



Oregon  
Theodore R. Kulongoski, Governor

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NOTICE OF ADOPTED AMENDMENT

04/14/2014

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Toledo Plan Amendment  
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, May 01, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Aneta Synan, City of Toledo  
Gordon Howard, DLCD Urban Planning Specialist  
Patrick Wingard, DLCD Regional Representative

<paa> YA



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-14 (20226)  
[17834]  
Received: 4/10/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Toledo

Local file no.: **ZOA-1-14**

Date of adoption: April 2, 2014

Date sent: 4/10/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/13/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Original draft zoning ordinance amendment only cited "Food production and/or beverage production", adopted amendment expanded the term to read, "Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public".

Local contact (name and title): Aneta Synan

Phone: 541-336-2247 x 2100

E-mail: [cdcplanner@cityoftoledo.org](mailto:cdcplanner@cityoftoledo.org)

Street address: 206 N Main Street

City: Toledo

Zip: 97391

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Amended Toledo Municipal Code 17.16.030 (commercial zone-conditional uses permitted) to add Subsection K "Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public".

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Toledo

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Staff Report showing criteria and findings.

Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**ORDINANCE NO. 1354**

**AN ORDINANCE AMENDING ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE ZONING REGULATIONS AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Toledo adopted Ordinance 1286, the Toledo Zoning Ordinance codified as Title 17 of the Toledo Municipal Code, in April 4, 2001, and acknowledged by the State of Oregon Department of Land Conservation and Development on June 19, 2002;

WHEREAS, Ordinance 1286 allows for amendments that may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law;

WHEREAS, with the passage of time, various code sections require updating;

WHEREAS, notices of the proposed amendments were provided in accordance with noticing procedures established in the Toledo Municipal Code and Oregon State Revised Statutes;

WHEREAS, the Toledo Planning Commission reviewed the draft zoning ordinance revisions for conformance with the relevant criteria and a public hearing (local file #ZOA-1-14) was held on March 19, 2014, at which time, the Planning Commission voted to recommend approval of the proposed zoning ordinance revision based upon the findings contained in the staff report to the City Council for a public hearing and adoption; and

WHEREAS, the City Council held a public hearing on the proposed zoning ordinance revisions on April 2, 2014, and the City Council has determined that a revision is in the best interest of the citizens of Toledo.

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

**SECTION 1.** Subsection (K) is added to Section §17.16.030 of the Toledo Municipal Code, to read as follows:

**17.16.020 Conditional Uses permitted.**


K. Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public.

**SECTION 2.** This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

APPROVED AND ADOPTED by the City Council of the City of Toledo, Oregon on this 2nd day of April, 2014:

APPROVED by the Mayor of the City of Toledo, Oregon, on this 2<sup>nd</sup> day of April, 2014.

APPROVED

  
\_\_\_\_\_  
Ralph Grutzmacher, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Bryant, City Recorder

**TOLEDO PLANNING COMMISSION  
STAFF REPORT**

**FILE #:** ZOA-1-14

**APPLICANT:** City of Toledo

**APPLICATION DATE:** February 13, 2014

**HEARING DATES:** March 19, 2014 (PC); April 2, 2014 (CC)

**REQUEST:** To amend Toledo Municipal Code Section 17.16.030 to include "Food production and/or beverage production" as a conditional use in the Commercial zoning district.

**I. REPORT OF FACTS:**

Notice of Public Hearing: Notices mailed on February 27, 2014, to 19 public/service agencies. Notice provided to DLCDD on February 13, 2014.

Notice Published in Newspaper: March 26, 2014, and April 2, 2014

Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed and approve the application. No other comments were received by planning staff.

Attachments to Staff Report: A. Draft Ordinance No. 1354

**II. BACKGROUND**

The City Council will be considering the evidence in this report and in public testimony as it reviews a proposal to amend the Toledo Municipal Code to allow "Food Production and/or Beverage Production, where the majority of the floor space will be devoted to providing personal services or goods to the public" as a conditional use in the Commercial zoning district. At this time, Food Production and Beverage Production uses are only allowed in the Light-Industrial and Industrial zones.

