.050 General requirements and minimum standards of design and development. Specifically, Access (Section B) and Standards for Lots (Section E). The March Meeting lacked a quorum and we will revisit the Access and Standards for Lots. Minor changes from the March Meeting are highlighted. In addition, we will review the purpose section and approval.

16.04.020 Purpose.

The purpose of this title is to prescribe standards and procedures ~~for minor and major partitions and subdivisions of land and planned development within the city of Toledo~~ to provide for orderly, safe and efficient division of land within the City, and to aid in the implementation of the Toledo comprehensive land use plan. The provisions of this Chapter shall apply to all partitions and subdivisions within the City of Toledo. The following shall determine the appropriate process and design standards:

- A. Partition. A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.
- B. Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.
- C. Serial Partition. If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original, the request shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

Access

- B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a fully developed city street, satisfactory vehicular access to an existing street pursuant to Chapter 16.06 of this Code. The city street for the entire length which is adjacent to the parcel or lot which is being partitioned or subdivided must be a fully developed city street unless an exception is granted as per the following standards and procedures:
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1. Partitions and subdivision of land that require the creation of a public street to serve the proposed lots shall comply with the requirements of the adopted street standards and shall include the public dedication of the required right-of-way in the adopted street standards, except as varied under Section 16.30;
2. Partitions and subdivision of land with frontage along an existing city, county, or state street or that are accessed via an existing city, county, or state street shall be required to make such improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. If the required improvements are roughly proportional to the impacts created by the proposed development, but the planning commission determines that because of the existing street conditions, topography, or other similar factor that requiring the improvements to be completed prior to platting the property is an inefficient method of obtaining the improvements, the planning commission can allow the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.
3. Residential lots or parcels may be accessed by a private access easement (joint use driveway) developed in accordance with the provisions below when it is determined that a public access is: 1) infeasible due to the parcel shape, terrain, or location of existing structures; 2) unnecessary to provide for the future development of adjoining property, and 3) no more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.
 - a. Width. Where permitted, the access easement shall comply with the following standards:
 - i. Minimum easement width: 20 feet
 - ii. Minimum paved width: For private access of 150' of or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' – 16 feet.
 - iii. Maximum length: 200 feet
 - iv. No more than four dwelling units shall have their sole access to the easement. Easements serving more than two homes shall comply with provisions for a Residential Neighborhood Street.
 - b. Surface Improvement. The surface width noted in A.1. above shall be improved with either asphalt or concrete for the entire length of the private access easement. Or other surface approved by Public Works and Fire.
 - c. Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners, homeowners' association, or similar instrument acceptable to The City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.
 - d. Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the design provisions requirements of the applicable Toledo Fire Department.
 - e. Fire Lanes. All private access easements shall be designated as fire lanes and signed for



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"no parking." All private access easements and joint use driveways shall comply with International Fire Code.

a.f. Where The City approves a private access easement or joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to The City for its records, but The City is not responsible for maintaining the driveway or resolving any dispute between property owners.

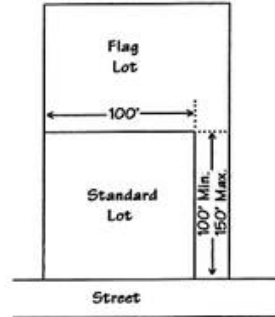
Standards for Lot and Parcels

- E. Lots, Parcels, Topography, or Past Development Patterns Standards for Lots or Parcels.
1. Minimum Lot Area. lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.
 2. 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) in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone. Lots utilizing a Joint Use driveway that meets the standards in TMC 16.04.050(B)(3) are exempt from this standard;
 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. Lot Side Lines. Each side line shall be as close to perpendicular as practicable to the adjacent ~~street line~~ public street, private street, or private access easement upon which the lot or parcel faces ~~or radial to a curved street line as possible~~;
 4. Flag Lots. Flag lots shall be subject to the following Development Standards:
 - A. The access strip shall be a minimum of 20 feet in width for residential lots and 25 feet for non-residential. The improved surface shall be a minimum of 14 feet in width.
 - B. The access strip shall not be included in the lot area calculation.
 - C. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.



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~~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. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions;
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.

16.04.060 Approval of expedited land divisions, partitions, subdivisions and major replats.

- A. No plat or replat of an expedited land division shall be recorded or have any validity unless and until it has the written approval of the city manager or is appealed to and subsequently approved by the referee or by court action.
- B. No plat or replat of a partition shall be recorded or have any validity unless it has approval from the city. ~~or A~~ subdivision shall be recorded or have any validity unless and until it has the approval of the planning commission. ~~or Unless an application~~ is appealed to and subsequently approved by the city council or by court action.
- C. No person shall dispose of, transfer, sell, or agree to offer or negotiate to sell any lot in any partition which requires approval by any ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained and the plat of that partition is recorded.
- D. No person shall dispose of, transfer, sell, or agree to offer or negotiate to sell, any lot in any subdivision by reference to, exhibition of, or other use of a plat (or plan) of such subdivision before the plan for such partition has been so recorded.



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- E. A person may offer or negotiate to sell any parcel in a partition prior to approval of the preliminary plan for such partition, but no person may dispose of, transfer, sell or agree to sell any parcel in a major partition or in a minor partition prior to such approval.

Title 19 – Land Use Procedures.

Partition Type III Chapter 16.08