TMC 17.04.020 includes the following definitions:

"Food Production refers to manufacturing establishments producing or processing foods for human consumption, including: bakery products, candy and confectionary products, catering services separate from stores or restaurants, dairy products, fruit and vegetable canning, preserving and related processing, grain mill products and by-products, seafood processing and canning, and miscellaneous food item preparation from raw products. This does not include: meat packing plants other than seafood processing and canning, slaughterhouses or rendering plants. May include an eating or drinking establishment as an accessory use."

"Beverage production" refers to manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production and wineries. This does not include milk processing or production.

Accessory uses may include an eating or drinking establishment or retail sales of beverages produced on-site.”

The definition of “Food Production” includes catering and bakery products. Although Food Production is not currently allowed in the Commercial zone, catering and custom manufacturing of bakery products are permitted outright in the Commercial zone [TMC 17.16.020(D) and (H)]. This demonstrates that the City felt that some levels of food production is appropriate in a Commercial Zone in the past.<sup>1</sup>

The following is a list of the ‘conditional uses’ permitted in the Commercial zoning district:

- A. Animal hospitals or kennels.
- B. Drive-in use for uses which are permitted outright or as conditional uses in the C zone.
- C. Restaurants (take-out or drive-in).
- D. Machine shops.
- E. Mini-storage.
- F. Multi-family dwelling units.
- G. Overnight trailer park or recreational vehicle parks.
- H. Pumping station or utility substations.
- I. Truck and car repair and service - major.
- J. Uses which are similar to those permitted outright or conditionally in the C zone and which conform to the purpose of the zone.

### Conditional Use Standards

A use is designated as a ‘conditional use’ within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A review of a conditional use is a Type III review.

The standards governing conditional uses are contained in TMC 17.64.040 and listed below:

“17.64.040 Conditions for development.

The planning commission shall review and make a decision to approve or deny a conditional use request in accordance with the standards and procedures for a Type III review as set forth in Toledo Municipal Code [Chapter 19.16](#).

In approving a conditional use request, the planning commission may impose any conditions determined by the commission to be necessary and appropriate to ensure that the use will comply with all applicable provisions of this section. Such conditions may include, but are not limited to:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.

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<sup>1</sup> When there are conflicts between the provisions contained in Chapter 17, TMC 17.88.020 states that the most restrictive standard will apply.



- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.”

**III. AUTHORITY:** The following ordinance standards related to the approval process and authority apply to this request.

“17.80.030 Legislative amendments.

Legislative amendments are policy decisions such as the amendment to a comprehensive land use map or the municipal code made by the city council. They are reviewed using the Type IV land use procedure as set forth by ordinance.

“19.20.080 Approval process and authority.

- A. The planning commission shall:
  - 1. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
  - 2. Within ten (10) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the city manager.
- B. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the city manager before the council public hearing on the proposal. The city manager shall send a copy to each council member and place a copy in the record;
- C. If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within ten (10) days of its first public hearing on the proposed change, the city manager shall:
  - 1. Report the failure together with the proposed change to the city council; and
  - 2. Provide notice and put the matter on the city council's agenda, a public hearing to be held, and a decision to be made by the council. No further action shall be taken by the commission.
- D. The city council shall:
  - 1. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;
  - 2. Consider the recommendation of the planning commission; however, it is not bound by the commission's recommendation; and
  - 3. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.”

“19.20.090 Vote required for a legislative change.

- A. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with

- conditions, denial or adoption of an alternative.
- B. A vote by a majority of the qualified members of the city council present is required to decide any motion made on the proposal.”

“19.20.100 Notice of decision.

Notice of a Type IV decision shall be mailed to the applicant, any participants of record, and the Department of Land Conservation and Development, within five business days after the city council decision is filed with the city manager. The city shall also provide notice to all persons as required by other applicable laws.”

“19.20.110 Final decision and effective date.

- A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or as specified in the city charter, or if not approved, upon mailing of the notice of decision to the applicant.”

**IV. RELEVANT CRITERIA AND STAFF FINDINGS:**

TMC 19.20.070(A)-(D) contain the decision-making standards that are relevant to legislative amendments. The recommendation by the Planning Commission and the decision by the City Council shall be based upon the following criteria:

**Criterion 1. Consideration of the Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);**

Finding 1

Criterion #1 is not applicable to this proposal because this proposal does not amend the comprehensive plan.

**Criterion 2. Consideration of comments from any applicable federal or state agencies regarding applicable statutes or regulations.**

Finding 2

At the time of this writing (March 26, 2014), no comments have been received from any federal or state agencies concerning the proposed ordinance amendment.

**Criterion 3. Consideration of any applicable intergovernmental agreements.**

Finding 3

As required by Section 4(B) of the Urban Growth Management Agreement between the City of Toledo and Lincoln County, executed on June 6, 2001, the City notified Lincoln County in writing of this proposal.

**Criterion 4. Any applicable comprehensive plan policies and provisions of the municipal code that implement the comprehensive plan. Compliance with Toledo Municipal Code 17.80 shall be required for legislative amendments such as Comprehensive Plan Amendments and for quasi-judicial amendments.**

The following Comprehensive goals and objectives are applicable to this proposal:

ARTICLE 2: LAND USE PLANNING

Goal 1. Implement locally desired land use policies and practices that do not conflict with the State of Oregon's land use planning program.

Finding 4

The proposal to permit Food Production and Beverage Production facilities as a conditional use in a Commercial zone will not conflict with the State of Oregon's land use planning program and will implement a locally desired land use policy, and the City's past practice, of permitting bakeries and catering as a type of food production in the Commercial zone.

Goal 3. 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.

Finding 5

The findings of fact included in this staff report outline the factual basis for action by the City to amend TMC 17.16.030.

Objectives:

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.

Finding 6

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that impacted air, water and land resources by this use are protected or enhanced as needed through the conditional use review permit process.

2. 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 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:

...

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.

...

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.

(B) Zoning Map Designations:

...

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 or located so as not to prevent the main commercial use shall be allowed and encouraged especially in the Main Street District Area.

Finding 7

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone does not specify that a majority of the floor space must be devoted to supplying personal services or goods to the public. The recommendation by the Planning Commission and Staff addresses this requirement and includes language in the amendment specifying that the majority of the area shall be devoted to providing retail and services for the public.

ARTICLE 5: OPEN SPACES, SCENIC & HISTORICAL AREAS, AND NATURAL RESOURCES

Goal 1. Ensure the provision of open space and the protection of scenic and natural resources as required by state and federal law.

Goal 2. Recognize Toledo's historic resources and utilize and enhance those resources for Toledo residents and visitors.

Goal 3. Protect natural resources such as wetlands and riparian habitat areas as required by state and federal law to ensure their continued contributions as natural areas, open space, wildlife and vegetative habitat, flood protection, and storm water retention and conveyance areas.

Finding 8

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that affected areas of natural, scenic and historical resources are protected as needed through the conditional use review permit process.

ARTICLE 6: AIR, WATER, AND LAND RESOURCES QUALITY

Goal 1. Ensure that existing and future land use activities meet or exceed federal, state, and local air quality standards.

Goal 2. Ensure that future land use activities enhance or, at minimum, maintain water quality.

Finding 9

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that impacts to air, water and land resources are mitigated, as needed, through the conditional use review permit process.

ARTICLE 7: NATURAL HAZARDS

Goal 1. Prevent loss of life and property damage by requiring appropriate safeguards for all development of properties within known natural hazard areas. Natural hazards include: floods, tsunamis, earthquakes, landslides and slope hazards, weak foundation soils, high groundwater, wind/windthrow/winter storms, and wildfires.

Finding 10

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that safeguards to prevent loss of life and property damage due to natural hazards are required through the conditional use permit process on a site by site basis.

ARTICLE 9: ECONOMIC DEVELOPMENT

Goal 1. Improve the economic position of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses into the community.

Finding 11

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will allow for the possible expansion of existing uses and the establishment of new uses that involve food or beverage production in the Commercial zone.

Goal 2. Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Toledo including commercial, industrial, water dependent, office and institutional services development.

Goal 3. Diversify the economic base of the Toledo area and strengthen the role as the industrial center for Lincoln County.

...

Goal 5. Assure that regulatory requirements provide for high standards of public health, safety, environmental protection, and welfare but are structured to support economic development.

Goal 6. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Toledo's residents and others. Reduce the need for Toledo's residents to go to other communities for retail purchases and services.

Finding 12

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone complies with Goal 2, 3, 5 and 6 in that it will expand the range of economic development opportunities that are possible while ensuring that standards for community livability and environmental health are retained.

ARTICLE 11: PUBLIC FACILITIES AND SERVICES

...

Goal 7. Meet Oregon and federal requirements for wastewater treatment and protection of the water quality of the Yaquina River and estuarine system.

Goal 8. Minimize the existing and future drainage problems within Toledo and the Urban Growth Boundary.

...

Goal 11. Ensure that all development can be provided with adequate police, fire, and EMS protection.

Finding 13

The proposal will implement Public Facilities and Services Goals 7, 8, and 11 by allowing site design plans for developments of Food and Beverage Production facilities in a Commercial zone to be reviewed and conditioned under TMC 17.64.040, as needed, to ensure that service by police, fire and EMS is available, and that the proposed use will not negatively impact wastewater treatment, water quality, and site drainage.

ARTICLE 12: TRANSPORTATION

Objective 25. All development proposals, plan amendments, or zone changes will conform with the Toledo Transportation System Plan.

Finding 14

The findings for consistency of the proposed text amendment to the Transportation System Plan is outlined in this staff report and the ordinance bill.

Objective 26. Consider impacts on existing or planned transportation facilities in all land use decisions.

...

Objective 29. Land uses authorized under Comprehensive Land Use Plan Map and Zoning Map amendments must be consistent with the identified function, capacity, and level of services of transportation facilities.

#### Finding 15

The proposal will implement Transportation Objective #25, #26, and #29 by allowing individual site design review through the Conditional Use Permit process for future planned food or beverage production developments in the Commercial zone and their impact on existing or planned transportation facilities under TMC 17.64.040.

#### ARTICLE 14: URBANIZATION AND LIVABILITY

Goal 2. Design and encourage land use patterns that: a) are compact. b) mix land uses to reduce transportation costs and create vitality. C) retain Toledo's detailed and human scale design features. d) can be effectively serviced. e) protect the environment. f) provide a proper balance between jobs and housing.

#### Finding 16

The proposal will implement Urbanization Goal 2 by allowing site design plans for developments of Food and Beverage Production facilities in a Commercial zone to be reviewed and conditioned to ensure that development is compact, consistent with surrounding development design, has adequate public services and access, and that significant natural features are protected or enhanced as needed.

Goal 3. Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with the Comprehensive Plan goals and policies and Toledo's Municipal Code and standards.

#### Finding 17

The proposal will require all new Food and Beverage Production facilities to get a conditional use permit in advance. Conditional Use Permit applications that are complete are processed a timely manner that meet state and City requirements provided in TMC Chapters 17 and 19. TMC Chapters 17 and 19 have been acknowledged for being consistent with and implementing the Toledo Comprehensive Plan.

Objective 1. Encourage urban level development that is properly serviced with public facilities to locate within the city limits.

...

Objective 9. Continue to focus upon Toledo's central city design but allow for mixed-uses where neighborhood commercial and other facilities can be located, designed, and operated to be compatible with the surrounding residential uses.

Objective 10. Encourage community, project, site, and building designs that: a. Protect the natural amenities and characteristics of Toledo; b. Provide a varied, detailed, and human-scaled design; c. Maintain a functional pattern for neighborhood services; d. Improve the appearance of the community.

#### Finding 18

The proposal will implement Urbanization Objectives 1, 9, and 10 by allowing for food and beverage production to mix with other uses in a Commercial zone when they are found to be compatible with the surrounding residential or other uses through the CUP

review, have access to adequate public services, and that are consistent with or improve the appearance or development pattern of a neighborhood.

Goal 12. Ensure that all new development addresses the following factors: a. General needs and service capabilities of the neighborhood and the community in relationship to the impact of the proposed development; b. Any special locational characteristics or concerns identified with the location of the site such as being within or adjacent to a wetland or in a floodplain; c. Consideration of the characteristics of the site itself such as slope, drainage patterns, and/or access to transportation facilities; d. Potential impacts of the development upon the surrounding area; e. Use and enjoyment of a subdivision or planned development by future occupants and users.

#### Finding 19

The proposal will implement Urbanization Goal 12 by allowing site design plans for developments of Food and Beverage Production facilities in a Commercial zone to be reviewed and conditioned, if necessary, to ensure that the development is compact, consistent with surrounding development design, has adequate public services and access, and that significant natural features are protected or enhanced as needed.

Goal 13. Ensure that Toledo's land use planning process, policy framework, and regulatory processes are workable for and understandable by local officials, staff, and the public. Ensure that the requirement of application and review are commensurate with the size and complexity of the development request and the site characteristics.

Goal 14. Encourage flexibility in design and mixed-uses but ensure that functional design and community benefit remain as the principal review criteria.

#### Finding 20

The proposal will implement Urbanization Goal 13 and 14 by requiring an individual development review for each Food or Beverage Production facility in the Commercial zone. This will ensure that conditions imposed are commensurate with the size and complexity of the development being proposed and the degree of potential impact to neighboring properties.

### ARTICLE 16: ESTUARINE RESOURCES

Goal 1. Recognize and protect the unique environmental, economic and social values of the Yaquina River Estuary and the associated wetlands.

#### Finding 21

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that areas of affected estuarine resources and associated wetlands can be protected as needed through the CUP review process.

### ARTICLE 17: COASTAL SHORELANDS

Goal 1. Conserve, protect, restore and, where appropriate, develop coastal shorelands recognizing the valuable roles that coastal shorelands have in protecting coastal estuary ecosystems and in providing water access for water-dependent uses important to a marine industrial economy.

Goal 2. Manage the coastal shorelands in a manner compatible with the characteristics of the nearby coastal waters.

Goal 3. Reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Finding 22

The proposal to add Food Production and/or Beverage Production as a conditional use in the Commercial (C) zone will ensure that areas of affected coastal shorelands are can be protected, as needed, through the conditional use permit review process.

**V. CONCLUSION AND STAFF RECOMMENDATION**

Based upon the above analysis of the relevant criteria and findings, the Planning Commission voted to recommend approval of Ordinance Bill 1354 that amends the list of conditional uses permitted in the Commercial zone as follows:

**SECTION 1.** Subsection (K) is added to Section §17.16.030 of the Toledo Municipal Code, to read as follows:

**17.16.030 Conditional Uses permitted.**

K. Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public

**VI. PROPOSED MOTION:**

To approve the proposed amendment to the Toledo Municipal Code based on the testimony received, the findings of fact within the staff report, and the evidence and arguments before the City Council at the public hearing on April 2, 2014. The City Council determines that the request by the City of Toledo (ZOA-1-14) to amend Section §17.16.030 of the Toledo Municipal Code, by adding the following subsection “K. Food production and/or beverage production, where the majority of the floor space will be devoted to providing personal services or goods to the public.” complies with the criteria identified in TMC 19.20.070(A)-(D) as stated in the findings contained in the Staff Report. The City Council hereby approves the staff report findings and the other evidence in the record as findings supporting its decision and approves application and ZOA-1-14. In addition, the City Council adopts Ordinance No.1354, an ordinance amending Ordinance 1286 (Toledo Municipal Code Title 17) to revise zoning regulations and declaring an emergency.

Prepared by,

Aneta Synan, AICP  
City Planner